

# **OFFICIAL RECORD OF PROCEEDINGS**

**Friday, 16 October 2015**

**The Council continued to meet at Nine o'clock**

## **MEMBERS PRESENT:**

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.M., G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, G.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D., R.N.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, S.B.S., J.P.

THE HONOURABLE CYD HO SAU-LAN, J.P.

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG KWOK-KIN, S.B.S.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, J.P.

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, B.B.S., J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

## **MEMBERS ABSENT:**

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, G.B.S., J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

PROF THE HONOURABLE ANTHONY CHEUNG BING-LEUNG, G.B.S.,  
J.P.  
SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE EDDIE NG HAK-KIM, S.B.S., J.P.  
SECRETARY FOR EDUCATION

PROF SOPHIA CHAN SIU-CHEE, J.P.  
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.  
SECRETARY FOR DEVELOPMENT

**CLERKS IN ATTENDANCE:**

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Good morning, everyone. This Council will continue with the debate on the two motions under the Legislative Council (Powers and Privileges) Ordinance.

I would like to remind Members that the meeting held on Friday morning will usually be suspended at around 1 pm. However, as mentioned in the notice distributed earlier to Members on the arrangement of this meeting, if these two motions cannot be disposed of at around 1 pm but the business is believed to be possibly finished before 2 pm, I will announce suspension of meeting after these two motions are completely dealt with.

I understand that the time of suspension will affect the activity arrangements of Members and government officials in the afternoon. I will, therefore, make a judgment as early as possible and inform you when the meeting will be suspended. I also hope that Members can be supportive. For those Members who intend to speak, please indicate your wish as soon as possible so that I have the idea when Members' speaking will come to an end.

Dr Priscilla LEUNG, please speak.

**MOTIONS UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE**

(Mr Albert CHAN stood up)

**PRESIDENT** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): President, please summon the Chairman and Deputy Chairman of the Committee who are powerful and influential back to the Legislative Council meeting.

**PRESIDENT** (in Cantonese): Mr Albert CHAN asked for a headcount. Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing, Mr IP Kwok-him stood up and spoke)

**PRESIDENT** (in Cantonese): Mr IP Kwok-him, please repeat your question.

**MR IP KWOK-HIM** (in Cantonese): I would like to ask for clarification from the President. Should the Member mention that a quorum is not present before he can ask for the summon bell to ring in order to summon the Members back?

**PRESIDENT** (in Cantonese): Under the Rules of Procedure, any Member can point out to the President at any time that a quorum is not present. It is not stated in the Rules of Procedure in what way should this be pointed out. However, in accordance with the Rules of Speaking, a Member should not make a long speech by way of pointing out that a quorum is not present. Mr Albert CHAN has just pointed out that a quorum is not present. Therefore, I now have to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**PRESIDENT** (in Cantonese): Dr Priscilla LEUNG, please speak.

### **Continuation of debate on motion which was moved on 14 October 2015**

**DR PRISCILLA LEUNG** (in Cantonese): President, the lead-in-fresh water turmoil at the start of this summer break triggered panic in society. Judging from the intensity of public panic, this was not just a turmoil, but should rightly be called a storm. In Kowloon West, the problem of excess lead in drinking water was found in a number of housing estates, including Kai Ching Estate, Wing Cheong Estate, Hung Hom Estate, Shek Kip Mei Estate and Un Chau Estate. The affected residents were all panicky; some were too frightened to drink the water while others did not even dare to take a shower. I think this was really a big event in Hong Kong.

To help the affected estate residents, some District Council members from the Kowloon West New Dynamic and I myself joined hands with engineering and water quality experts, lawyers and paediatricians to form an expert group, using community efforts to support these families. We visited families having children with signs of slow development. Our main question for them was about the kind of assistance they desired most. Their replies were invariably: first, assistance; second, also assistance; and third, immediate assistance.

Speaking of immediate assistance, I think the Government should be reprimanded because it was slow in action. Even on the installation of special filters for the residents, it still procrastinated for a long time. In addition to visiting the families concerned, we also helped them raise funds to make immediate purchase of special filters. In this regard, I think the Government should have shown greater human compassion. It should seek an in-depth understanding of the difficulties faced by the affected families and visit them right away to ask them what assistance they expected from the Government. As regards water supply, although the Government was somewhat slow in response, it still provided distilled water and deployed vehicles to supply water. Basically, people found the Government's performance acceptable.

The Government must provide support for the community and the families concerned. This is very important. However, I do not think that the Government has taken any action at all. What is meant by support for the community? In case of panic in the community, the first and foremost task of Government should be to deploy experts and manpower to assist the affected families. Suppose medical examination shows that the two children in a family may be slow in development. The parents simply do not know what to do. The mother wants to quit her job immediately to take care of the children, but she does not have any experience and knowledge. The father, who works as a casual worker, also lacks the experience and knowledge. Therefore, they very much hope that someone can look after their family for them on a full-time basis, so that they can continue to work. Alternatively, they hope that they can be provided with immediate financial support.

Up to now, the Government still refuses to promise that it will adopt a flexible approach to the conduct of intelligence quotient assessment. If there are signs that children's development may have been delayed due to excess lead in drinking water — most cases are delay in speech development — they should



receive special care. But the families concerned feel that the authorities treat them as general cases only. They are simply referred to the Social Welfare Department and are even asked to queue up again after initial examination. As a result, they are very helpless. The greatest hope of parents is that professional and personalized assistance can be offered to enable their children to attain the normal level of development. It is not their intention to go to court with the Government, nor are they seeking compensation as their only aim. Can the authorities fulfil their wish?

Moreover, when will the authorities replace the water pipes of the affected housing estates? Is there a timeline? What kinds of water pipes will be used as replacements? For instance, Kai Ching Estate and Tak Long Estate are adjacent estates. The drinking water of the former is found to contain excess lead while that of the latter is basically problem-free. The main reason for the difference is the use of stainless steel water pipes in Tak Long Estate. Can the Government put forward a timeline and undertake to replace those problematic water pipes?

Finally, following negotiations among all sides on civil and criminal liabilities and the Government's responsibility, and after the exertion of pressure, the contractors have eventually installed special filters for the affected families living in those housing estates. Nonetheless, would the Government test the drinking water of those housing estates again after using the filters for some time to see if there is still excess lead? I heard the Chief Secretary say that in response to people's demand, the Government would conduct water tests again. That said, many issues still require follow-up.

For instance, some families have installed filters at their own expense. They want reimbursements but the contractors refuse to budge. At the Small Claims Tribunal (SCT), the contractors were accompanied by several lawyers but the families making claims were not legally represented. They naturally lost their cases. Why should we waste the time of the SCT anyway? Since the amounts involved are not big, I have always hoped that the Government can urge the contractors to reach a settlement with the residents.

Another example is that some affected estate residents have asked the Government to waive water charges or rent for a certain period as compensation. I think their demand is honestly very modest. They have no intention to stir up any trouble. They only hope that the Government can offer them concrete

assistance. At the beginning of my speech, I said that judging from the intensity of public panic, this turmoil could be called a storm, and the authorities should accord special treatment to this special case. Like the departments dealing with the building collapse at 45J Ma Tau Wai Road years ago, the departments involved this time around also want to find out which types of problems — systemic defects or human errors — are the causes. But as far as this incident is concerned, is the Government going to wait several years before helping the affected families? In my opinion, it is absolutely reasonable to accord special treatment to this special case. The public will not think that the Government is doing those families any special favour.

Going to court is the last thing the affected families want to do. From the cases handled by the SCT, I know that the contractors will never admit any mistakes on their part, because they fear that responsibility may ensue. It is honestly very time-consuming to establish a medical report as the only evidence, because different opinions may be held by two different doctors. As for experts in water quality, they likewise hold different views. I sat on quite a number of select committees in the past, but this time, I observe that while the Government seeks to defend itself, academics in the relevant sectors have also expressed very strong opinions and held heated debates with Members on water quality standards. Thus, my observation is that in case this incident is brought to court and if the contractors refuse to yield, the lawsuit may well drag on for several years.

Therefore, I very much hope that the Government can offer help to these families. Parents already find it very hard and painful to accept the sudden fact that their children are slow in development. So, is it possible to spare them the ordeal of litigation proceedings? Basically, they all need assistance, and the Government should step in. Actually, only nine children are proven to be slow in development. It is true that even one such unfortunate case is considered too many, but this is not an astronomical figure after all. Tests have also revealed that the blood of some pregnant women likewise contains excess lead. The Government is duty-bound and perfectly able to allocate extra resources to look after those in need — many of them are from small and helpless families.

At the moment, only the community is taking actions. I hope that the Government can have the courage to take remedial actions of its own accord. In the past, when works accidents or construction site accidents occurred, the

contractors concerned would not just sit there and wait for a lawsuit. Rather, they would hasten to console the affected families. Doing so can often tackle the problems satisfactorily. So, I think the Government should learn from such experiences and lessons, rather than just staying on the sidelines, expecting people to take actions themselves, and allowing the matter to drag on.

In respect of legal responsibility, I mentioned just now that it is divided into two types: civil and criminal liabilities. Regarding criminal liabilities, if it is really discovered that such a serious incident is the result of bribery and corruption, the Government must conduct serious investigation, hold the culprits responsible and punish them severely and relentlessly.

The next issue is the Government's responsibility. The reports of the Hong Kong Housing Authority (HA) and the Water Supplies Department (WSD) are based on their professional standpoints, so people may indeed find some of the views not quite so acceptable. For instance, the WSD points out that the Government and construction workers all lacked an awareness of the impact of lead in soldering materials. People cannot possibly accept "a lack of awareness" since they believe the Government and the industry, and have great confidence in Hong Kong's drinking water — up till now, I still consider that the quality of drinking water in Hong Kong is good, but how can we restore the confidence of the public and allay their worries?

I think the Government must seriously address the issue of responsibility. Why was there a lack of awareness? Who designed this approval and monitoring system? Was there any problem of inadequate monitoring? If there was any, the Government must hold itself responsible. If the design of the system was faulty or even showed a lack of awareness, the Government is also responsible. Therefore, I personally am not convinced that the Government can say civil servants need not bear any responsibility at this stage. The people will find this hard to accept. In my opinion, we must wait until the Commission of Inquiry finishes the inquiry before we can ascertain whether the Government is responsible.

Regarding the investigations conducted by the WSD and the HA, people think that they are the very ones responsible for investigating themselves. People thus doubt their credibility. As I have said, professional opinions do differ, so I will not express my opinion from the professional perspective.

The last Legislative Council set up two select committees under the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance). Regarding this incident, despite the prolonged delay, the Government has after all established an independent Commission of Inquiry with the power to summon witnesses. I think this is useful, especially because the authorities have appointed Alan LAI and a judge to the Commission. Should the Legislative Council invoke the P&P Ordinance? I think the scope and nature of the incident can definitely justify this. But can this solve the problem, as some Members have suggested? I for one do not think that the answer is necessarily yes. If the Government's independent Commission of Inquiry can really work with efficiency to release its report in April and identify those who should be held responsible, it may be better than having the Legislative Council ... A select committee set up by the Legislative Council may take two months to discuss just its terms of reference. Then, three months are required to compile a report, leaving behind only four months for investigation. And, this is not speak of the possibility of numerous political disputes along the way. Thus, I do not think that invoking the P&P Ordinance can solve the current problem. However, as far as the nature of the incident is concerned, I believe Members may still discuss the invocation or otherwise of the P&P Ordinance with an open mind.

Finally, in the long run (*The buzzer sounded*) ... the Government should improve the monitoring system and amend the legislation.

President, I so submit.

**PRESIDENT** (in Cantonese): Dr LEUNG, your speaking time is up.

**DR LAM TAI-FAI** (in Cantonese): President, good morning. Everyone agrees that Hong Kong is a famous world city, an advanced metropolis, and from time to time, the Government will boast of Hong Kong's good governance and its extremely strong and sustainable competitiveness. Much to everyone's surprise, however, 18 years after the reunification, the problem of drinking water safety emerges and causes widespread panic in Hong Kong. I believe that if leaders of the Central Authorities learn about the incident, they will also find the whole incident hard to believe and understand. They may wonder why the situation has come to such a deplorable state when Hong Kong people are left to run Hong

Kong. There were honestly times in the past when we had to worry about water, but our only worries were about water rationing and not having enough water to use and drink. Who could have imagined that one day, the problem of drinking water safety would occur in Hong Kong?

President, about 2 million people, or slightly more than 30% of the total population, are now living in public rental housing (PRH) estates. However, these days, many PRH residents simply do not dare to drink the potable water supplied to their homes after returning from work every day, and they will instead wait for the bottled water distributed by the Government, or even queue up at standpipes, because such water is the only kind of water that they can drink without any worry. This is really unimaginable to a famous world city.

We often talk about the health benefits of drinking more water, especially its benefits to women's beauty. However, the Government now urges the public to drink the bottled water it distributes instead of the potable water supplied to their homes. What kind of city is ours? Hong Kong is neither an undeveloped African country nor a third world country. How come it has become dangerous to drink the water supplied to people's homes? This is really absurd.

President, the "lead-water" incident or crisis has been going on for three months, but there is no sign of any abatement. It is even flaring up, spreading to schools and hospitals. Members of the public are understandably growing more and concerned, and grievances in society are also mounting. We can say that the whole incident is a full illustration of the Government's inadequate crisis management, and this is the cause of people's anxieties. I of course understand that senior SAR government officials know only too well that a big crisis is coming, but it looks like our Bureau Directors simply do not know how to tackle the incident. Even now, the public still do not know when the problem can be completely resolved and how the Government is going to work out solutions. As Secretary Eddie NG is present, I want to tell him that many parents of primary school students want to know when their children can stop bringing their own drinking water to school and have hot water to drink. Hence, President, the "lead-water" incident this time around is not only about drinking water but also about governance competence. President, if this situation continues, I really wonder whether "Hong Kong people ruling Hong Kong" and effective governance can ever be achieved in Hong Kong.

President, I think the explanation given by the Government recently will only add fuel to the fire and worsen the situation. According to the Chief Secretary for Administration, this incident shows that all the relevant sectors did not have an adequate awareness of the problem of lead in water and also the health effects of lead, and this in turn caused inadequacies in the system. She has further said that the Government has already demanded the contractors to take remedial actions, and it will also put forward measures to improve the system, but no government official needs to be held responsible. President, I believe the majority of the public, particularly those affected by the incident, will definitely be infuriated by these words. They will not agree to the views of the Chief Secretary for Administration. The "lead-water" incident affects people's health, daily lives, food and potable water, quality of living and mental development. Hence, how can she justify the claim that no one needs to be held responsible? How can she convince the public? No wonder more and more people now criticize that the Government and senior government officials are not adequately aware of their own responsibility.

President, I really fear that in the future, whenever the Government encounters any problems or makes any mistakes, it will try to evade its responsibility and gloss over the mistakes simply by talking about "inadequate awareness" and "inadequate system". If this happens, the whole accountability system will be shattered, right? How can the public assure themselves that they can let you people govern Hong Kong? President, before saying that no one needs to be held responsible, the Government should first tell the public very frankly whether there are any inadequacies on its part in tackling the "lead-water" incident, right? It should first say whether the inadequacies are found in system design, or in monitoring, or in execution, right? A person must know his mistake before he can make any corrections. If he does not know or admit his mistake, how can he make any rectification and improvement? When no corrections are made, the problems will remain unresolved, and history will repeat itself, thus causing even greater damage to society as a whole.

Moreover, according to the Secretary for Transport and Housing, some people fear that penalizing the contractors may affect the costs, targets and completion dates of housing construction in the future. By saying so, Secretary Prof Anthony CHEUNG actually wants to convey a subtle and indirect message the public: large contractors all enjoy privileges and immunity, and the Government is afraid of them. President, the Government's timidity and open admission of its fear for the contractors will only breed more malpractices. How can it possibly convince the public?

President, when dealing with both people and policy issues, the Government must always admit and correct any mistakes made, and bear any responsibility it should bear, otherwise how can it win public trust, support and confidence, and how can it tide over difficult times with the public? If the Government thinks that suspending these contractors from tendering for several months and requiring them to install water filters for residents can already serve to punish them, I must say that these penalties very wishy-washy. In fact, the contractors have received the construction fees paid by the Government, and all this money is the hard-earned money of taxpayers. Therefore, why can't the Government seek indemnification and compensation from these contractors following the occurrence of the incident? But the Government instead fears that they will not undertake its construction projects in the future. In this incident, the Government selected the wrong contractors, and it still accepted and paid for the shoddy products. This is downright negligence. How can it say that no one needs to be held responsible?

Besides, the Government says that more education efforts must be made to enhance people's knowledge of lead in drinking water and related health issues. President, in fact, those who need such education are contractors and government officials, not members of the public. As far as the entire incident is concerned, members of the public are actually in a passive position. Water is supplied by the Government, and what the public have to do is just to pay water tariffs on time and refrain from wasting drinking water. For that reason, the Government's talks about conducting public education are rather inexplicable. It is simply putting the cart before the horse.

President, the Central Authorities give the SAR Government "Hong Kong people ruling Hong Kong with a high degree of autonomy", but the SAR Government has even failed to do well in this very basic livelihood matter of drinking water safety. How can Hong Kong develop healthily and harmoniously? I hope the Government can take this painful lesson and resolve the incident thoroughly as soon as possible. Also, it should frankly and sincerely explain to the public the chain of events leading to this incident.

President, since the outbreak of the "lead-water" incident, the Government has set up three investigation bodies, namely the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates under the Hong Kong Housing Authority, which is tasked to comprehensively review the quality control and monitoring in relation to the fresh water supply

systems in PRH estates. Furthermore, a task force to investigate cause of excessive lead content in drinking water was set up by the Water Supplies Department (WSD). I know that the WSD has collected the information and figures at the initial stage, and has visited Kai Ching Estate and Kwai Luen Estate Phase 2. Besides collecting water samples, it has also dismantled pipes for leakage tests and it will provide a report at the final stage. Moreover, High Court Judge Andrew CHAN and former Ombudsman Alan LAI are tasked with setting up an independent Commission, which will summon witnesses and conduct comprehensive, in-depth and independent investigation to establish the cause of excess lead in drinking water in PRH estates, and to review and assess whether the existing system for regulating and monitoring drinking water is suitable.

President, the information shows that there is indeed a division of labour among these three bodies. I believe it is the intention of the Government to form a network of comprehensive investigation that can prevent the omission of any mistakes. Nevertheless, President, the safety of drinking water is a very significant matter that affects the health of the public, their mental development as well as quality of life. Everyone is concerned about how the incident can be completely resolved, what remedies should be put in place, how the aftermath should be dealt with and who should be held responsible. However, our attitude should be pragmatic, and we should also distinguish right from wrong and handle the incident sensibly in the best interest of the public and the image of Hong Kong. We should not let our emotions take control of ourselves or politicize the incident, nor should we deal with this incident based on our personal interest.

Actually, Hong Kong people are quite clever. They can tell who are doing real work and who are taking advantage of the "lead-water" incident to capture the limelight. Today, the Legislative Council is discussing whether we should invoke the Legislative Council (Powers and Privileges) Ordinance to set up another select committee to inquire into the incident. In this connection, we should first seek a thorough understanding of the objectives, progress of investigation and specific functions of the three investigation bodies already set up by the Government. Then, before deciding whether we should appoint another select committee, we should first ask whether they can make the public confident that they can find out the truth and solutions, and also impose penalties on those at fault.



For that reason, the Government is duty-bound to provide a detailed account of the work and progress of each investigation body to the public and the Legislative Council, so as to give them a thorough and adequate understanding of the three investigation bodies. If everyone does not know them well and jump to any hasty conclusion, it will be impossible to make a wise decision. This will not be helpful to the public at all. Therefore, I hope the Chief Secretary for Administration and the Bureau Directors can take the opportunity today to elaborate the work, progress and timetables of the three investigation bodies which have already been set up by the Government.

President, I so submit.

**MS EMILY LAU** (in Cantonese): President, I rise to speak in support of the motion moved by Ms Cyd HO on behalf of democratic Members. The motion seeks to appoint a select committee by this Council under the Legislative Council (Powers and Privileges) Ordinance to investigate the lead-in-fresh water scandal.

Dr LAM Tai-fai, who is a Member of the Hunan Provincial Committee of the Chinese People's Political Consultative Conference (CPPCC), says that if state leaders learn of the problem with drinking water safety in Hong Kong ...

(Dr LAM Tai-fai stood up)

**PRESIDENT** (in Cantonese): Dr LAM Tai-fai, what is your point?

**DR LAM TAI-FAI** (in Cantonese): President, I would like to clarify that I am a Member of the National Committee of CPPCC and a Standing Committee Member of the Henan Provincial Committee of CPPCC, but not a Member of the Hunan Provincial Committee of CPPCC.

**MS EMILY LAU** (in Cantonese): President, my apology. I did not know his status had been elevated. Oh, maybe, elevation of status happens to him very often. I am really sorry.

President, he is a Member of the National Committee of CPPCC, and he says that if state leaders learn of the problem with drinking water safety in Hong Kong, they may find the whole thing difficult to understand. But do state leaders themselves realize that the safety standard of food and drinking water in the whole country is very poor? As a Member of the National Committee of CPPCC, would he please play his monitoring role? I am not saying that the problem with drinking water safety in Hong Kong is acceptable. But I do not believe state leaders will dare to respond to his comment. The reason is that if they do so, they will certainly be asked about the saying that 70% of the drinking water consumed by the large population in the Mainland is polluted. I hope that as a Member of the National Committee of CPPCC, he can think more clearly before he speaks.

He also says that some people want to get attention and take advantage of the problem of lead in drinking water. President, you also know that the nomination period for District Council Elections ended yesterday. Well, some 60 of the nominees are really something, as they have all been elected *ipso facto* without having to take advantage of anything. No matter how the Democratic Party is criticized for attempting to take advantage of the incident, I am still very proud that Dr Helena WONG has managed to uncover the problem with the assistance of experts, academics, voluntary workers and fellow party members. Over the past few months, many Hong Kong people and even experts and academics have given strong commendation to Dr Helena WONG and the Democratic Party for what they have done this time around. President, we will continue to point out where the problem lies, regardless of whether there is any upcoming election.

Actually, some members of the public, experts and academics have criticized certain organizations for their hasty reaction to the incident. Such individuals and organizations hastened to assure everybody that everything was okay because laboratory tests did not detect any problems. However, the Government itself subsequently admitted that there was really a problem. This really scared people out of their wits at that time. It can thus be seen that some people have attempted to take advantage of the incident but have ended up getting a disadvantage instead. President, having involved in politics for so many years, you should know what "take advantage of" means. Although your position here does not allow you to say anything, you still speak a lot out there. I think we should all be fair in our words. If it is indeed right to say that the Member and

political party uncovering and following up such a serious problem are "taking advantage of" the situation, then what are they supposed to do? Bury the problem deep underground?

President, not too long ago, may be some 10 years ago, the Director of Water Supplies was an expatriate. One day when he was chatting with me, he told me that he would drink water directly from the tap. He looked very proud of this, but I was a bit worried. So, I advised him that he should not do so and must boil the water before consumption instead. But well, President, little did I realize at the time that even boiling would not be of any help if lead was found in drinking water. Many of us may have drunk water directly from the tap in other places, especially western countries. I find the drinking water in Northern Europe particularly reliable. Whenever I am there, I will drink water directly from the tap, and I must say the water is delightfully cool. But our own situation is so very poor, so poor as to trigger widespread panic. Frankly speaking, if there is lead in drinking water, even boiling cannot be of any help. From the speech of Secretary Paul CHAN, we can know that boiling will even cause greater harm since it will only speed up the side-effects of lead.

The Government must of course bear responsibility for the problem, and so must all the people who participated in constructing the affected buildings and installing the water pipes there. When Chief Secretary for Administration Carrie LAM spoke, she quoted what she herself said at the special meeting of the House Committee on 1 September, asserting that the incident must be thoroughly investigated and handled with openness, transparency and a people-oriented approach. President, a thorough investigation should seek to find out who are at fault. This has nothing to do with the "scapegoat culture" referred to by royalist Members. And, what is meant by a "scapegoat" after all? In fact, both Dr Priscilla LEUNG and Dr LAM Tai-fai indicated just now that investigation should be conducted. Dr LAM Tai-fai was especially funny, because he even asked the Chief Secretary for Administration to set out the scopes of investigation of the several inquiry bodies. Was he born just yesterday? All these things have been repeated over and over again, and he still wants her to do it one more time? He has not been paying any attention at all. A Member of the National Committee of CPPCC he really is!

Investigation must of course be conducted if the system has gone wrong. But investigation should also be conducted to find out who designed the system and why all those people have failed to do any monitoring work after putting the

system in place, thus resulting in such a scandal. This is not a systemic problem as described by the Chief Secretary for Administration at the special meeting of the House Committee on 8 October. This relatively young Chief Secretary for Administration, who should not yet be called a "senior citizen", has attended a number of meetings and claimed that no one or no civil servant should be held responsible. I just cannot help asking her if it is too early to say so. At this very time when the Commission of Inquiry appointed by the Government and headed by a judge has yet to hold its first hearing, the Chief Secretary for Administration has already made the conclusion that no one needs to be held responsible. I think the appointed judge should really give her a "big thank you" for her disservice. Does she really need to say so? I do not know if she will give evidence at the hearings of the Commission of Inquiry. But since she has claimed that over 10 meetings on the incident were already held, I really wonder if she still finds it necessary for the Commission of Inquiry to carry out a thorough inquiry. Would the Chief Secretary give the Commission of Inquiry a chance to do so?

With regard to the Commission of Inquiry, I have written a letter to the Chief Secretary for Administration. As mentioned by Secretary Paul CHAN in his speech, the independent Commission of Inquiry is led by a judge and conferred with statutory powers to mandatorily require the persons concerned to give evidence or disclose documents, and also to examine witnesses under oath. Nevertheless, as pointed out by Dr LAM Tai-fai earlier, the developers and contractors involved will certainly spend a good sum of money on engaging a big team of lawyers to assist them in dealing with the case. Despite the system we have put in place, we must still realize that they are probably prepared to spend \$100 million or even \$200 million on hiring lawyers, because the profits from works projects can be as high as billions and can thus outweigh the legal costs. Moreover, according to Secretary Paul CHAN, the Commission of Inquiry will need nine months to complete its hearings. So, in a way, the whole process will kind of transcend our term of office.

Why have I written to the Chief Secretary for Administration? As she may also be aware, some victims or people closely connected with the incident would also like to appear before the chairman and members of the Commission of Inquiry in the hearings, so as to assist them in the inquiry. That is why they also need the assistance of legal practitioners for cross-examining witnesses. However, under the existing legal aid system, they are not entitled to apply for legal aid. That being the case, I have written to the Chief Secretary for

Administration, asking her if the authorities can find out some ways to provide legal assistance to those closely connected with the incident. We also have reasons to believe that the views advanced by these people may not necessarily be the ones put forward by other people such as major developers or contractors, and so on. If they are not given the opportunity to cross-examine witnesses and assist the judge in conducting the hearings, the inquiry may suffer a big deficiency.

I have not received any reply from the Chief Secretary for Administration, but I hope she will seriously consider the idea, not least because the hearings will go on for months and it will be very difficult for any lawyers to commit themselves to providing free services over several months, even though they may not really need to attend hearings every month in between. Therefore, I hope the Chief Secretary for Administration can give a reply as soon as possible, and if this is not possible, she should still consider this idea actively, so as to give assistance to the people who are closely connected with the lead-in-fresh water scandal. If these people cannot participate in the hearings due to their inability to bear the legal costs of several million dollars or even more, a very serious problem will result.

President, I agree to what Ms Cyd HO said on this Wednesday about why Members must play the gate-keeping role. President, you also saw what happened to us in the election of Chairmen and Deputy Chairmen of various Panels yesterday. Yes, admittedly, democratic Members did not suffer a total defeat, but that was only because as mentioned by your colleagues, they eventually left the chairmanship of two Panels and the deputy chairmanship of three Panels to us. But well, why did democratic Members still choose to compete despite all this? All is because, President, we simply do not buy your explanation to the public that there is nothing special about these posts, and that there will be no major impact and no effect on the relationship between the executive and the legislature. President, this is certainly not the case. But I am sorry that I have started a debate here.

As rightly explained by Ms Cyd HO, the quest of democratic Members for the Chairmanship of Panels and the right to preside over their meetings does not stem from any desire for power. Rather, the reason is that as Chairmen of Panels, in case any major incident occurs, we will be able to convene special or emergency meetings and invite the attendance government officials — well, I remember that in her own speech, the Chief Secretary for Administration herself

said that they would be on standby all the time without having any holiday breaks, and would attend meetings upon receipt of a notice. But government officials will not receive any such notice. Why? Because the elected Panel Chairmen will say that there is no such need. President, having served as the President of the Legislative Council for all this time, you may no longer be familiar with the operation of Panels and committees now. Every action of a Member will have a reason and an impact on the public interest. All people who want to comment on cases like this must first have a full grasp of the situation. They must not mislead the public.

President, the next point I want to raise is that Dr Helena WONG is not asking the authorities to announce whether soldering materials containing lead were the source of lead in drinking water. Rather, she wants the authorities to conduct a thorough investigation into the causes of the lead-in-fresh water incident. Why was lead found in drinking water? What went wrong? As pointed out by her, soldering materials containing lead might not be the only reason. Was there also something wrong with the water pipes? Was there also something wrong with other water supply parts? Therefore, I hope the authorities can refrain from drawing any hasty conclusion and ascribing the incident to soldering materials containing lead, otherwise it will be impossible to clearly ascertain the truth. I hope the authorities can be more open-minded and conduct investigation into every single aspect.

When it comes to open-mindedness, my praise surely goes to Secretary Prof Anthony CHEUNG because he seems to be the only government official who is willing to apologize, and he makes an apology nearly every time he speaks publicly. But this is in fact something he must do because the residents in a number of housing estates have been drinking water with excess lead for many years. The Secretary said on Wednesday that water filters would be installed. But at a special meeting that the Secretary did not attend, I told the Government that it must not rely solely on the installation of water filters, and that it must not just tell the public that the water would be safe after the installation of such filters. Chief Secretary for Administration Carrie LAM has likewise clarified that this will not be the stance of the Government. She hopes to make the water in housing estates safe for drinking again and do away with water filters in the future.

Secretary Prof Anthony CHEUNG also said on that day that arrangements had been made to purchase 5.11 million bottles of water at a cost of \$31 million. This sum of money is of course only a very small portion of the overall budget of

the SAR Government. But who should eventually pay the cost? No wonder why Dr LAM Tai-fai, a Member of the National Committee of CPPCC, has also said that someone must make compensation in this regard. Meanwhile, the Government must of course pay the cost first because bottled water has to be provided on an ongoing basis to residents of housing estates with the problem of drinking water safety. But who should be held responsible for the cost eventually? President, I think this is also an issue for us to address.

President, I would also like to talk about the effects of this incident on children. Dr Priscilla LEUNG has also discussed this just now, so it seems that on a limited number of issues, she and I can still agree with each other. It is hoped that tracking surveys can be conducted because the situation is not quite like what Secretary Dr KO Wing-man once said — though he seems to have admitted his mistake publicly. He once remarked that some children might themselves have developmental delay. The remark will only make people think that the Government wants to shirk its responsibility. But he seems to have clarified that this was not his intention. Finances permitting, the Democratic Party also wants to help these people and conduct tracking surveys, so as to ascertain whether the blood lead levels of the children are related to their consumption of "lead-water" supplied in their housing estates, and in turn refute the saying that some children might themselves have developmental delay.

It is very much hoped that the authorities can still offer assistance to these children, regardless of whether their developmental delay is caused by any consumption of water with excess lead. Is it the intention of the Government to draw a line of division, offering assistance only to those children who have consumed "lead water" but leaving the rest on their own? President, although we are experiencing an economic slowdown, money is not a big problem to us given the financial resources presently in our possession. I hope the Chief Secretary for Administration can undertake to conduct tracking surveys for these children or other children with developmental delay and follow up their conditions until they have grown up. I do not really know what assistance can be provided to them during their growth. Will everything be fine after they have stopped consuming water with excess lead? Are there any other forms of assistance? Parents are truly very concerned. As for breastfeeding mothers who have consumed water with excess lead, the authorities have reassured them that they need not worry and can continue to breastfeed their babies, because despite their consumption of water with excess lead before, the harm of drinking

water containing lead can be offset by the benefits of breastfeeding. If the authorities have any information about this, they should disseminate it widely to pregnant women, breastfeeding mothers or children in their growth years.

Besides, people attending tests at government clinics must wait for a long time. I hope more resources can be allocated to assist the victims of the incident. It is also hoped that the Legislative Council can be empowered to investigate all the people involved, so that it can find out on behalf of Hong Kong people who should be held accountable for the incident and do justice to the victims. Finally, I must say a word about Shui Chuen O Estate. According to the Government, there is no problem with the drinking water in the estate. But the results of tests conducted by residents of the estate indicate the otherwise. We simply do not know who is right in this case. I hope the Government will not give up and Secretary Prof Anthony CHEUNG will continue to offer assistance to residents of Shui Chuen O Estate.

I so submit.

**MR CHARLES PETER MOK** (in Cantonese): President, today, two motions with similar wording are moved under the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) to request the setting up of a select committee on inquiring into the lead-in-fresh water incident. In fact, the "twin motions" should not be the focus, and regardless of the number of "twin motions" today, the motions proposed by the pan-democratic Members all follow a consistent and clear direction.

As far as my memory goes, when pro-establishment Members proposed motions under the P&P Ordinance in the past, their aim was always to deal a blow to their political rivals, rather than monitoring the Government or fostering people's well-being. The pro-establishment camp also criticized pan-democratic Members for politicization. This is in fact the exact time for us to show our concern for people's urgent concern, as public housing estates, private buildings and even schools (including kindergartens) have come under the impact one after another. However, the pro-establishment camp has instead utilized all its resources to blur the scandal and offset the outcries by publishing test reports to testify the safety of fresh water in different communities. The most they have done is just to organize certain token petitions, but they have in fact done nothing to find out who should be held responsible.



At the special meeting of the House Committee last week, Mr NG Leung-sing asked the representative of the Administration, in all seriousness, whether drinking fresh water with lead could make people live longer. I am really impressed by Secretary Dr KO Wing-man, who is not in Hong Kong now. Even though it was such a funny question, he still managed to suppress his laughter and give a reply from scientific standpoints and with all the professionalism of a medical doctor.

Actually, since the outbreak of the lead-in-fresh water incident, many popular science articles have been circulated on the Internet. Some people have also cited examples in history in an attempt to prove the impact of lead on human civilization. Here is an example. In the Roman Empire, water pipes and the cutlery used by people all contained lead. The ruling classes thus contracted various diseases, and this indirectly caused the decline of the Roman Empire. While the truth of this saying still needs to be attested by historians, I want to say that by modern standards, fresh water should not contain any lead at all.

Some studies have also pointed out that during the Edo period of Japan, the use of skin whitening powder was very popular among samurai. With the passage of time, samurai and their families absorbed excess lead. Tests of their remains show that their blood lead levels were seven to eight times the level of lead poisoning today. There is also evidence that the children of samurai were poisoned by lead, and the whole samurai class declined as a result.

President, the first victims of the present lead-in-fresh water incident were not the upper classes but the grassroots. However, the incident has already come to affect different social strata. All people, rich or poor, may be affected. But, well, in Hong Kong, the position of the ruling class can hardly be shaken no matter what impacts their minds have sustained. Apart from defending her colleagues, the Chief Secretary has even jumped to the conclusion that no one in the Government needs to be held responsible for this incident. At the same time, we can also see that the Government even does not require the contractors concerned to bear the major responsibility for the incident, and only token penalties are imposed on them.

Last week, a press report pointed out that the Tender Committee under the Hong Kong Housing Authority (HA) would hold a meeting to further discuss the penalties on the four main contractors responsible for building the "lead-water"

housing estates. The press report mentioned that the Tender Committee intended to suspend them from tendering for works projects under the Housing Department (HD) for a certain period based on the number of "lead-water" housing estates they built. This means a contractor will be suspended from tendering for one month as penalty if it built one "lead-water" housing estate. Excess lead has been detected in the fresh water supply of 11 public housing estates, and the four main contractors involved are China State Construction Engineering (Hong Kong) Limited (China State), Paul Y. General Contractors Limited (Paul Y General), Shui On Building Contractors Limited (Shui On) and Yau Lee Construction Company Limited (Yau Lee).

Earlier, the HA's Tender Committee already decided to take out the tenders for new works projects submitted by the contractors concerned in the past seven months. But no agreement on the actual duration of tender suspension has been reached. It will hold another meeting in the middle of this month to discuss this matter. Under this penalty proposal, Yau Lee will be suspended from tendering for six months, while China State and also Paul Y General will each face a suspension of two months. As Shui On only built one housing estate, it will be suspended from tendering for one month.

What are the Government's justifications? As some Members said just now, all is because the four contractors concerned are leading players in the industry. So, penalizing them will affect the construction volume of public housing. But can a penalty of merely several months' suspension bring any impacts to bear on them? Are the impacts strong enough? Can the penalty achieve any deterrent effect? Does this mean that contractors awarded large numbers of works projects can continue to have nothing to fear?

The present situation shows precisely that they really have nothing to fear. As long as they are big enough in scale, they will have nothing to fear. It is true that housing construction requires workers and contractors. But is a mere suspension the best solution and penalty? Has it ever occurred to the authorities what will happen if fewer or even no tendering exercises are held during the suspension period? In that case, such leading players will only suffer limited losses, and the penalty imposed will actually fail to achieve any effect. So far, people still do not know who else should be held responsible apart from the plumber who has already been named. It is not the responsibility of the Commission of Inquiry into Excess Lead Found in Drinking Water to hand down

any penalties, but other than suspension, are there any penalties that are strong enough to achieve a deterrent effect? The authorities are duty-bound to explore other more appropriate penalties.

President, in the following part of my speech, I want to talk about the interim report of the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates formed by the HA. The interim report basically ascribes the cause to the presence of lead in soldering materials. But testing was not required for soldering materials, and main contractors could procure soldering materials on their own. Besides, soldering materials had very minor cost implications, and they were not included in the payment applications submitted to the HD. This is why soldering materials with lead have turned into a loophole. This may be a shortcoming in the system.

Nevertheless, as pointed out by the report, the main contractors generally regarded soldering materials for connecting copper pipes as an insignificant part of the whole process — this may be the reason why their soldering of copper pipes was so poor in workmanship. They therefore lacked an awareness of how the quality of fresh water would be affected by the presence of lead in soldering materials. But according to the relevant regulation and contract terms, the main contractors concerned should have used only lead-free category soldering materials. From this, it can be seen that both the authorities and the contractors lacked the awareness and failed to attach importance to the materials concerned. Nevertheless, can they thus say that only the system has gone wrong and nobody should be held responsible? Can "innocence is no guilt" exonerate the authorities or the contractors? Do the authorities think that they can really get their job done in this way, in a way similar to how they made the plumber the scapegoat for the incident at the beginning? In fact, requirements are set out in the tendering exercises of the Government. According to the Government, as there were slips on both sides — the contractors concerned lacked an awareness and the Government did not know that they used soldering materials with lead — nobody should be held responsible, and the matter should be put to an end. This explains precisely why many Members and people think that the Legislative Council must exercise its statutory powers and functions under the P&P Ordinance to conduct an inquiry and find out who should be held responsible. The reason is that the Government's attitude has shown us that it does not want to investigate this matter at all.

While listening to the speeches of the Chief Secretary for Administration and Bureau Directors, I noticed that their speeches were mostly repetitions of the same old point. They seem to think that three committees for investigating the lead-in-fresh water incident are already enough. All of them have been making this point, saying that the outcomes of different investigations will not be very different anyway.

But past events and experience show that each time after a motion moved by a pan-democratic Member under the P&P Ordinance was voted down, more scandals related to the incident concerned would emerge. The refusal to issue a licence to the Hong Kong Television Network Limited two years ago, the UGL Limited incident involving LEUNG Chun-ying, and also the cost overrun of the Guangzhou-Shenzhen-Hong Kong Express Rail Link all flared up afterwards, and the authorities could only cover up its lies with more falsehood. If the motion under the P&P Ordinance today is voted down, history will definitely tell us that the pro-establishment camp is just making a continued attempt to assist the Government in concealing the facts and truth.

I certainly do not want to see the uncovering of any shocking inside story about this lead-in-fresh water incident. And, I do not have any such intention. Fresh water safety is basically not a political issue. Regardless of whether the contractors should be held responsible, and whether any government departments are to blame for inadequate supervision, public health must always be the most important concern. For this reason, the authorities must find out who should be held responsible and take remedial measures as soon as possible. I believe a select committee established by exercising the powers under the P&P Ordinance can adopt a neutral and impartial stance in ascertaining the responsibility of the authorities and the contractors, and hold them responsible for their default.

President, in order to improve the overall operation and monitoring system of the Government and to rectify systemic problems, it is worthwhile to spend some public money on finding out who should be held responsible and identifying problems in need of rectification. Hong Kong is a world-class and advanced city. The problem of lead in fresh water has turned Hong Kong into a laughing stock in the international community. Actually, this issue is not simply about the safety of fresh water. If Hong Kong people and the whole world cannot see any impartial and positive attempts of the Hong Kong Government to respond to the incident, to deal with the incident and also to find out who should

be held responsible, how can they have confidence in Hong Kong? Setting up a select committee under the P&P Ordinance to inquire into this incident is an important and indispensable step.

The voting down of this motion under the P&P Ordinance by the Legislative Council again today will only serve to show the whole world how far the governance, policies and also transparency of the Government has degenerated. For this reason, I call upon Members of the pro-establishment camp to think twice and refrain from committing any further mistakes.

Thank you, President.

**PROF JOSEPH LEE** (in Cantonese): President, first of all, I would like to declare that I am a member of the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (Review Committee).

The lead-in-fresh water incident has indeed aroused widespread panic in the community, but as far as initial responses and actions are concerned, the Government has already set up three committees, each with different terms of reference. Let us first look at these committees.

The first one is the Task Force under the Water Supplies Department with the main responsibility of inquiring into the causes of the incident. According to the findings of the Task Force announced on 25 September, the incident is related to the soldering materials for copper pipes. This is the first committee.

The second one is the Review Committee, of which I am a member. The terms of reference of the Review Committee are primarily to: (1) comprehensively review the present arrangements for quality control and monitoring in relation to the installation of fresh water supply systems in public housing estates; (2) in the process of (1), critically review various aspects of quality inspection relating to materials used, quality inspection and works supervision conducted by the Hong Kong Housing Authority (HA) at different stages of construction; and (3) report findings to the HA and recommend any improvement in procedures/guidelines and follow-up actions as necessary.

The third one is the Commission of Inquiry into Excess Lead Found in Drinking Water appointed by the LEUNG Chun-ying administration under section 2 of the Commissions of Inquiry Ordinance (Cap. 86). The terms of reference of the Commission are three-fold: (1) to ascertain the causes of excess lead found in drinking water in public rental housing developments; (2) to review and evaluate the adequacy of the present regulatory and monitoring system in respect of drinking water in Hong Kong; and (3) to make recommendations with regard to the safety of drinking water in Hong Kong.

President, each of the three committees has its respective terms of reference. Their main objective is to find out the causes and make recommendations on addressing inadequacies. Pan-democratic Members, on the other hand, have moved two motions under the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) calling for the appointment of a select committee. Their major focus of inquiry is on what standards are presently adopted by the World Health Organization in respect of lead in fresh water, whether such standards are followed in Hong Kong; and if not, the reasons for that.

The problems relating to fresh water and water pipes are not new to Hong Kong, and they have in fact existed for a long time. Then, why is it that these problems have never been revealed until now? What was the situation in the past? What was the situation of private buildings? The officials concerned talked about these issues the other day. We want to focus on finding out who should be held responsible, and we think the question of responsibility will involve various government departments and people. By moving these two motions on appointing a select committee under the P&P Ordinance today, pan-democratic Members mainly want to probe into the responsibility issue. Since the three committees mentioned above do not touch on this issue, I do not think that there is any overlapping of functions. As a pan-democratic Member, I must clarify that the objective of the motions is to find out who should be held responsible. For this reason, they should be supported.

Moreover, I would like to point out that the sources of contamination and responsibility aside, this lead-in-fresh water incident has also aroused health concern. After our detection of excess lead in fresh water, the Government responded by providing blood lead level tests and health consultation to people. About 200 people, including children, women and adults, were affected. The

levels of excess lead in the blood of the adults varied. The Government, as could be expected, explained that causes of lead in blood were many. This is the advice of professionals.

Following the revelation of the lead-in-fresh water incident, about 200 people underwent blood lead level tests. These people will not normally have any blood tests. But this time around, they think the presence of lead in blood may lead to problems, so they are worried and have expressed concern about their health. In this regard, I think the departments and authorities concerned are duty-bound to follow up on their cases and put in place concrete assistance measures to ensure that they can grow up healthily or live without any safety concerns.

I support the motions today. Thank you, President.

**MR TAM YIU-CHUNG** (in Cantonese): President, Chief Secretary for Administration Carrie LAM admitted in the special meeting of the House Committee on 8 October that there was an inadequate awareness on the part of the Government in the lead-in-fresh water incident, and systemic inadequacies were also detected. A number of Members, especially pan-democratic Members, have repeatedly criticized these two points, saying that these points cannot be accepted, as her intention was to gloss over the problems and evade responsibility. These Members therefore assert that the Legislative Council must itself investigate the incident.

To be fair, the Government already admitted its fault, because her affirmation of its own inadequate awareness was actually an admission of fault. She admitted that if not for their own inadequacy of expertise and lack of alertness, the problem would not have occurred. I think it is true that when the lead-in-fresh water incident first came to light, the Government's handling of the matter was indeed a bit chaotic, and since the incident involved several government departments, the chaos was seen even more clearly in the messages disseminated to the public.

However, after the release of the relevant investigation reports by the Water Supplies Department (WSD) and the Hong Kong Housing Authority in the last two months or so, we have come to know more clearly why the lead-in-fresh water incident occurred and also the cause of excess lead in drinking water. On

the other hand, however, when I met with several veteran plumbers yesterday, they complained that all plumbing works had been suspended. They said that before they could commence plumbing works, they must seek approval from the WSD, but now the WSD did not dare to issue any acceptance letters. According to the plumbers, they could not get approval even though all their plumbing materials were totally lead-free and they only used stainless steel pipes or stainless steel pipes with plastic coating. After listening to their complaint, I promised to look into the case and follow up the matter with the Chief Secretary for Administration and the Director of Bureau concerned. I hate to see one scenario, the scenario depicted in the saying "A snake-bitten man fears even a flutter-fly for ten years (一朝被蛇咬，十年怕草'蠅')"<sup>1</sup>, I mean I hope the authorities have not become too scared to issue acceptance letters. Well, is the scenario described in this saying already happening now? Also, I want to find out whether the complaint of these plumbers is valid. If it is valid, many maintenance works, building construction works, and the livelihood of plumbers and other related workmen will be affected.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) hopes that the Commission of Inquiry into Excess Lead Found in Drinking Water led by Mr Justice Andrew CHAN can complete its task as early as possible and focus on finding out the cause of the incident. The use of lead in plumbing materials is prohibited, but how come the system does not require any lead test? We also hope that the Commission of Inquiry can find out who should be held responsible for causing the situation and conduct a comprehensive review of the present system, so as to avoid the occurrence of similar incidents.

In the Legislative Council debate held the day before yesterday, I heard Mr LEE Cheuk-yan criticize in his speech that whenever pan-democratic Members requested to invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance), the pro-establishment camp would put up opposition as a rule. He also said that the pro-establishment camp would repeat the same few reasons on every occasion: the "Sword of Imperial Sanction" should not be drawn indiscriminately and an investigation by the Legislative Council under the P&P Ordinance would be superfluous, serving only to politicize the issues concerned. They even went so far as to call the pro-establishment camp a

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<sup>1</sup> The Chinese proverb in question should be "一朝被蛇咬，十年怕草繩", meaning a snake-bitten man fears even a rope for ten years. However, when using this proverb, Mr TAM Yiu-chung said "草蠅" (flutter-fly) instead of "草繩" (flutter-fly).



"gang of connivance", arguing that the "Sword of Imperial Sanction" would rust from disuse, and that as the Legislative Council was itself a venue of politics, it should not fear politicized discussions.

I must assert one point again. It is very true that the "Sword of Imperial Sanction" is a tool which must not be used indiscriminately, and it will lose its power if it is used that way. Hence, whenever the Legislative Council considers holding an investigation under the P&P Ordinance, it must make sure that it is really the right time to draw this "Sword of Imperial Sanction". In the case of many past incidents, such as the opening chaos of the new airport in 1998, the short-piling incident in public housing estates in 2001 and the LEUNG Chin-man incident in 2008, we pro-establishment Members also agreed to conduct an investigation under the P&P Ordinance. This is what we call making judgment on the individual merits of an incident.

Furthermore, the public only want to know the truth of the lead-in-fresh water incident and make sure that the negative repercussions of the incident can be properly dealt with, instead of turning the incident into a political farce. I believe that under the present situation of pan-politicization, if the Legislative Council establishes a committee to inquire into the lead-in-fresh water incident under the P&P Ordinance, it will be rather difficult to ask it to resist political interference and conduct a fair and impartial inquiry. In that case, why don't we just entrust the task of investigation to a highly credible and independent commission of inquiry which is vested with statutory powers and able to resist the interference of the present political environment and forces? We believe that such a commission of inquiry will be far more able to yield a fair and impartial outcome than an investigation done by the Legislative Council.

The pan-democratic camp has over and over again criticized that the independent Commission of Inquiry led by Mr Justice Andrew CHAN may be affected by the Chief Executive's interference. They first say that the Commission of Inquiry's terms of reference do not include making a ruling on the criminal or civil liability of anyone. Then, they go on to deduce that the findings of the inquiry will not hold anybody responsible. However, I want to point out that when the lead-in-fresh water incident first arose, many pan-democratic Members did ask the Chief Executive to appoint a judge to lead an independent inquiry under the Commissions of Inquiry Ordinance. The Commission of Inquiry is now up and running, but why do they make a U-turn and query or question its work?

President, the DAB has always supported the idea of thoroughly investigating the lead-in-fresh water incident and finding out who should be held responsible. What we need to discuss now is only the question of which approach and which organization should be more suitable for the investigation. The DAB holds the view that since three investigations are going on now, we may actually wait until these investigations come to their conclusions before deciding whether to invoke the P&P Ordinance in the light of the actual situation.

Over the past two months or so, pan-democratic Members have been making use of the lead-in-fresh water incident to launch all sorts of attacks on the DAB, including banners and leaflets. In an attempt to smear the reputation of the DAB, they have even attributed the incident to it and alleged that it wants to poison the public. Clearly, pan-democratic Members are not only trying to take advantage of the lead-in-fresh water incident but also splashing foul water onto others. Therefore, the DAB demands a comprehensive scheme of actions to follow up the lead-in-fresh water incident; under this scheme, a series of practicable remedial measures must be implemented to protect the health of all affected citizens, particularly pregnant women and children. We also hope that the WSD and the Housing Department can provide exemption from water charges and rents to all residents in the housing estates affected by the incident. All affected residents should also be appropriately compensated.

Just now, I heard Mr Charles Peter MOK talk about the "twin motions" put forward by pan-democratic Members. I want to point out once again that this is an apt manifestation that inside the pan-democratic camp, people are trying to get ahead of others to gain advantages and to claim the credit. But this is none of my concern because regardless of the number of "twin motions", we are only going to vote once and our attitude remains unchanged. The attitude of the DAB is that there is no need for us to invoke the P&P Ordinance to conduct an inquiry at the present stage. DAB will reconsider the matter should new circumstances arise. Thank you, President.

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Which word should be the correct word? "繩" or "蠅"? What should be the radical of the word? "糸" or "虫"? I cannot quite get it. Can he please clarify?

**PRESIDENT** (in Cantonese): Mr LEUNG, the point you raised is not a point of order, please sit down. If you wish to speak, please press the "Request to speak" button.

**MR CHAN CHI-CHUEN** (in Cantonese): Let me perhaps deal with Mr LEUNG Kwok-hung's question first. Mr TAM Yiu-chung made a mistake in the colloquialism he used just now. He said, "A snake-bitten man fears even a flutter-fly (草蠅) for ten years." In fact, it should be a "rope" (草繩) instead of a "flutter-fly" (草蠅) that the man fears. The radical of the Chinese character should be "糸", not "虫". Mr TAM probably made a mistake when reading out his scripted speech. I believe all of you can understand why it should be a rope. The expression actually means that a man, once bitten by a snake, is so terrified that he will take a rope he sees on the road for a snake. This state of mind is well justified, as he simply does not know who let the snake out. Before he finds out where the snake came from, he must of course be very cautious, and it is only understandable that he takes a rope for a snake out of fear. Therefore, at this present time before the truth in the lead-in-fresh water incident is fully revealed, we must not say that the residents are over-sensitive, that all their reaction is much ado about nothing, and that they are just over-worried. This is because up to this moment, we are not yet certain about the seriousness and scope of the disaster.

President, I agree that the Legislative Council should invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) and appoint a select committee to thoroughly investigate the "lead-water" incident. Many pro-establishment and royalist Members say that the P&P Ordinance is the "Sword of Imperial Sanction". Right, it surely is. But it is impossible to draw this sword. In the past three years, 10 Members proposed invoking the P&P Ordinance, and all of them failed in their attempts. Do Members know the opposite of the "Sword of Imperial Sanction"? It is the Iron Certificate with Vermillion Inscriptions, commonly called the Medallion of Death Exemption. The SAR Government is granted the Iron Certificate with Vermillion Inscriptions

by the royalists. Hence, despite the repeated mistakes of the SAR Government, the Legislative Council is just not able to use the "Sword of Imperial Sanction" for the conduct of thorough investigation.

President, let us return to the "lead-water" incident. In the eyes of the Government, it may just be an incident and an error. However, to those Hong Kong people who are affected, or who suspect that they themselves are affected, this is in fact a big disaster, a "lead-water" disaster. In the event of a disaster, the first and foremost task is of course to provide prompt disaster relief and remedy, with a view to bringing the disaster under control and minimizing the harm inflicted. However, this "lead-water" disaster is different from the kinds of disasters we commonly see. In case of a fire disaster, we must first put out the fire and save lives for sure, and this is to be followed by investigation into the causes and the stepping of fire prevention. Yet in the case of this "lead-water" disaster, we are still unable to gain a full grasp of the situation. There are widespread worries among the ordinary people, as they cannot even know if they are affected. All is unknown regarding the seriousness of the disaster and the number of affected people in public housing estates, private residential buildings, schools, medical facilities and residential care homes, so everybody is worried. Therefore, we must not say that people are over-sensitive, nor should we describe their reaction as much ado about nothing. It is certainly reasonable for a snake-bitten man to fear a rope for ten whole years. This is a nightmare, a never-ending nightmare.

It has never ever occurred to Hong Kong people that the water they drink is "lead-water". Regarding water supplies, the most vivid disaster in people's memory is water rationing. While water rationing was the result of droughts or natural disasters, "lead-water" is however a man-made disaster. But it is so very saddening to see that in this man-made disaster, no one is required to bear the responsibility. The "lead-water" disaster is a big scandal, and the only right thing to do in case of a scandal is to admit mistakes, make corrections, carry out thorough investigation, ascertain culpability and identify the wrong-doers, so as to avoid the repetition of similar mistakes. I am not saying that we will not be happy until we see "heads rolling on the ground". However, if you handle a man-made disaster without disciplining, removing or prosecuting anyone, can you possibly claim that you really treat the whole thing as a man-made disaster? Or, can we say that you simply treat it as an unfortunate incident only? Regrettably, to a very large extent, the Government simply treats this big scandal of "lead-water" as a mere public relations disaster. A public relations disaster calls for damage control. But what the authorities have sought to control in this

present case is not the damage done to the public but the damage suffered by the Government's image. Therefore, they have been trying to cover up the whole thing, in a bid to stop its escalation and prevent any further disproving of their lies. Royalist Members are trying to give the Government a fig leaf, so as to help it conceal its faults. They have resorted over and over again to doublespeak in an attempt to control the damage, but little do they realize that their doing so has instead caused more damage.

I want to tell Members that they can actually find many "golden sentences" about this "lead-water" incident on the Internet, though I think the incident itself is a tragedy and I do not want people to see it as anything funny. According to the Department of Health, for example, there will not be any noticeable health threat if a person's "lifetime" consumption of drinking water containing lead is on average below the guidelines set by the World Health Organization. A doctor from the Prince of Wales Hospital said that apart from consuming drinking water containing lead, children might also take in lead when biting pencils. Some members of the public with common sense have already responded to this remark, pointing out that pencils do not contain any lead. Furthermore, Secretary for Education Eddie NG also said that since the school hours when students consumed water in school were not very long, no water tests for schools would be arranged. And, the "best golden sentence" these days must be this question asked by Mr NG Leung-sing: can the consumption of drinking water with an appropriate level of lead help people live longer? Even a television station also contributed one "golden sentence". A news anchor said, "Hong Kong people are worried about 'lead-water', but the fact is that more than 700 million people in the world do not even have any clean water to drink.

What is the intention of people who make such remarks? Do they intend to play down the damage? Or, do they intend to tell Hong Kong people that the incident will not cause any fatality and their situation is not too bad already? Such remarks cannot achieve damage control but are just like rubbing salt into the wound. As Hong Kong people hear more and more of such remarks, their anger and worry will only increase. They will worry about the attitude of government officials and wonder why they should still say such things to evade responsibility and play down the seriousness of the disaster at this very critical moment. Do they believe that such words can make the people feel good? They feel fine themselves when saying these words, yet they will just only make things worse. Even Secretary for Food and Health Dr KO Wing-man almost made a mistake. He said, "Developmental delay can be attributed to many factors. This is not

necessarily a result of excess lead in blood. Some children already had symptoms of developmental delay before the incident." This may be a statement of the facts, and we cannot conclude that he is wrong from scientific and medical perspectives. However, the timing and occasion of his remarks were utterly wrong. One should not say such words when the people are gravely concerned about their health.

I remember asking the Chief Secretary for Administration at the first special meeting of the House Committee whether water tests would also be conducted in libraries, sports centres, and facilities managed by the Leisure and Cultural Services Department. The question can honestly reflect the concern of parents, because they say their children like to fill up their water-bottles at sports grounds and drink the water in the rest of the day. In fact, they drink water more from such venues than from their homes. I asked the Chief Secretary for Administration whether water tests would also be conducted in these venues. Can you guess how she answered? She said that if tests were to be conducted everywhere, the progress of investigation would be upset. I can of course understand her difficulties. However, instead of succeeding in dismissing my question, her response will only make all the worried parents feel the Government's unfeelingness and reluctance to share their concern. Well, we may further discuss this subject in detail during the motion debate on "Legislating for safety of drinking water" later on.

Here, let me advise the SAR Government once again that it must not resort to doublespeak as a means of packaging and downplaying the scandal any more. The very focus of this debate is whether the P&P Ordinance should be invoked to thoroughly investigate the "lead-water" incident. In the past three years, 10 similar proposals were put forward by Members in the Legislative Council, and the issues included Paul CHAN's hoarding of land, free television licencing, the dismissal of a talk show host by Commercial Radio, the delayed completion of the Express Rail Link project, the maritime disaster off Lamma Island, the problems triggered by the Occupy movement and LEUNG Chun-ying's receipt of benefits from UGL Limited. These motions were all negatived. We can actually know some of the reasons given for opposing these motions even without looking at the motion topics concerned. The royalists always put forward the same old argument that the "Sword of Imperial Sanction" should not be drawn indiscriminately. And, some Members argued that it was better to let the Court handle these issues.

I cannot understand why anyone should ever think that under the existing system, a Legislative Council investigation must be less credible than a Court inquiry. If a select committee is really set up, it will certainly comprise more pro-establishment Members than pan-democratic Members. Pro-establishment Members will also be sitting on the committee to carry out investigation. I will not be the only investigator, and we cannot possibly bar pro-establishment Members from the task of investigation. Instead, all will be working together as one whole. Honestly, pro-establishment Members and pan-democratic Members are not in adversarial positions. Rather, both camps are on the same boat and they all aim to assist the Government in working out solutions, so that the public can rebuild their confidence and drink water without any worry. It is just so simple.

The "lead-water" incident is also a Foe Glass. It can serve to explode the hypocrisy of the royalists Members, who keep talking about people's livelihood and advising others against politicking. Mr TAM Yiu-chung has written an article, and he has spoken just now. The article is entitled "Do not take advantage of the 'lead-water' incident to smudge the pro-establishment camp". If the voting on these two motions can be held today and the proposals of invoking the P&P Ordinance are negated, I must ask all District Council election candidates running against the royalists to tell all local residents unequivocally that right on this day, the royalists have rejected the proposal for the Legislative Council to set up a select committee to thoroughly investigate the "lead-water" incident — the District Council election period has already started. This is only a statement of the fact, not smudging. It is up to the royalists to offer explanation. The royalists can give a copy of the abovementioned article to all the District Council election candidates belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). Let us see whether they can grasp the gist of the article and respond to the queries and worries of residents. Let us also see whether residents can accept the points in the article.

I really find the present situation very regrettable. Actually, the gap between both sides this time around is very narrow. Even the DAB has publicly demanded that a thorough investigation into the causes of the incident must be conducted, and that on the basis of the investigation outcomes, the individuals or government departments concerned must be held responsible. Both sides actually see eye to eye with each other and want to do the same thing — completing the job of investigation as quickly and efficiently as possible.

However, the royalists now want to throw away this opportunity and bar the Legislative Council from seizing the opportunity. They say it is fine for them to stand on one side and let others do their investigation. But we ourselves in fact have the ability to ... The royalists will probably tell residents, "We have the ability to help you, but we will not do so now, as someone else will help you. I will see how he helps you although I do not quite trust him, as his track records indicate a less-than-satisfactory performance."

I would like to quote a few arguments from Mr TAM Yiu-chung's article for discussions with Members. It reads: "Progress has also been made in tracing the source of lead. In particular, the two preliminary reports submitted by the Water Supplies Department and the Hong Kong Housing Authority have basically confirmed that lead found in soldering materials in pipe joints is the cause of excessive lead content." I think we must be careful with this kind of conclusion. The reason is that suppose, for example, the DAB has similarly conducted water tests in a certain housing estate but the tests are just conducted for randomly selected samples, can it possibly assure the residents that the water in their housing estate is safe to drink? Such random sample tests can at best serve to slightly allay the residents' anxieties only, because sample tests can never yield absolute results. Therefore, it is possible that the sample tests conducted by you, me and the Government may all yield different results. This does not matter and is only normal because we are talking about sample tests. Similarly, we dare not say that soldering materials containing lead is the culprit or the only culprit, because there may well be other bigger culprits. They cannot thus claim that since answers are already available and they are satisfied, no more investigation should be conducted.

The article also reads: "As the investigation has made progress, is it necessary for the Legislative Council to also launch an investigation?" For sure, I would think, there must have been progress, some degree of progress, and this leads Mr TAM to think that since there is progress, the Legislative Council does not need to launch its own investigation. Besides, he also says with some worry, "For the moment, the Legislative Council should not conduct any investigation that may well result in duplication of efforts." President, I agree that a select committee established by the Legislative Council to fully investigate the "lead-water" incident will surely result in duplication of efforts in some areas, but there will be no duplication of efforts in a wide range of areas. This point was already explained very clearly by many pan-democratic Members in the past, the



day before yesterday and this morning. If they vote down the proposal of enabling the Legislative Council to take part in the investigation into the incident for such reasons, will members of the public, residents and electors?

Some Members are puzzled because his objection is based on a technical reason rather than any important principle. It is argued that the timing is inappropriate as only one year is left in our term of office. Let me tell him that if his opposition is based on a matter of principle, then he does not need to talk about any technical problems at all, and he should oppose the motions regardless of how much time is left in our term of office — whether it is four years or four months. I cannot accept any opposition based on the technical ground that one year is not sufficient for investigation. This actually implies that the Government can get away if its blunders are revealed belatedly in the last days of a Legislative Council, because when only one year is left, Members will be preoccupied with electioneering or other types of work and will not be so eager to investigate any government blunders. This will give a good reason for withholding investigation for the time being and for advocating further observation.

Further observation is possible for some issues, such as those that are important but not pressing, because what has happened has already happened and urgent actions are not required. However, people drink water every single day. How many more people out there are being affected or victimized without their knowing it? If an extra step and extra action of ours can uncover the truth sooner and thus put people's mind at ease sooner, I would think the step and the action are warranted and justified. If any people say no, they must explain to the public rather than accusing others of smudging them.

I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): President, how ridiculous! They argue that the "Sword of Imperial Sanction" must not be used indiscriminately. This is just like arguing that one's mother must be a woman, right? However, President, the "Sword of Imperial Sanction" was meant for executing all corrupt government officials. Even the royals would not be spared. Otherwise, what

was the point of having the "Sword of Imperial Sanction"? The important thing is that in an imperial dynasty, it might really be necessary to draw the "Sword of Imperial Sanction" very frequently to execute large numbers of people, and similarly, in a cocktail reception nowadays, you may also see quite a number of people who deserve to be executed by the "Sword of Imperial Sanction". You would agree that this is a deplorable situation, wouldn't you?

President, in the past, there was the "Iron Certificate with Vermillion Inscriptions", a kind of privilege equivalent to the Imperial Yellow Jacket. When a person faced execution by the "Sword of Imperial Sanction" ... Suppose I now see you in a cocktail reception and want to execute you, you can say, "No way. I am Jasper TSANG, protected by the Iron Certificate with Vermillion Inscriptions, or the Medallion of Death Exemption." This is the very problem I am talking about. In this present case, the Chief Secretary for Administration herself does not even need to explain why the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) should not be invoked for investigation. She is protected by the Iron Certificate with Vermillion Inscriptions — by a litany of reasons that smell like the stale leftovers from last night. There is even no need for her to dodge the "Sword of Imperial Sanction", as someone will come forward with the Iron Certificate with Vermillion Inscriptions and say, "Stop. The Imperial Yellow Jacket is here." This legislature of ours is frequently caught in a cycle of struggle that sees the demand for drawing the "Sword of Imperial Sanction" being countered by people who say, "Excuse me. Since you are picking on the Government, I need to uphold justice. Do not pick on the Government." But are we supposed to abolish all the powers and functions of Legislative Council Members under the Basic Law? The point behind this question is very simple.

President, people in ancient times sat for the imperial civil service examination because they wanted to serve the common masses. There was a certain poet called JIA Dao in the Tang Dynasty. He once wrote a poem to express his frustration. What did he say? You should know too, and I quote: "Here's the sword for a decade I have forged. Ne'er was its sharpness tried before. To you I show its blade today. Let me know if you have any grievances to say." He spent 10 years forging the sword. Holding the sword, he asked people to tell him their grievances, so that he could go after the wrongdoers. His sword was not the "Sword of Imperial Sanction", and he was just a swordsman. But the people living in the housing estates all want JIA Dao the Swordsman to come back to life and ask them for their grievances. My

friends, the sword has been drawn here — a television serial called Draw Your Sword is very much a hit in the Mainland these days, and I watch it too — but some people are standing in the way, and they even say that the person who has drawn the sword is to blame.

President, the most important thing is the fact. At present, there is the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (Review Committee) under the Hong Kong Housing Authority (HA). Have you seen the membership list? Four of the members are our colleagues. One is Ir Dr LO Wai-kwok, a well-known supporter of LEUNG Chun-ying who carries a very long list of public-office posts. The second one is Mr KWOK Wai-keung, who is a Member from the Hong Kong Federation of Trade Unions (FTU). The third one is Mr Dennis KWOK, who is a Member from the Civic Party. The fourth one is Prof Joseph LEE, who also said that investigation was necessary when he spoke just now. In other words, in the Review Committee of the HA, four members are Legislative Council Members. There are only 70 Members, and four of them are invited to take part in the investigation. The proportion of Legislative Council Members in this committee is very clear. Do not tell me that they are on the Review Committee in a different capacity.

One of the members is Mr CHEUNG Tat-tong. We all know that whenever there is any progress these days, he will be the spokesman. Another member is Mr Albert AU, but I do not know who he is. Yet another member is Mr Stanley WONG, who used to be a top banker as we all know. There is also Mr Horace CHEUNG from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). He is also a council member, only that the council he serves on is not the Legislative Council. You see, there is a full list of committee members here. How can they say that the Legislative Council has no role to play? Are they out of their minds? President, are they out of their minds? All is so very clear, my friends.

An investigation by the Legislative Council is actually necessitated by several reasons. First, the investigation conducted by the HA is at best an internal investigation only. The Housing Department is a department that attracts both criticisms and queries. It enjoys exemption under the Buildings Ordinance, but it is unable to do the gate-keeping role satisfactorily. Honestly ... President, I am rather helpless myself. Many people say that LEUNG Kwok-hung likes to repeat old stories. We all know the Ten

Commandments. The eleventh commandment, as shown by LEUNG Chun-ying's acts, is that after you have done something wrong or violated any one of the Ten Commandments, make sure you can avoid being caught by others. The twelfth commandment is that even if you are caught, never admit what you have done. The thirteenth commandment is that if denial is impossible, just say that those people have ulterior motives. This is the thirteenth commandment.

They are now practising the thirteenth commandment. They have been caught. They cannot do anything as there is concrete evidence, so they refuse to admit anything no matter what, right? When denial proves impossible, they say that those people have ulterior motives. President, I am not making up anything. Let me once again quote the remark made by a certain WONG Kwan, the Chairman of the Federation of Public Housing Estates and also a supporter of LEUNG Chun-ying. He said, "This is unacceptable." This was exactly what he said. But well, since I have piles of information here, I cannot locate the source right away. Time has passed and after a cooling-off period, people now forget what they said at that time. I must ask the pro-establishment camp one question here. Do they want to withdraw the remark "this is unacceptable" which they made before the summer recess? Do they find the whole thing acceptable now?

First, the investigation by the HA is not good enough. Second, the commission of inquiry led by the Judge will not release the interim report until May next year, by which time all actions will be too late. Besides, the commission's scope of investigation does not cover the responsibility to be borne by all stakeholders, including the Legislative Council. Honestly, the commission of inquiry can also ask the Legislative Council many questions. Why couldn't all the Members having the debate here see the loopholes in the Buildings Ordinance? Why didn't they point out the problems much earlier? Why are Legislative Council Members so indolent? Why don't they monitor the Government? In a way, asking these questions may help the Government evade the blame. Mr CHAN Han-pan, is that right? How can they still have the face to say that the issue is important but not urgent?

President, what actually is the most obvious problem now? Many people from the works sector ... The DAB is best at offering people a small favour in return for their big losses. When visiting the districts, they suggested rent waiver for the affected tenants. This of course sounds very appealing. Nevertheless, even the Government says that there are problems with rent waiver.

Rent waiver is no elixir but just another kind of backhander like the offering of free snake feasts, vegetarian meals, cakes and glutinous rice dumplings, my friends. Can rent waiver legitimize the drinking of "lead-water"? Is it intended to serve as a letter of indulgence bought around the time of the French Revolution to invoke God's forgiveness of the purchaser's sins after he had filled in his name? How can they think of something so shameful, something which is like purchasing a letter of indulgence for a government that refuses to find out whether it should be held responsible?

Honourable Members, you should have learnt in secondary school that letters of indulgence were sold around the time of the French Revolution. The bishop had huge stocks of letters of indulgence. A person who committed the crime of rape one day could donate 30,000 francs and filled in a letter of indulgence on the same day to have his sin pardoned right away. Can they just put aside all these letters of indulgence? Did they study any history at all? The French Revolution thus broke out. President, far too many letters of indulgence have been purchased indeed.

What are the problems? First, the two committees are no substitute for the Legislative Council. President, what are the reasons? Well, if I say anything wrong in this meeting now, the President will order me to leave the Chamber. That way, everybody will remember that Long Hair was once again expelled from the Chamber for not obeying the rules. However, these two committees cannot possibly do the same. It is pointless for us to criticize these two committees for any clandestine operation, because their very nature dictates that they never will be otherwise.

Second, let us look at the maritime disaster report prepared by the Government. There were specific terms of reference. My friends, the victims all want to know whether the report can be released in full. They have been crying for years, and they nearly go to court for that. President, the maritime disaster happened just shortly after our election to the Legislative Council. Three years have passed. If the invocation of the P&P Ordinance for investigation back then had been endorsed, Mrs Regina IP could have been able to make use of these three years — as she has talked about insufficient time. That way, my friends, it would not have been necessary for the victims to plead their case here in tears, because we would have been responsible for announcing the report. President, can you see that? All people would have been able to see how the investigation was conducted, right? Someone would have called me

and said, "Long Hair, your approach to investigation cannot possibly yield any results. Let me tell you that in the Marine Department, I ..." This is the important point. The only point of these two motions is that when both the Government and all the stakeholders do not want to take any actions, the representatives chosen by Hong Kong people through the ballot box (including functional constituency members) must then exercise the powers and functions of the legislature to monitor the Government. These powers and functions must not be taken away, and this duty must not be avoided either. No incident, except for this present incident, has ever been able to elicit the same unanimous recognition of mistakes as was also expressed in the short-piling incident years ago. However, the drawing of the "Sword of Imperial Sanction" is still frustrated by the Imperial Yellow Jacket and the Iron Certificate with Vermillion Inscriptions. Mr TAM Yiu-chung's mispronunciation is therefore not without any reasons. Just because he could not see the character clearly? The radical of the Chinese character "繩" (a rope) is "糸", meaning stringed and woodwind instruments in the olden days. However, my friends, he took the radical for "虫", which means insects, ants, snakes and rats. Can you see that? Stringed and woodwind instruments are of course very nice. How nice it will be to pass a day enjoying music, wine, games and poetry! Nevertheless, we must understand that the radical that he saw was "虫" instead of "糸", right? When he saw that it was "虫", why didn't he read it out?

Honourable Members, I just want to ask a very simple question. First, let me ask Mrs Regina IP a question about her assertion that when there is not enough time, we should not launch any inquiry. Is she saying that nothing should be done? Frankly speaking, which item in the election manifesto for his five-year term has LEUNG Chun-ying implemented so far? Just the FTU, for example, has been pressing him to honour his many undertakings, including those on standard working hours and universal retirement protection. And, he is even unable to introduce an allowance for people with loss of one limb as proposed by Mr WONG Kwok-hing. Then, what was the point of electing LEUNG Chun-ying in the very first place? Which item in his election manifesto has he implemented so far? President, as I said earlier, this Chief Executive is very shameless. He does not repay the principal, nor does he pay any interest, but he even continues to borrow. President, this debtor is really very shameless. These days, Mrs Carrie LAM is working on a debt restructure plan for him. She frequently comes to this Council and says that he is unable to repay the old debts, but he still wants to borrow more. She therefore asks us to do him a favour. He cannot repay his old debts. He is unable to implement the items in his

election manifesto. In some cases, he may not be the one to blame. Some will of course say that this incident is one such case, right? However, he was then the Convenor of the Executive Council. He cannot shirk his responsibility, right? He was paid his remuneration at that time.

How about the Legislative Council? We must ask LEUNG Chun-ying to do the things he has failed to do; we must play his game even when he wants to do things that are not justified, such as establishing the Innovation and Technology Bureau; when we really want to do something, to "stop the bleeding" — Mr CHAN Han-pan, this is the difference between you and me — they say that the issue is important but not urgent. My friends, we must "stop the bleeding" now. In the case of the Express Rail Link, they also opposed the holding of any inquiry. Chief Secretary for Administration, are you saying that no investigation should be conducted for all incidents that cause "bleeding"? To a gastric haemorrhage patient, will she likewise say that his disease is serious but not critical? Will she say that bleeding is no big deal, that taking a pain-killer will suffice, and that bleeding will not cause death? She should not say anything like this. We must now "stop the bleeding".

Many people from the works sector say that investigation is necessary, because the existing practice is to outsource all works to plumbers and contractors, and some contractors, especially those at the higher levels of contracting, may be unscrupulous. But I think the main problem lies with the fact that while the Government requires contractors not to use any materials containing lead, it does not conduct any lead tests. My friends, how can the Government do things that way? In this sense, the Government is just like a football coach who orders his team not to lose even one goal in a match but at the same time also tells the players that they should focus only on the offensive and forget all about the defence. How can that be possible? The transparency and accountability of a government depends all on whether it formulate a set of rules which can prevent the government itself from breaking the very rules it has drawn up. In the absence of rules, people may unknowingly commit various mistakes. For instance, if there are no rules in this Council, how can the President enforce order? Even if he wants to cut the filibuster, he must still work out a reason on the basis of the Basic Law. What a big scandal we have here! Are there still any more cases in which the Government has failed to take any actions after all its empty talks? Let me just ask one simple question about the Buildings Ordinance. The exemption under this Ordinance is already a very serious

matter, right? This out-dated Ordinance, together with the Waterworks Ordinance, is exactly the root of the entire problem. On the question of who should be "decapitated" for this incident, suppose we follow their pattern of investigation for just once, for just this particular incident, is it possible to "decapitate" this Ordinance?

Honourable Members, please sober up. People frequently say Long Hair likes chiding others. But am I a conjurer who can conjure a social disaster out of nothing? This is a man-made disaster.

**MR WU CHI-WAI** (in Cantonese): President, as I can remember, when the Democratic Party discovered in mid-July that excess lead was found in the water samples taken from some units in Lower Ngau Tau Kok Estate, the various government departments reacted very sluggishly, as sluggishly as how they reacted to a similar incident in Kai Ching Estate. We requested the Government to deploy water wagons, arrange blood tests for the residents and provide long-term support to the tenants affected by excess lead in fresh water, but the Government invariably failed to follow up our requests right away. Subsequently, to our relief, the Government confirmed our test results on its own initiative, admitting that excess lead was found in the water supplied to certain units in Lower Ngau Tau Kok Estate. But the Government has still ignored the residents' request and refused to conduct blood tests for all those who fear that their blood lead levels may exceed the standard.

In fact, blood tests have been a worrisome issue to the residents because the Government has set a line of eligibility for blood tests, initially at the age of six or below, and later at the age of eight or below. The Government simply ignores the fact that when many residents moved into the estate, their children were also aged below six or eight. It is only natural that when faced with the lead-in-fresh water incident after living in the estates for several years, they are worried about the presence of excess lead in their blood. However, does the Government have any measures to improve or change the present blood test arrangement? To date, we have not heard of or seen any. After all the developments of the incident, the Hospital Authority has already enhanced its blood testing capacity. Can the Government enhance the blood test arrangement for the affected residents? This has been the aspiration of many residents.



During one visit to our constituency, we met a resident of Lower Ngau Tau Kok Estate, and he asked us why the Water Supplies Department and the Housing Department did not conduct any inspections before building handover, and why the Government allowed such contamination of drinking water. He told us that we must hold the Government responsible. In fact, the view of this resident reflects the doubts in the minds of many people in the community. People have many doubts in mind, and they do not know whether the "lead-water" incident was merely caused by the acts of individual front-line building contractors to save time and costs, or whether the incident is actually a reflection of the total failure of the monitoring system. The information disclosed by the Government itself also shows that lead content was not included in water sample tests in the past, and the Waterworks Ordinance and the relevant standards have not been reviewed and updated for years. Hence, we must not only find out the causes but must also ask why the situation has become so bad.

Pro-establishment Members who spoke in the debate these two days often started by saying that the "lead-water" incident was very far-reaching in impact and they would stand up for the victims. However, when these Members discussed whether we should invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) for establishing a select committee to redress people's grievances, they all said that it was not necessary to do so, as the Government had already issued two reports, and one commission was also working on the incident. They thus said that a select committee established by the Legislative Council would only lead to duplication of efforts, emphasizing at the same time that since the term of office of the current Legislative Council will end very soon, this would neither yield any good outcome nor help resolve the incident.

President, having looked up past debates on invoking the P&P Ordinance, I find that the pro-establishment camp always used the same excuse, saying that government investigation was in progress and the Legislative Council did not need to invoke the P&P Ordinance to find out the truth. The pro-establishment camp seems to think that an inquiry commission can replace the Legislative Council in monitoring the Government. They have completely forgotten that the Legislative Council is required under the Basic Law to monitor the executive authorities, and the P&P Ordinance is one of the most effective tools to do so.

The "lead-water" incident involves many government authorities, including the Transport and Housing Bureau, the Development Bureau, the Food and Health Bureau, the Housing Department, the Water Supplies Department and the Department of Health. The incident also involves the procedures of vetting contractors and plumbers as well as the work of monitoring and gate-keeping. More importantly, the incident concerns Hong Kong people's health and fresh water safety. Since the incident is so extensive in scope, far-reaching in impact and urgent in nature, it is in fact the most serious livelihood issue in recent years in Hong Kong. It is a serious matter, but the pro-establishment camp has continued to defend the Government and oppose using the P&P Ordinance to find out the truth and hold the irresponsible departments and officials accountable to the public. The way the pro-establishment camp has handled the matter is unacceptable.

We often hear pro-establishment Members say that they wish to assist the SAR Government in doing its work. They keep saying such words, and they often think that democratic Members are trouble-makers who want to hinder the Government's work. But the point is that as we can all see, the "lead-water" incident, which is such a grave livelihood issue, has occurred, and it is spreading both in scope and impact. Relying solely on the conventional approaches simply cannot help the Government alleviate its difficulties in governance. Invoking the P&P Ordinance to establish a select committee on this livelihood incident can actually help the Government regain people's trust in it.

What is more, the pro-establishment camp is in control of the Legislative Council and can set the directions of discussion in its committees. Hence, a select committee established under the P&P Ordinance will actually enable pro-establishment Members to show the public that they mean what they say in their vehement speeches. They can thus prove that although they will support the Government's policies no matter what, they will still do everything they can to assist it. Yet, when they have this opportunity to rectify the situation for the Government and to show that they genuinely care about the public, they oppose the establishment of a select committee under the P&P Ordinance. The only logical explanation is that the care and concern about the "lead-water" incident expressed by pro-establishment Members are all faked and insincere.

(THE PRESIDENT'S DEPUTY, MR ANDREW LEUNG, took the Chair)

The P&P Ordinance has become the "Sword of Imperial Sanction" because it empowers Legislative Council Members to formulate the terms of reference of an inquiry based on public concerns and perspective. Members can thus exert very great management control over the process of inquiry. This makes a select committee fundamentally different from the two reports and the inquiry commission, in the sense that their scopes of inquiry are formulated based on markedly different perspectives.

Of course, in order to conduct a macroscopic and thorough inquiry, it will often be necessary to mandatorily require witnesses to disclose the whole truth before the Council under the protection of P&P Ordinance, in which case witnesses shall be immune from the legal liability for any disclosure of confidential information. This is the only way to lay bare the truth under the sun. In the case of controversial incidents involving very intricate interests, the public can only count on Legislative Council Members' invocation of the P&P Ordinance to uphold fairness and justice for them. This will make people summoned before the inquiry unable to evade investigation by the legislature, thus maintaining the impartiality and fairness of the judicial process, upholding the dignity of the Legislative Council and enabling it to monitor the work of the Government as required by the Basic law.

Deputy President, Chief Secretary for Administration Carrie LAM has pointed out that the Government perceives the incident as resulting from the stakeholders' inadequate awareness and the failure of the system to keep abreast of the times. She thus thinks that no civil servant needs to be held responsible for the lead-in-fresh water incident. Is it reasonable of her to handle the question of accountability that way? Can she realize political accountability with such an attitude? Is it responsible of her to adopt such a position of defending the Government when it commits blunders? Chief Secretary for Administration Carrie LAM has said over and over again that the Government will bear the responsibility for the incident, but what sort of responsibility does she refer to? Can the two reports and the commission already enable the Government to bear the responsibility? Are they sufficient to convince the public? Can such an attitude dispel the social anxieties caused by the lead-in-fresh water incident?

Actually, by proposing to establish a select committee under the P&P Ordinance, the pan-democratic camp actually aims to enable the pro-establishment camp or the SAR Government to explain to Hong Kong people

under a system of sunshine and transparency how they will tackle the "lead-water" problem at root. It is also hoped that they can explore the systemic inadequacies in the course of handling the incident. It is only by going through such an investigation process that we can rebuild public trust and confidence in the Government. When people are not even sure if the water they drink is safe, and when they must even wonder if the sip of water they drink contains excess lead, the Government is more than duty-bound to give them the assurance they deserve. Has the Government done so? The Government has announced to the public that the problem is only found in a few housing estates, sounding as if these are just isolated cases. But what actually has happened? What has gone wrong with the system, with the result that the contractors could omit the conduct of lead tests despite all the requirements? Is that because all civil servants in the Government simply turned a blind eye to the problem?

Lead in fresh water is a matter of great concern in many advanced countries. The United States Congress passed a piece of new legislation in 2014 to substantially lower the acceptable lead level in fresh water. Is our Government aware of how other countries have adjusted their standards in order to ensure their fresh water safety? If it is not, can we say that the Government as a whole is somewhat negligent in its governance? If so, should it sincerely admit its mistake before the public and try every possible means to resolve the problem? The Government has not done so either. Instead, it has shirked all the responsibility and said that soldering materials are the main cause. However, let me tell Chief Secretary for Administration Carrie LAM something. If we go to a plumber shop in Mong Kok today to buy water pipe parts, we may find a certain specification of standards printed on the receipt, but we will not understand what the specification of standards means. When she buys water pipe parts, will she look at the specification, say BS1252, to check the lead content and see if the parts are the lead-free ones she wants? I cannot make sense of such specifications. Yet, the Government now tells us that it is going to issue a reminder to suppliers of water pipe parts, reminding them to provide the relevant information. However, issuing friendly reminders is obviously inconsistent with the requirements provided in the Trade Description Ordinance because the Ordinance clearly states that any parts and components for sale in the market are required to be fully labelled. We surely understand that not all products are required to be fully labelled. However, even though the impact of the incident is so extensive, the Government is only considering the issuing of a mere reminder to tackle the provision of trade descriptions or labels which people

should so rightfully need when purchasing water pipe parts. Is this reasonable? If it is not, what can be done to rebuild people's faith in the Government in handling the lead-in-fresh water incident?

I thus hope that Members will carefully consider the fact that this is an opportune time for the pro-establishment camp to show its genuine care for the people, and I earnestly ask them to support Ms Cyd HO's motion and support invoking the P&P Ordinance to establish a select committee (*The buzzer sounded*) ... Thank you.

**DEPUTY PRESIDENT** (in Cantonese): Mr WU, your speaking time is up. Please sit down.

**MR DENNIS KWOK** (in Cantonese): Deputy President, first of all, I wish to declare that I am concurrently a member of the Hong Kong Housing Authority (HA) and the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (Review Committee) set up by the HA. I have spent quite a lot of time on this issue over the past few months.

First, I want to point out that the occurrence of such an incident in 21st century Hong Kong is certainly a disgrace to all of us. How can this lead-in-fresh water incident occur in present-day Hong Kong, given all its affluence and fine social fabric? This is a question that we must all seriously contemplate.

I can see from the work of the Review Committee under the HA that it is not just a problem for one single public organization called the HA but also a problem for the whole of Hong Kong. The reason is that at present, all the registered plumbers and workers hired by main contractors, subcontractors and sub-subcontractors do not just take up the projects of the HA only. All the works in private housing estates, schools and hospitals throughout Hong Kong are undertaken by these contractors and their workers. If they do not improve their work attitude and standards, many more problems apart from lead in drinking water may occur with other building processes or construction materials.

Why do I say that it is not just a problem for the HA but also a problem for the whole of Hong Kong? The reason as we see it and as we have pointed out to the Chief Secretary for Administration is that the ordinance related to water supplies is really out-dated. The existing ordinance and the relevant rules on water supplies are in need of reform, and the direction of reform must be formulated through discussions between the Bureau and the Legislative Council, so that the ordinance can meet the needs of Hong Kong's urban environment in the 21st century, and water quality can be subject to legislative control. This really requires the participation of the Legislative Council because in the end, it will be necessary to introduce legislative amendments and revamp the rules and monitoring framework under the relevant ordinances. A process of discussions will be required.

And, naturally, the HA must review many different issues, such as tendering, future works supervision, the conduct of prompt water sample tests in case of similar incidents in construction sites and the improvement of plumbing works quality. As we can observe, the Water Supplies Department (WSD) has always been extremely passive in these areas. It is very passive in the issuing of acceptance letters and supervision of registered plumbers. In most cases, the WSD will not take any further actions and will put the case aside after water testing has confirmed that there is no problem, or after the registered plumber has certified that no problem is found. Honestly, the problem under discussion today should be a problem that the WSD itself should promptly and actively follow up. It should not wait until lead is found in drinking water, until some people suffer health damage, before taking actions because all will be too late by then. These are the several problems which I detected when working for the HA. The internal systems of the WSD and HA, and also the laws on water supplies are all full of problems.

The Review Committee under the HA is definitely unable to solve problems at this level because the HA is not the only organization involved. I believe that the judge appointed to find out the cause of the incident will certainly do his job very fairly and impartially, but his work is limited to the identification of the cause. With respect to issues like policy changes, whether any government officials failed to perform, or whether supervision was inadequate, the inquiry led by the judge cannot possibly be thorough enough. In-depth investigation and discussions must be conducted by the Government, the executive authorities and the legislature after all.

And, this goes back to why we must invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) to set up a select committee. First, the issue is a very important one, and I believe everyone will agree; Second, as I have just pointed out, the work conducted by the judge and the Review Committee have their limitations. If the Chief Secretary for Administration really wishes to deal with this problem positively and responsibly, she must conduct discussions on a whole basket of issues such as the ordinances related to water supplies, regulation of the construction sector by the WSD and the HA, as well as workers' standard and awareness. Therefore, this is absolutely not a problem that can be solved simply by the review conducted by the Review Committee under the HA. This is just not feasible.

The major arguments put forward by the pro-establishment camp are always the same. They maintain that it is not necessary to conduct any investigation under the P&P Ordinance as three independent committees have already been established, and we should not duplicate efforts in this respect. However, the fundamental principle is that the law has vested different public organizations and officials with different powers to handle the same issue. The reason is simple. Firstly, different organizations and officials have different roles in handling a problem; secondly, most of the major social issues are highly complex in nature. For instance, regarding the lead-in-fresh water incident, we cannot easily deal with the problem and positively investigate and trace the cause simply by relying on one single organization or public officer through only one perspective or one approach. Nor can we readily devise a way of amending the tendering procedure of the HA and ensuring a totally problem-free situation in the future. This is not the case. Instead, we can only achieve our purpose by adopting different approaches at different levels under a set of guiding principles and policies.

Therefore, I hope that my fellow Members can objectively and pragmatically conduct a comprehensive and integrated review on the kind of problems found in the existing policy and monitoring mechanism. How come registered plumbers can tell us that they did not know of the prohibition of lead in soldering materials? How come they used to think that the use of a particular European brand could already meet the specifications and there would be no checking? How come contractors neither knew of this basic requirement nor sought to do any checking? How come the subcontractors, sub-subcontractors, registered plumbers and even workers under the main contractors all totally ignored this basic requirement? How come they did not know of the statutory

prohibition against lead in soldering materials? The problems involved are actually very extensive in scope. We all know very well the tasks that must be done and the policies, legislation and directions that must be modified.

There are many previous cases in which the Legislative Council still decided to invoke the P&P Ordinance for appointing a select committee to conduct investigation, even though the Government had already set up other committees of inquiry. For example, the Government appointed a Commission of Inquiry on the incident related to the new airport, and the Office of The Ombudsman also carried out its own investigation, yet the Legislative Council still invoked the P&P Ordinance to conduct an inquiry. This was because the incident involved many departments, officials and public organizations in charge, and all sides must take part in discussions on the event. Therefore, the question of duplicated efforts simply does not exist, as different public organizations and the Legislative Council itself have their respective duties and powers.

Another example is that the Hospital Authority already set up a Review Panel and the Government also formed its own committee to investigate the issue related to the Severe Acute Respiratory Syndrome (SARS) epidemic, yet the Legislative Council still appointed a committee under the P&P Ordinance to conduct its own inquiry. I certainly do not agree that the lead-in-fresh water incident is less serious than other issues. Children and pregnant women may have consumed water with excess lead and suffer severe health impact in the future. Regarding the new airport incident and the SARS outbreak, the P&P Ordinance was invoked for investigation, and the Government also formed its investigation committee and internal committee to follow up the incidents. Why should this present incident be treated differently? Pro-establishment Members are simply unable to tell the reasons.

Finally, it is the issue of compensation. There is no doubt that the HA must have discussed how the contractors should be held responsible and how they should be penalized. On this issue, we must consider the fact that there are not too many contractors in the construction sector of Hong Kong. So, will it be in line with public expectation if we forbid them to bid for any works projects in the next three to five years?

There is no doubt that the contractors must be held responsible. Suspending them from tendering for a certain period of time is actually the minimum responsibility they must bear. A Member has mentioned just now that



these contractors are paid by taxpayers to carry out the works concerned, so if even a mere suspension is considered too harsh a punishment, the penalty on them would be a bit too lenient and cannot clearly reflect their obligation under the law.

More importantly, apart from imposing suspension of tendering on contractors to make them bear the responsibility, the Government must require them to finance the setting up of a compensation fund. The reason is that a few years later, if any children are really found to be having health problems, the HA or the Government may be sued and they may have to pay compensation. The HA may think that it will not suffer any losses as it can in turn lodge compensation claims against the contractors concerned. However, we must not forget that the contractors are limited companies, and they may have closed down a few years later. Or, they may be held by different licensees by then. These contractors may have disappeared and become new companies in an attempt to evade the legal responsibility. As a result, if a child suffering from health problems really sues the HA, I am afraid all the efforts of the HA to claim compensation from the main contractors will be to no avail. In the end, compensation may have to be paid by public money again, and Hong Kong people will again have to compensate the affected children or residents on behalf of the contractors. This is unfair to Hong Kong people, and will create an unfair burden on the public purse.

Therefore, these main contractors must bear the minimum responsibility of injecting a sum of cash for setting up a compensation fund. As they have admitted that they were negligent in the course of construction and failed to monitor workers, sub-contractors, sub-subcontractors and registered plumbers to ensure the compliance of soldering and other welding materials with the requirements, they should immediately entrust a sum of money to the Government, so that money can be allocated from the fund to meet compensation claims in case any residents sue the Government. This is the fairest way to handle the problem and can also prevent contractors from employing various legal tactics to evade responsibility on the one hand, and continuing to get government works contract and earn profits from Hong Kong people on the other.

Therefore, I have repeatedly advised the Bureau that besides penalizing the contractors, prohibiting them from tendering and making them replace all the water pipes and stop using substandard soldering materials, it must also consider

how to make the contractors bear the responsibility right now, instead of allowing them to shift their responsibility to Hong Kong people or the public purse in case compensation claims arise a few years later.

For the above reasons, the most appropriate approach will be for the Legislative Council to set up a select committee for investigation, so that issues such as the future reform of water supplies-related laws, the monitoring of registered plumbers, workers and contractors, and the issue of compensation can all be dealt with. All these issues require discussions between the executive authorities and the legislature. So, I am of the view that we should invoke the P&P Ordinance, and not only this, it is also necessary to make use of the investigation to prevent the occurrence of similar incidents in the future.

Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR STEVEN HO** (in Cantonese): Deputy President, today we once again discuss the lead-in-fresh water incident in this debate on two motions proposing to invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance). The contents of the motions are set out in the relevant papers. Basically, the motions assert that the relevant contractors must be held responsible, and they query whether there are any problems with the Government's procedures for selecting and monitoring main contractors of public buildings. In fact, the Government has already set up a commission of inquiry headed by a judge, and its inquiry objectives also include establishing the causes of excess lead in drinking water at public housing estates. In fact, this can already cover the major direction of inquiry and points mentioned in today's two motions proposing to invoke the P&P Ordinance.

I was also shocked by the "lead-water" incident the first day I heard about it, and I also had a lot of discontent with the Government, including the behaviour of the first public officer who responded to the incident. We members of the public who were watching him speak on television found him very evasive, and we all suspected that he either wanted to evade certain issues or was not well-informed at all. The Government also responded to the incident later and

admitted that the incident might be caused by insufficient experience. We can understand that. Some Members say that Members are unanimous on one point concerning the "lead-water" incident this time around — they all perceive the incident as an extremely important matter that affects people's livelihood. Nevertheless, I would think that differences begin to occur when it comes to how and how strongly the incident should be handled. Some may want to invoke the P&P Ordinance, but we consider that this may not be necessary for the time being because this is the "Sword of Imperial Sanction", and if it is invoked now, duplication of efforts will result. I am not going to repeat these arguments, because we already did a lot of discussions the day before yesterday. However, I hope Members from the opposition camp can refrain from smearing the pro-establishment camp or the Democratic Alliance for Betterment and Progress of Hong Kong and stop accusing us of showing no concern about the incident. I know that this is the election year. District Council Elections will be held a few months later, and Mr CHAN Chi-chuen has said very explicitly that any Members who vote down the proposed invocation of the P&P Ordinance for inquiry today will probably have to face numerous flyers distributed in the streets this evening. Well, do they actually want to politicize a livelihood issue and rally for support in the elections? I believe the public all have a very clear answer.

The speeches of some Members are rather extreme, and those of others are comparatively sensible (even though they support the idea of invoking the P&P Ordinance). These days, I have done quite some reading, and I have thus come across a song I read as a child: "Boxers aided by Heaven, corps of unity and righteousness, emerging on the lands defiled by demons. No rains, soil parched and arid, all for churches blocking the sky. Their women lewd and men casual, with ghostly offspring not a bit like mortals. Incredulous? See the eerie eyes of demons coloured blue. Heavenly beings, enraged and irked, descend from the mountains, transmitting magic of the fist. Joss papers and incense sticks, invoking all beings from Heaven quick. No soldiers, just angry fists, crush foreign ghosts with total ease. Destroy the railroads, uproot the telegraph posts, burn down their steaming boats and ships. Almighty France quivers in fear. England, Russia and Germany all in frightful tears. Eradicate foreign devils together to bring unity and peace under Great Qing." The beginning part of this song is all about the evil deeds of foreigners, and it sounds irrational and extreme to the listener. The worst thing is the last sentence, "Eradicate foreign devils together to bring unity and peace under Great Qing." The Boxers said this with the intention of instigating a rebellion and plunging China into chaos. My

feeling now is that while we all perceive the "lead-water" incident as a livelihood issue, some people however are using this incident as an excuse for charging at the Government. They want to do everything possible to topple the Government and smear the pro-establishment camp. I do not think that this kind of behaviour is appropriate.

Two years ago when I first joined the legislature, I was of the opinion that as certain people in the opposition camp were quite sensible, I could still exchange views with them. Today, such people are still around but are getting smaller in proportion. Whenever the Government makes any mistakes, people will behave like sharks frenzied by the smell of blood in the sea and scramble to tear it apart. Similar to the Taiping rebels, these people are advocates of the death penalty, and the minimum penalty they are prepared to impose on the Government is the death penalty. One can only choose the form of execution — one fatal chop on the neck or slow slicing till death. Honestly, as Members or as the legislature, we should not behave like this. The views and proposals put forward by many Members just now are very good. The most urgent need of the public now is ... For example, since excess lead is detected in some people's blood, how can we avoid the presence of lead in drinking water? How can we give people convenient access to potable water? To the public, these are all the questions that need to be answered and handled as a matter of urgency. However, concerning the fundamental question of who should be held responsible, I would think that besides considering the invocation of the P&P Ordinance, we may still follow up lots of issues, such as the question of whether a fund is to be set up as mentioned by Mr Dennis KWOK. This is exactly something we may be able to accomplish under the normal procedures of the Legislative Council.

Nevertheless, as I always say, people may sometimes lose their heads over an election and do something overboard. Let me refer to a Member surnamed WONG as an example — pardon me for not specifying which Member. Yesterday, in a number of Panel meetings, once the election of Chairman and Deputy Chairman was over, and when the Chairman asked the members if they had any issue to raise, WONG would invariably raise the issue of "lead-water". Eventually, even the reporters at the back laughed up their sleeves, and I could not help laughing too. Mr TAM Yiu-chung could do nothing either, except asking in return if "lead-water" was also within the terms of reference of the Panel whenever he saw the Member raising a hand. Mr TAM said something to

this effect, and I did not quote his exact wording. What I mean is that we must be cool-headed and sensible when dealing with different aspects of the incident, so as to find out how we can best address the immediate needs of the public. We will definitely seek to find out who should be held responsible. As Mr TAM Yiu-chung said just now, if the commission of inquiry led by a judge cannot meet the expectation of society, we will not preclude the possibility of any measures, including the moving of a similar motion again. We may reconsider our stance when that time comes.

For that reason, I hope Members in the opposition camp can stop using this point to smear us. I hope they can stop accusing us that we are not concerned about the public or the "lead-water" incident, and that we will not do anything to seek justice for the public. We do not have such intentions. I also hope the Government will not slow down its efforts to inquire into and resolve the incident if the motions on invoking the P&P Ordinance are negated today. The incident must continue to be followed up. Follow-up efforts must not stop. It is of utmost importance to keep on improving our system in the future, in particular the system for regulating our drinking water. I hope the Government will put forward relevant and constructive recommendations to the relevant Legislative Council panels in the time to come.

Deputy President, I so submit.

**DEPUTY PRESIDENT** (in Cantonese): Mr Paul TSE, do you wish to speak?

**MR PAUL TSE** (in Cantonese): Deputy President, when we consider the lead-in-fresh water incident from different angles, including its very nature, its profound and far-reaching impact on society, and the need for the Government to execute and monitor policies in ways that can give people quality assurance of basic utility services, it will seem to us that we must inevitably give thorough and prudent consideration to whether we should invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance), often called the "Sword of Imperial Sanction", for setting up a select committee to follow up the lead-in-fresh water incident.

(THE PRESIDENT resumed the Chair)

It is simple common sense that the Water Supplies Department (WSD) must handle any fresh water problems that arise, as it is vested with full statutory authority and responsibility to do so. And, when the authorities take over the relevant housing estates and issue occupation permits, the WSD should also carry out diligent investigation in this regard, so as to identify inadequacies. The WSD is duty-bound to do so.

President, no matter which approach we adopt, we must consider whether the approach is the most practicable option. We may consider this present incident and make a decision based on a very popular Chinese belief: "the right time, the right place and harmony". President, speaking of "the right time", I must say that only nine months or so are left before the term of the current Legislative Council comes to an end. This session is the last session in the term of the current Legislative Council, and next year will be the election year. President, we understand that even the commission of inquiry established by the Government, which is a statutory body, needs nine months to complete its report. This is a dedicated commission with a comparatively small membership. It follows comparatively strict and precise procedures and is chaired by a professional judge. Even this commission needs such a long time for its work. I will talk about its scope of inquiry in a moment. When compared with the select committee proposed under these two motions, this commission of inquiry established by the Government has a narrower scope of inquiry. But it still needs nine months. Considering the past records on the progress of Legislative Council inquiries, we can imagine that the time required is likely to stretch far beyond our term of office.

President, when Members look at past examples, such as the Lehman Brothers incident, they will surely remember the length of time taken by the inquiry of the relevant subcommittee. The last Legislative Council commenced the inquiry shortly after it assumed office. Totally three to four years were used before the inquiry dragged to a hasty end. Members know — yet some members of the public may not know — that if we make a start but cannot bring the whole thing to completion, all the efforts we have made will be wasted. Therefore, we are not using time as an excuse for delay and shirking responsibility as some Members have said. We only think there is in fact a need for serious and pragmatic consideration. If our efforts cannot achieve any

results, if things are only done by halves in the end, if we cannot yield any results and produce a report after using most of our energies and time on the inquiry in the remaining one year of our term, our inquiry will end up wasting time and public money, and we will let the public down.

This is similar to sitting for an examination. However erudite we may be, all will be meaningless if we cannot put down the answers before the end of the examination. We cannot possibly say that as a matter of principle, it should be all right as long as we ourselves know that we have the answers in mind. We cannot agree with Mr CHAN Chi-chuen, who argues that the principle is what matters most, and that we should render our support if we buy the underlying principle. Well, we will surely render our support if the underlying principle is very important, but in case there any real and pragmatic constraints, then I am sorry to say that we must reconsider the whole thing.

One example is that a few days ago, when a certain Panel of the Legislative Council discussed the issue of desalination facilities, someone proposed to pay duty visits to places such as Israel and Singapore. The taking forward of the relevant policy is not even in its infancy yet. Moreover, this is the last session in the term of the current Legislative Council, and I am afraid many Members here may not be coming back to serve the public again in the next Legislative Council. Hence, I must object to the holding of such a duty visit. I do believe there is truth in the saying "He that travels far knows much", but if the Members paying the visit may not return to the Chamber to make decisions for the public, the visit may be reduced to a mere sight-seeing trip, something that is a complete waste of time. I am against the holding of such a visit. For the same reason, I am afraid I am totally against the making of any fruitless efforts.

President, what about "the right place"? The Legislative Council is a deliberative assembly. Many Members, notably Mr Dennis KWOK, have mentioned that every branch under the existing system actually plays a different role, explaining that the Legislative Council, the Government and the Judiciary all play separate roles. In my view, precisely because of this division of roles among the different branches of the system, we must bear in mind that the primary role and business of the Legislative Council are not the conduct of inquiries. The conduct of inquiries is only the last resort, a role the Legislative Council is forced to play only in the absence of any alternatives. There is in fact a better and more appropriate role for us, so we should not put on the hat of

inquiry so lightly. Yes, we do have this power. However, we should conduct an inquiry only in the absence of any alternatives when the Government refuses to take any actions or even tries to conceal the truth. This power is more for brandishing than for actual exercising. Of course, if the Government's attitude has remained unchanged since the outbreak of the incident ... As remarked by Mr Steven HO earlier on, the Government's attitude was frivolous and flippant at the beginning (though the situation was not as serious as it is now) ... If the Government had not kept making efforts in the past few months, holding briefing sessions and establishing several committees, including the one under the WSD and most importantly, a statutory commission of inquiry, we would now have to use this "Sword of Imperial Sanction". The reason is that we must do something when the Government is unwilling to do anything. However, when the Government is making real efforts, it is unnecessary and inappropriate for us to use this sword lightly.

So much about "the right place". And, we all know only too well what kind of place the Legislative Council has turned into. Any trivial issue may face delay and drag people into persecution-like trouble. All issues may be highly politicized. If the membership of the commission of inquiry led by Mr Justice Andrew CHAN includes a pan-democratic member who intends to put up delay and cause hindrance whenever possible, it will also be impossible for the commission to complete its inquiry as scheduled. For the same reason, if the Legislative Council also becomes such a place ... I have repeatedly criticized one phenomenon. I do not mean any disrespect for Members, but this a fact. In the hearings of many investigation committees or even the Public Accounts Committee in the past, some Members simply made lengthy speeches on their political views and then questioned the witness if he agreed, probably because they were not used to the terms of reference and proceedings of the investigation committees. This is definitely not the proper attitude and approach which an investigation committee or professional body should adopt in the conduct of an inquiry. However, the Legislative Council is just like a colosseum open to the public. Beasts and brutes of all kinds will of course perform various tricks before the camera in a bid to draw attention. This is precisely the most important reason why I do not agree that the Legislative Council should play the role of an inquiry body and put on such a hat. In brief, the Legislative Council is simply not the "right place".



President, I have just explained that without any "harmony", and when everybody tries to check and curb one another, I am afraid it will be very difficult for any inquiry to proceed.

President, how is the select committee requested by the present motion different from the committees already established by the Government, or more accurately, the three committees established earlier on? Let me do a thorough comparison here. It seems that the only difference is ... We talk about inquiring into the causes of the incident. But all committees will do so. We talk about identifying or exploring improvement measures. But in this regard, how is an inquiry committee under the Legislative Council different from the three committees mentioned above? It can be seen that the scopes of inquiry of all committees cover the cause and improvement recommendations, and the three committees will also cover the monitoring of fresh water quality. The only difference therefore lies in the issue of finding out who should be held responsible, a point I have heard Members make in the Legislative Council over and over again. It is of course up to the Legislative Council to spend more time on this issue.

Given the time constraint, difficulties and political wrestling I have discussed, can our efforts in this respect achieve any effects? I have very strong doubt about this. But let me talk about the more important issue of finding out who should be held responsible. In the case of some investigation committees in the past, even though it was not specifically pointed out which government officials or departments should be held responsible, the conclusions drawn by the committees based on their judgment of facts nonetheless still caused the officials, civil servants or even other institutions concerned to resign or face prosecution as a result of the findings.

The recent Lamma Island incident is an example. Although the inquiry lasted longer than expected, the outcome of the inquiry has still prompted certain government officials and departments to launch major reform and follow up various issues related to responsibility. And, criminal charges have even been pressed in some cases. In addition, the victims concerned can also follow up their cases and seek judicial remedies based on the judicial inquiries of the relevant commissions of inquiry. Hence, these other committees can also follow up and deal with such matters. The only difference is that some Members now want to invoke the P&P Ordinance to handle the issue of defining who should be held responsible. But I would think that if we take the risk and adopt the "fruitless" approach I have mentioned simply for this reason, the investment will not be a wise one.

Please bear in mind that every single minute we spend and every meeting we hold will incur the spending of taxpayers' money. That being the case, if there is a judicial committee which is basically equal in credibility, efficiency and inquiry outcome to a Legislative Council ... If the Legislative Council only manages to yield more or less the same outcome after a bumpy process of inquiry, I do not think that the Legislative Council should ever consider wasting so much public money on such an inquiry.

President, I have compared a select committee formed by the Legislative Council and the committees set up by the Government in terms of inquiry scopes, lengths of inquiry, credibility and possible follow-up actions arising from the relevant reports (both the actions which the relevant departments need to take and the actions that may be taken by the victims concerned to follow up their cases and settle the problem of responsibility). All the committees are similar in these aspects. I have also talked about efficiency and value for money. President, under this circumstance, I am afraid that at this stage, we cannot see any stronger reasons which can convince us that the Government has been watching the situation with folded arms, or that it has intentionally concealed certain facts in order to harbour any relevant persons, including licensed plumbers in the private sector, building contractors of the Government and government departments or any individual officials. If there is no evidence showing that the Government intends to harbour any of the above persons, I am of the view that since we are not even sure whether we can complete the inquiry report and the conditions of "the right time, the right place and harmony" are not satisfied, it will be inappropriate for the Legislative Council to invoke the P&P Ordinance to inquire into the incident at this stage.

I must emphasize once again that instead of lightly invoking the P&P Ordinance, we should invoke it only when serious incidents or major blunders occur. These two pre-requisites must be met, and we should invoke the Ordinance only when we are forced to do so by the lack of better alternatives and the Government's inaction or intentional concealment of the truth. Otherwise, we should adhere to our proper business. We are the legislature. We are responsible for policy deliberation, and it must be noted in particular that we still have to handle many important bills, including the Appropriation Bill and a host of other bills awaiting passage. And, we must deal with the issue of establishing an Innovation and Technology Bureau very soon. If we look at "harmony", we will see that many Members have kept on filibustering and causing damage. Under this circumstance, it is even more inappropriate for us to invoke this power.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Ms Cyd HO, you may now speak again.

**MS CYD HO** (in Cantonese): President, to begin with, the core business of the Legislative Council is to monitor the Government, or the executive authorities, and to implement the Basic Law provision on making the executive authorities accountable to the legislature. This is definitely our core business. Investigation is part of the monitoring process, and conducting an investigation is certainly not the same as any failure to do the core business as argued by Mr Paul TSE just now. Invoking the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) for seeking information from the Government to enhance transparency is an obligation that we, as the legislature, should discharge, especially when the Government refuses to provide adequate information to the public. In fact, by doing so, the legislature also provides the executive authorities with a good platform. From this perspective, this is also a form of division of labour and co-operation.

I believe that in ordinary press conferences, journalists may not have the patience to listen to a long speech of 20 minutes like the one delivered by the Chief Secretary for Administration on Wednesday, which comprised so many detailed statistics, such as the holding of 67 press conferences in a period of three months and the number of statements issued, so on and so forth. Actually, we have indeed provided an opportunity for the executive authorities to convince us and the public with an array of figures and facts. If everybody adopts such a perspective, public officers will not feel helpless when they attend the debate here.

President, I will first respond to the Chief Secretary for Administration's denial of having downplayed the incident. In fact, the Government has been playing down the harm of lead and the Government's responsibility since the very beginning. As also mentioned by some Members just now, certain public officers and doctors of the Department of Health once remarked that lifetime consumption of this amount of lead-tainted water did not represent any significant impact on the consumer. This is a form of downplaying. Secretary for

Education Eddie NG also tried to play down the incident. For instance, he did not encourage schools to conduct their own water tests. He also thought that it was not necessary for the Government to conduct water tests for schools, saying that teaching students the correct ways of taking drinking water would suffice. This is also a form of downplaying. Even the Chief Secretary for Administration did not buy his view, which was why she hastened to brush aside his remarks immediately afterwards and announced straight away at a Legislative Council meeting that water sample tests would be conducted for all the 980 kindergartens in Hong Kong and priority would be given to kindergartens operating whole-day classes. The executive authorities are made up of many people and some of them did try to downplay the incident.

Besides, the Government knows that responsibility is the key issue. Therefore, at the onset of the incident, it quickly ascribed the blame to a certain plumber, saying that he should be held responsible as he had put down his signature. However, subsequent development of the incident shows that we cannot simplistically put all the blame on one single plumber. As the Chief Secretary for Administration has said, the problem is with the whole system. I agree that the front-line civil servants or even certain policy-making officials who are in office today may not be the people who designed this inadequate system back then, and it may be unfair to hold them responsible for the faulty practices accumulated over the years. But this does not mean that we do not need to find out who should be held responsible.

Legislative Council Members have cited many reasons for their objection, and I think the most sensible one is the point on insufficient time first raised by Mr Martin LIAO. In fact, I actually asked myself when I was listening to him, "Right. Only nine months are left. What are we going to do? How should we tackle this problem?" President, I later looked up some information. In fact, some past motions on appointing a select committee were moved at junctures when time was even more insufficient. But these motions were supported by a majority vote of Members in this Council. In 2012, when the fourth Legislative Council was in the second half of its fourth session and its term of office was drawing to an end, Members agreed to invoke the powers vested in them under the P&P Ordinance to inquire into the incident concerning the alleged failure of LEUNG Chun-ying (the incumbent Chief Executive) to declare a conflict of interests as a member of the jury in the West Kowloon Reclamation Concept Plan Competition (WKRCPC Competition). The matter was reported in the *East Week* magazine published by the Sing Tao News Corporation Limited on

31 January 2012. On 10 February of the same year, that is 10 February 2012, LEUNG Chun-ying issued a newspaper statement reiterating that he had no conflict of interests.

On 29 February, when the then Legislative Council had only four and a half months left, it endorsed the invocation of the P&P Ordinance to inquire into whether Chief Executive Election candidate LEUNG Chun-ying had any conflict of interests in the WKRCF Competition. The select committee did not hold its first hearing until 17 March and completed all its hearings about one month later on 21 April. It tabled its report on 27 June. Well, of course, before the first hearing was even held, the Chief Executive Election was already over and LEUNG Chun-ying was elected Chief Executive by 689 votes. I was also a member of that select committee. My impression was that after LEUNG Chun-ying became Chief Executive, the intensity of the inquiry suddenly changed. Nevertheless, we can see that although that select committee was left with only four and a half months, Members still supported the invocation of the P&P Ordinance. In our present case, we still have nine and a half months, so why do Members think that there will not be enough time?

Admittedly, the present motions as they are worded do cover a very broad scope. But do not forget that there is still one step in the inquiry process following the establishment of the select committee. The select committee shall first hold practical discussions on its own terms of reference. The scope of inquiry can then be narrowed down. This also happened in the select committee to inquire into the matters relating to Mr Timothy TONG. Mr Paul TSE happened to be one of the members who attempted to strike a balance between the two sides by proposing to narrow down the scope of the inquiry. Hence, we should not talk about insufficient time, because all actually depends on our determination.

Second, it is about the argument that conducting an inquiry will hinder the work of the Government. Every time when we request the establishment of a select committee to inquire into a certain matter, some Members will bring up this argument. Here, I would like to quote a Member who spoke at a motion debate in the Council meeting on 12 November 2008 at which a resolution was passed to establish a subcommittee to inquire into Lehman Brothers-related Minibonds. The targets of the inquiry then were mainly the banking sector and public organizations. If the term "the banking sector" in the following quote is

replaced with the term "officials", the situation it described is actually very similar to the situation today. (I quote) "There is no contradiction between finding out the truth and striving to reach settlements. No matter if the powers conferred by the P&P Ordinance are exercised or not, the banks concerned should still discuss with the victims the claims lodged by the latter as expeditiously as possible. If it is claimed that invoking the P&P Ordinance will hinder the progress of reaching settlements, I believe this is just a deliberate attempt to play down the responsibility that the banks concerned should actively assume at this stage. In using the ground of obstructing settlements as the bargaining chip and in trying to lobby Legislative Council Members, the banking sector has obviously shown itself to have no sincerity in admitting to the fact that a case of misleading exists in this incident ... if the Government and the banking sector still regard invoking the P&P Ordinance as a hostile act against the banking sector and seek to avert an investigation by the Legislative Council into the issue of responsibility, such behaviour is unacceptable". (End of quote) Can Members guess who the speaker was? The speaker was Mr CHAN Kam-lam, a member of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) who would usually oppose invoking the P&P Ordinance to establish a select committee.

President, Members of the DAB usually would oppose such motions with their many reasons. How come they supported the motion at the beginning of new Legislative Council in 2008? It was because of the election. In 2008, Members requested in the previous Legislative Session that two committees be established. One was about Lehman Brothers-related Minibonds and the other was about Mr LEUNG Chin-man's post-service acceptance of an employment contract with New World China Land Limited. Pro-establishment Members were first against any inquiry into these two incidents, but they were forced to follow public opinion in the election. In an election forum, LAU Kong-wah and Regina IP separately pledged that they would support an inquiry by the Legislative Council into these two incidents if they were successfully elected. It is thus evident that politicization is indispensable and votes are powerful.

If pro-establishment Members did not need to face public opinions and make the pledges during the general election between two Legislative Councils, I am afraid they would not consider it so urgent to support the setting up of two committees in one go. Hence, when we talk about politicization, we should not confine our discussions to politics in the narrow sense. Politics are neutral, and

there is a positive side to them. Politics can also enable the general public to manifest their own power. Hence, the public must ascertain whether individual political parties, political groups and Members have genuinely played the gate-keeping role for the public, and then make their choices at Legislative Council Elections accordingly.

In fact, it is possible to avoid clashes between the democratic camp and the pro-establishment camp. Conflicts and clashes can be avoided if we can all agree to work together to further the rights and benefits of the people and monitor the Government. It is even possible to avoid clashes between the executive and the legislature because with live broadcast, the inquiry will be just like a visible platform allowing public engagement, and the public can thus watch how the two sides do their jobs. If all of us can face and identify the past systemic inadequacies with humility and seek to let the public know more, the public will be able to support the measures rolled out by the Government without any worries. This is in fact an example of co-operation between the executive and the legislature.

President, I would like to talk about the system and respond to a view put forth by many Members yesterday and today — the allegation that the proposed select committee is meant to find scapegoats and chop off their heads. Sorry, we are not LEUNG Chun-ying. We will not pick someone like TSANG Tak-sing and then shift the responsibility for the Umbrella Movement to him on the excuse that he failed to work out a satisfactory youth policy. We will not do so. Conducting an inquiry and finding out who should be held responsible are not equal to finding scapegoats or chopping off their heads. The committee which inquired into the SARS outbreak never asked any government officials to step down. We all understand that the present problem is wholly systemic in nature. Loopholes in past legislation, loose contract supervision, multiple subcontracting in the construction industry and faulty design of procedures are all long-standing and embedded ills. The responsibility should not be borne by current civil servants tasked with policy execution. It may not be the responsibility of a few persons either. Everyone has probably been a little negligent in their own part of the duty. They followed only the rules and the procedure, but disregarded the outcome and impact of the matter on the health of the people.

Members may agree that pipe joints are only a very tiny part in a construction process. However, we must bear in mind that we should "commit no sin, however small it may seem; and avoid no good deed, however minor it is".

Something as trivial as the soldering material for pipe joints can actually cause a serious impact on people's health. The inquiry we proposed to conduct is intended as a humble investigation into each individual's responsibility in every part of their work, including that of the Legislative Council as a whole. As Buddhist says, collective deeds will bring about collective retribution. Every one of us somehow will have some problems and we should humbly face up to them. We do not intend to find a few people to take the blame and then brush aside the matter. Thank you, President.

**SECRETARY FOR EDUCATION** (in Cantonese): President and Honourable Members. Like you all, the Government is also very concerned about the quality of fresh water for schools. We announced on 1 September that we would accord priority to testing the water for kindergartens across the territory, and would gradually conduct water tests for public and direct subsidy schools funded by the Government and completed in or after 2005. We expect to finish the exercise in three months. In conjunction with the Water Supplies Department and the Architectural Services Department, the Education Bureau began to test the water in batches for about 820 participating kindergartens and over 70 public and direct subsidy schools on 10 and 16 September respectively. As at yesterday, we already finished water tests for 339 kindergartens and 16 schools. Eight hundred and eighteen water samples were tested, and with the exception of four taken from fixed hot water tanks of three kindergartens, the remaining 814 all met the World Health Organization standard.

Among the three kindergartens with water samples found to contain excess lead, one has confirmed that the hot water tank concerned is only for use by staff and has not affected pregnant and lactating women. The Education Bureau has contacted the Department of Health to make arrangements for students of two other kindergartens to have blood lead levels checked at hospital. Ninety-one students from one of the participating kindergartens have undergone their blood tests, and the results show normal levels of lead in their blood. Meanwhile, a total of 156 students from another kindergarten will take the same test at hospital on 17 and 18 October.

In the meantime, through the Government Logistics Department, the Education Bureau has provided assistance to some 130 kindergartens which have expressed their need to procure water filters that can reduce lead content. We have embarked on the second round of collective procurement. Around 80



kindergartens and 150 schools have participated and it is hoped that the procurement contract can be awarded at the beginning of November. At the same time, on 12 September, the Education Bureau and the Architectural Services Department started to install water filters in batches which can reduce lead level for 70 participating public and direct subsidy schools. As at 15 October, installation were completed for 34 schools. We will continue with the exercise in the hope of completing it within October. Since kindergartens are privately run, acquisition or replacement of equipment has always been met with their daily expenses. However, if individual kindergartens have any financial difficulties, they can contact the Education Bureau.

In the next one or two months, we will continue to spare no efforts to conduct water tests and install water filters, and will maintain close contact with schools, relevant departments and stakeholders. Also, taking into account the findings of the Task Force led by the Water Supplies Department and the independent Commission of Inquiry, as well as the recommendations on water safety, we will continue to liaise closely with relevant professional departments and take appropriate follow-up actions. We will join hands with schools to deal with the lead-in-fresh water incident and protect the health of students.

Thank you, President.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President and Honourable Members, I share the grave concern of Members about the possible health effects of excess lead in drinking water, and I very much understand Members' concern in this respect and am thankful to them for putting forward their suggestions. As the authorities responsible for public health, the Food and Health Bureau, the Department of Health (DH) and the Hospital Authority (HA) are likewise very concerned about the health effects of prolonged lead absorption on the public. Medical specialists in the DH and the HA have repeatedly pointed out that excessive absorption of lead by the body may affect many organs and bodily functions.

In response to the Housing Department's announcement in the evening of 10 July that the drinking water samples from Kai Ching Estate contained excess lead, the Food and Health Bureau, the DH and the HA all took immediate actions to draw up appropriate measures to follow up the possible health effects of lead in drinking water. First, the DH immediately set up an enquiry hotline on 10 July

to provide timely health information to the affected residents. The Food and Health Bureau, the DH, the Government Laboratory and the HA also lost no time in pointing out that the first task must be to identify and eradicate the source of lead in water, so that the continued absorption of lead by the affected residents could be stopped, and their blood lead levels would drop over time as the lead in their bodies was excreted together urine and bile.

In order to expeditiously formulate appropriate measures to follow up the health conditions of people affected by the incident of lead in drinking water, the HA and the DH reviewed the relevant literature and research of the local medical sector and overseas health organizations immediately after the outbreak of the incident. The professional team of the HA and the experts of the DH conducted joint research to establish reference values for blood lead levels in the human body and to draw up response measures for adoption by the healthcare authorities. As shown by some relevant information, children are in the stage of rapid growth and their developing organs and tissues are more vulnerable to the effects of lead. Moreover, when a child and an adult consume drinking water with the same lead content, the child's absorption of lead will be four to five times that of the adult. As for pregnant and lactating women, the lead absorbed by them may be absorbed by foetuses and infants indirectly. Therefore, these people are the group which is more vulnerable to the effects of lead. The DH and the HA responded very quickly, and on 11 July, an arrangement was set up for the more vulnerable persons, namely children aged six and below, pregnant women and lactating women, to receive blood tests. Subsequently, on 3 August, discretion was exercised to adjust the scope of blood testing to cover children aged eight and below.

The hotline of the DH set up on 10 July operates on a daily basis and has received 7 782 telephone enquiries so far. Besides the hotline, the DH and the HA also make use of various other means and channels to disseminate health information on lead to the public, including a webpage, a video, pamphlets, assigning staff to attend residents forum of the affected public housing estates and organizing community health talks with the participation of professionals and healthcare personnel. With the collaboration of several government departments, a booklet entitled "Hong Kong's Water Supply — Reducing Lead in Drinking Water" was produced earlier to enhance public awareness of lead in drinking water and the related health advice.

In respect of schools, the DH has sought to enhance their understanding of lead exposure reduction and drinking water safety by making various active efforts to support the work of the Education Bureau, including the preparation of health advice for schools for distribution to all schools in Hong Kong through the Education Bureau. In addition, representatives of the DH, the Education Bureau and the Water Supplies Department (WSD) also attended eight talks on "Reducing Lead Exposure and Water Safety" organized for schools from 9 to 14 September. If excess lead is detected in the water sample tests conducted by the WSD for kindergartens, the DH will immediately contact the kindergartens concerned through the Education Bureau to make arrangements for blood lead testing.

Regarding the release of blood test results, we understand that there is grave public concern about the effects of excess lead in drinking water on blood lead levels. Therefore, without disclosing any personal data, when blood test results are released every time, we will also announce the range of blood lead levels (including the highest and the lowest readings recorded) of those who are found to have borderline raised blood lead levels, the groups they belong to as well as the public housing estates, schools or social welfare organizations involved.

Since 18 July, the HA has released the blood test results of 15 batches of blood samples, with tests conducted on blood lead levels for 4 913 people, of which about 3.3% (that is, 163 citizens) were found to have borderline raised blood lead levels, including 127 children, 28 lactating women, five pregnant women and three adults. Their blood lead levels are at the range of 5 micrograms to 16.7 micrograms per deciliter, which indicates potential health risk. However, the blood lead levels are still far below the toxic risk level and we really do not need to worry too much.

In the case of people whose blood lead levels are found to be below the reference value, colleagues in the DH will inform them of the blood test results on the same day when such results are released, so as to allay their concerns. As for those who are found to have borderline raised blood lead levels, lead exposure assessment will be performed by the DH for them to ascertain the possibility of other lead exposure in their daily life and provide appropriate health advice. Preliminary developmental assessment will also be arranged by the DH for affected children aged under 12 and depending on individual cases, appropriate

follow-up plan will be drawn up for them. In addition, health evaluation and follow-up will also be arranged by the HA to monitor their blood lead levels until the readings resume to normal.

Among the children affected — and I understand that a number of Members who have spoken just now are very much concerned about children's health — 123 (over 95%) of them have received preliminary developmental assessment and among them, 82 children without signs of developmental problem at the current stage have been referred to the Maternal and Child Health Centre or Student Health Service for continued follow-up. Another 32 children require re-assessment and nine children show signs of developmental delay. Generally speaking, arrangement has so far been made for children found to have borderline raised blood lead levels to receive preliminary developmental assessment within two weeks. As child development is an ongoing process, the conditions of children may change over time. Thus, observation on child development should be conducted on an ongoing rather than one-off basis. With regard to the current incident, preliminary assessment will first be arranged for the affected children, followed by a follow-up plan drawn up in the light of their individual situation.

The HA has been striving to increase the blood taking and testing capacity as far as possible, and such efforts include increasing the number of sessions and public hospitals for blood taking service without affecting the normal operation of public hospitals. Currently, the HA has arranged eight hospitals to provide additional blood taking service at weekends. These hospitals are the United Christian Hospital, Princess Margaret Hospital, Queen Elizabeth Hospital, Prince of Wales Hospital, Pamela Youde Nethersole Eastern Hospital, Kwong Wah Hospital, Caritas Medical Centre and Queen Mary Hospital.

The HA has also collaborated actively with local private hospitals to provide additional blood taking service. Private hospitals participating in the scheme include Union Hospital, Hong Kong Sanatorium and Hospital, Hong Kong Baptist Hospital, Adventist Hospital, St. Teresa's Hospital and St. Paul's Hospital. In addition, active efforts have been made by the HA to increase the blood testing capacity by introducing rapid blood testing equipment and sending blood samples to overseas accredited laboratories for testing. By increasing the blood taking capacity at hospitals and blood testing capacity at laboratory in parallel, the weekly quota of blood testing has now been increased to 920.

We have received requests from various organizations for expanding the scope of blood testing, and we do attach importance to such requests. I would like to point out once again that since 10 July, when the Housing Department announced for the first time that the lead content of drinking water in a public housing estate exceeded the World Health Organization's provisional guideline value, the HA and the DH have been deploying healthcare personnel from the relevant specialties to provide additional service by working overtime so that blood taking and testing could be conducted specifically for the more vulnerable groups. It would be very difficult for us to implement such additional measures on a long-term basis, because the daily work and clinical services of the HA and the DH may be affected. As the winter influenza season is approaching, the request will only exert pressure on the work and manpower of the HA. That being the case, there should not be any further expansion of the scope of blood testing at the current stage.

As I have pointed out earlier, only 3.3% of the affected people have so far been found to have borderline raised blood lead levels. Their levels range from 5 micrograms to 16.7 micrograms per deciliter, indicating potential health risk but are still far below the toxic risk level. A number of medical experts have also repeatedly emphasized that for those who are found to have borderline raised blood lead levels, the top priority is to identify and eradicate the source of lead exposure. When exposure stops, the lead in the body and the blood lead level will gradually reduce through excretion in urine and bile. Maintaining a balanced diet with adequate intake of calcium, iron and vitamin C will also help minimize the amount of lead absorbed in the body. The incident of lead in drinking water has been going on for almost three months and prompt measures have been taken by the Government to supply safe drinking water to residents of the affected public housing estates. Members of the public have been urged to stop consuming water with excess lead and the WSD has identified the causes of excess lead in drinking water in public housing estates. Therefore, we consider that a further expansion of the scope of blood testing at the moment will not achieve any positive result as far as public health protection is concerned.

President, we attach great importance to drinking water safety and understand the public concern about the health effects of drinking water. We will continue to disseminate health information through different means and channels to enhance public understanding of the health effects of lead in drinking water. Blood testing will be arranged for the affected people and every effort

will be made to take care of the health needs of those affected. We will also closely follow up the health condition of those who are found to have borderline raised blood lead levels so as to protect their health.

President, I so submit.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President and Honourable Members, good morning. I am thankful to Honourable Members for their speeches. At the beginning of the motion debate, I already gave a concise reply on the motion, so I will not repeat my points in my present speech. But I wish to give a brief consolidated reply containing totally six points as follows in response to certain criticisms and accusations put forth by Members in their speeches.

The first point is about the role of the Water Supplies Department (WSD), the monitoring of plumbers, as well as the Waterworks Regulations (the Regulations) and also the Waterworks Ordinance (the Ordinance):

(a) Role of the WSD:

The WSD is the government department responsible for the water supply systems in Hong Kong. Under the Ordinance, the Director of Water Supplies is the Water Authority (WA), and his duties are to —

- (i) supply water from the waterworks in accordance with the Ordinance;
- (ii) acquire and conserve water;
- (iii) supervise and regulate consumption;
- (iv) ensure the proper administration and management of the waterworks, and to make due provision for the security thereof;
- (v) require payment of any charge and take such steps as may be necessary to enforce such payment; and
- (vi) administer the provisions of the Ordinance.

Under the Ordinance, the WA is responsible for the custody and control of the waterworks, and a consumer and agent is responsible for the custody and maintenance of the inside service. The inside service shall be constructed and installed by a licensed plumber. Honourable Members please refer to the booklet on your bench for details. As shown in the illustration on page two, the WSD is responsible for the government water pipes and the quality of fresh water up to the lot boundary of a housing estate (that is, the part shown in green). The parts shown in orange and pink in the illustration (that is, the inside service system of a housing estate) rest with the developer and consumers/property owners of the housing estate or their agent.

The Housing Department (HD) is the owner of public housing units. As a government department, the WSD has assisted in conducting water tests for public housing estates upon the HD's request this time around. Therefore, I wish to point out that the WSD generally will not conduct any water sample tests for consumers of individual.

- (b) The Ordinance also stipulates that the installation of water supply facilities must be undertaken by a licensed plumber. He must ensure that the construction materials used comply with the requirements under the Ordinance (including the absence of lead in soldering materials).
- (c) All along, the WA requires the collection of water samples at connection points for analysis before an inside service system can be connected to government water supply facilities. The purpose is to prevent the contamination of the Government's water supply by any unclean inside service system. Therefore, the tests in the past mainly focused on bacteriological, physical and chemical analysis.
- (d) As for the monitoring of works projects undertaken by licensed plumbers, the person concerned must submit a plumbing proposal, drawings and also documentary proofs attesting that the materials used in the project meet the British standards and requirements before applying for water supply. After completing the works of installing water supply facilities, the licensed plumber shall affirm that the water supply system is completed in accordance with the

Ordinance. WSD staff members will conduct sample tests on the water supply system installed and examine whether the installation of plumbing fixtures and the materials used are consistent with the project proposal. In case of irregularities, such as those revealed in the present incident, the WA will join hands with the Department of Justice to ascertain the need for follow-up, including the institution of criminal prosecution against the licensed plumber concerned, and the suspension or revocation of his plumber's licence.

In addition, the WSD has been monitoring the performance of licensed plumbers through a demerit points system. A licensed plumber with persistently unsatisfactory performance under the demerit points system may face licence revocation or suspension. The pursuit of responsibility under works contracts will be followed up by the HD.

- (e) The existing versions of the Ordinance and the Regulations were amended in 1975. Despite further amendments to the Ordinance and the Regulations in 1992, 1995 and 2006, we agree to the need for a review having regard to social development and changes in fresh water safety standards.

Second, many Members talked about the presence of lead in the fresh water supply of kindergartens, schools and welfare organizations. I wish to point out that as at 12 October, the Government already conducted water tests for 332 structures, including schools, kindergartens and welfare organizations. Totally 637 fresh water samples were taken from the inside service systems of these structures, and all samples met the standard of the World Health Organization (WHO). This showed that the problem of excess lead in fresh water did not exist in the inside service systems of these buildings.

Besides, as at 12 October, four out of the 139 fresh water samples taken from the taps of wall-mounted kettles exceeded the relevant standards. But under the Ordinance and the Regulations, wall-mounted kettles are water-using apparatuses rather than fittings of inside service systems, so at present, suppliers are not required to apply for acceptance letters from the WSD. We understand people's concern about wall-mounted kettles, and we are likewise very concerned about fresh water safety. For these reasons, I have already instructed the WSD



and other relevant departments to look into this. Recently, the WSD issued to the public certain guidelines on the use of wall-mounted kettles. When the investigation outcomes are available, we will follow up this matter.

Third, some Members also mentioned the inconsistency between the plumbing fixtures installed on site and the information submitted to the WA. I wish to point out that this is not in line with the requirements under the Ordinance and the Regulations. In the case of Kai Ching Estate and Kwai Luen Estate (Phase 2), the WA already asked the licensed plumber concerned to give an explanation, and he will consider taking follow-up actions depending on his reply.

Fourth, some Members talked about prefabricated units. If any prefabricated units form part of an inside service system, the waterworks project concerned must still be undertaken by a licensed plumber. The purpose is to ensure that the materials used and the plumbing fixtures comply with statutory requirements.

Fifth, some other Members expressed concern about the monitoring of the sale of plumbing fixtures on the market. In this connection, the WSD is now holding discussions with stakeholders of the plumbing industry on affixing labels to such products as a means of indicating that they are approved plumbing fixtures and also providing people with sufficient information at the time of purchase.

Sixth, some Members raised concern about the presence or otherwise of excess lead in the fresh water supply of private housing estates. As I said earlier on, most fresh water samples collected from kindergartens and welfare organizations in private buildings so far indicate that the problem of excess lead in fresh water does not exist in the inside service systems of their existing premises.

At the beginning of this motion debate, I also mentioned that the WSD already increased the number of fresh water samples for lead content analysis in its existing territory-wide routine testing of fresh water supply. Some of the samples are collected from consumers' taps in private properties, including property management offices and shopping arcades. During the period from early July to 30 September this year, the WSD collected 460 water samples, and they all met the lead-content requirement laid down by the WHO.

I must reiterate here that the construction, maintenance and repair of inside service systems are responsibilities of consumers or their agents such as property management companies. Owners' corporations or management offices of private buildings may decide on their own whether to collect water samples for testing. They may also commission accredited laboratories to collect water samples and conduct tests. The Government has issued advice to consumers who want to conduct water tests themselves on the website of the Information Services Department, including the steps for taking water samples and conducting tests, along with a list of accredited laboratories. In addition, the Government has been closely liaising with the testing industry, so as to enhance the testing ability of the market.

President, the motion under the Legislative Council (Powers and Privileges) Ordinance proposes to appoint a select committee on inquiring into the lead-in-fresh water incident. Honestly, its major terms of reference largely overlap the duties of the three committees and task force set up by the Government. I already gave a detailed explanation in my speech at the beginning of the motion debate, so I will not repeat my points here. I have also instructed the WSD to fully support the work of the Commission of Inquiry. I strongly believe that the Commission of Inquiry will conduct an objective, impartial, comprehensive, detailed and independent investigation. In the process, the responsibilities of various sides will naturally surface. The Commission of Inquiry's report will be one of high credibility and serve as a valuable source of reference. As the Commission of Inquiry has yet to complete its investigation, I do not see any urgent need for setting up a select committee at this moment.

President, I call upon Honourable Members to vote down the motions proposed by Mr Gary FAN and Ms Cyd HO.

Thank you, President.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Since 10 July this year when excess lead was found in the drinking water samples from Kai Ching Estate, the Hong Kong Housing Authority (HA) has never slackened its efforts to tackle the safety risks of drinking water in public rental housing (PRH) estates. It has taken various immediate actions, including different contingency and remedial measures, and it also sought to gain a comprehensive grasp of the situation very quickly.

To begin with, in response to public concern, as Chairman of the HA, I announced two weeks later on 24 July that water sample tests would be conducted for all PRH estates in Hong Kong. As at late September, we already completed the systematic water sample tests for a total of 83 PRH developments in all the 46 PRH estates completed in and after 2005. We are at present conducting water sample tests for 143 PRH estates completed before 2005 by batches. We will strive to finish this task by the end of this year.

For the 11 PRH estates with drinking water samples containing excess lead, we immediately put forward a number of relief measures to provide safe drinking water to the residents. The measures included the provision of bottled water and temporary water supply. At the same time, the four principal contractors concerned all made arrangements for installing water pipes connecting the roof-top water tanks of the affected buildings to each of the building floor. Besides, they also provided the households with NSF 53 water filters, which can greatly reduce the lead content in water. They also undertook to provide the households with free replacement of cartridges within two years.

At the same time, in an attempt to ascertain the cause of the incident, the HA set up the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (Review Committee) on 24 July. The Review Committee is to conduct a "physical examination" aimed at comprehensively inspecting the systems and arrangements of quality control for water supply installations in PRH estates. The HA will follow up the responsibility of the contractors concerned under the contract terms, requiring them to check all water pipes and replace the substandard ones, with a view to totally rectifying the problem.

President, as a next step, we will continue to follow up different segments of work. First, as I mentioned in the opening speech, in order to allay the concern of individual residents about the effectiveness of the water filters installed by the contractors, we will soon conduct further water sample tests specially for the housing units in the 11 affected PRH estates in which excess lead was found in the water samples and were later provided with water filters. We aim to complete this task within this month.

In respect of totally rectifying the problem, the principal contractor has already submitted a scheme on checking all water pipes and replacing the substandard ones. The Housing Department (HD) and the Water Supplies

Department (WSD) are now studying the proposals in detail. We understand that the residents of the affected PRH estates hope that the contractor can carry out the replacement of water pipes as soon as possible. Hence, upon confirmation of the details, we will announce the arrangements as early as possible. However, I hope people can understand that the water pipe replacement project involves complicated works procedures and will inevitably cause inconvenience to the households. Well-planned advance works are therefore required, and the works will need quite some time to complete.

Following the occurrence of the incident, the HA already stated that it would hold the contractors responsible under the relevant contracts. On 30 September, the Tender Committee of the HA decided to take "punitive" regulatory actions against four building contractors and two related companies. As a result, the, the HA will not consider any new works tenders submitted by these six companies for seven months, from 1 March to 30 September this year. As regards whether there will be further punishment, a decision will be made within this month.

President, in the following part of my speech, I would like to briefly respond to a few questions mentioned by Honourable Members in their speeches.

First, concerning the "source" and "cause" of the lead-in-fresh water incident, Dr Helena WONG thinks that the two are different. Yes, it is true that conceptually, "source" is not equal to "cause". The "source" exists objectively and involves forensic examination on "lead content". In this connection, experts of the Task Force on Investigation of Excessive Lead Content in Drinking Water (the Task Force) under the WSD have done many tests on water pipe parts, examinations and analyses. It is confirmed that the leaded solder joints are the cause of excess lead in drinking water in PRH estates. They are the "source".

As for why the solder joints of water pipes contained lead despite the prohibition under the law, or why this problem was never discovered, the "cause" may be systemic problems and operational practices. The interim report of the Review Committee under the HA is of the view that the contractors, plumbing subcontractors and licensed plumbers in the construction industry, the past project quality control system of the HA and the scope of water sample tests required by the Water Authority all did not attach sufficient importance to the risks posed by lead in soldering materials to drinking water safety. As the WSD's Task Force

has pointed out, there was inadequate awareness in the construction industry of the implications of lead in soldering materials. We can thus see that inadequate risks awareness subsequently led to inadequate systemic monitoring.

Some Members have mentioned the use of prefabricated components. I wish to point out that as confirmed by the interim report of the Review Committee under the HA, the results of the systematic water sample tests carried out for PRH estates completed in or after 2005 show that one cannot possibly ascribe the "excess-lead-in-water" incident simplistically to the use of prefabricated kitchens or bathrooms. What is the fact? Except those used in Kai Ching Estate, all the prefabricated kitchens and bathrooms in the affected housing estates were not fitted with any pre-installed water pipes; water pipes were installed on-site after the arrival of prefabricated components. In other words, all water pipes are exposed. And even in the case of Kai Ching Estate, where prefabricated kitchens and bathrooms fitted with pre-installed water pipes were used as a test, of all the seven units with water samples containing excess lead, only one unit was fitted with a prefabricated component having pre-installed water pipes.

An Honourable Member has criticized that the "physical examination" conducted by the Review Committee under the HA is just "a peers investigation". I find the criticism rather biased. All members of the Review Committee are not from the Government, and some of them are Legislative Council Members. The committee is plainly tasked to act on its own and conduct an active investigation into the relevant systemic defects and shortcomings of the HA and the HD, with a view to correcting and reforming the systems concerned as soon as possible. And, of course, we do not preclude the possibility of uncovering any human factors in the course of review. On the other hand, regarding the Commission of Inquiry into Excess Lead Found in Drinking Water set up by the Chief Executive in Council, its Chairman and member are both persons of very high credibility. This point was affirmed by the Honourable Members in their speeches earlier on. Besides, its hearings are also open. The terms of reference of the independent Commission include (and I quote), to "ascertain the causes of excess lead found in drinking water in public rental housing developments". (End of quote) This is one of the terms of reference. This is about the "cause", a matter of great concern to Dr Helena WONG. Hence, one simply cannot say mean that the investigation work we are undertaking all ignores the cause. The independent Commission may draw any conclusions and hold any viewpoints, and it may ascribe responsibility to any individuals or organizations as it deems necessary.

If the Review Committee under the HA discovers any human factors in the course of review, or the independent Commission raises the need to follow up the responsibility of any persons (including public officers), we will definitely take serious actions under the established mechanism. The HA, as a public organization responsible for building PRH estates, must naturally be blamed for failing to play a satisfactory gate-keeping role in controlling the quality of soldering materials in the past.

President, many Honourable Members have discussed the issue of holding the contractors responsible. On the issue of penalizing contractors failing to fulfil contractual obligations, the HA has always done so in the light of the actual and specific irregularities. In the case of the present "excess-lead-in-water" incident, the HA totally agrees that appropriate regulatory measures must be imposed on the contractors concerned. This is a duty the HA must discharge as required by the spirit of contracts. At the same time, the HA must also bear in mind that it is responsible for providing public housing to society as a whole. As a public organization, the HA must discharge its various responsibilities and strike a sensible balance with all honesty and fairness. Thus, the HA must also prudently consider the consequences of various "punitive" actions, including the impact on construction costs, the use of public money, the target and timetable of housing construction and the adequacy or otherwise of competent contractors to take up future projects. Earlier on, Mr Charles Peter MOK also mentioned in his speech that suspension might not be the most effective way. Mr Dennis KWOK also put forward some other suggestions. All these will be considered by the Tender Committee of the HA.

The Tender Committee of the HA will decide within this month whether it should step up punishment by imposing further restriction on the contractors concerned regarding their tender submission. I believe that the Committee will holistically and prudently balance various factors. At the same time, the HA will also urge the contractors concerned to conduct a comprehensive examination and replace any substandard water pipes at their own costs.

President, over the past three months, the Government has done a lot of work on the "source" and "cause" of the incident, as well as on following up the responsibility of the contractors. The independent Commission set up under the Commissions of Inquiry Ordinance has already started its work. An open hearing will commence later this month to establish the facts of the incident. I believe that based on the conclusion drawn by the independent Commission, the community can surely draw its own conclusion on the responsibility that should

be borne by the people and organizations concerned. The Government will take disciplinary or administrative actions against the public officials concerned if such actions are substantiated by facts. Therefore, the Government considers that it is not necessary for the Legislative Council to invoke the Legislative Council (Powers and Privileges) Ordinance and appoint a select committee, lest it may duplicate the inquiry efforts of the independent Commission.

President, I so submit.

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): President, the Secretary for Education, the Acting Secretary for Food and Health, the Secretary for Development and the Secretary for Transport and Housing have spoken in turn to provide further information and respond to the issues and criticisms put forward by Members in their speeches. In my concluding speech, I intend to focus on three topics, namely the issue of responsibility, the politicization of the lead-in-fresh water incident and the performance of public officers.

However, before I speak on these three topics, I want to raise one point in response because many Members have referred to my remarks about inadequate awareness and systemic shortcomings at the special meeting of the Legislative Council House Committee on 8 October. Dr LAM Tai-fai has pointed out that such remarks can show the Government's failure to recognize and admit its mistake, and will even add fuel to the fire. Mr TAM Yiu-chung, on the other hand, is of the view that the Government has already eaten humble pie. Both of them are pro-establishment Members, but their interpretations of my remarks are so very different. I can only say that it is all a matter of individual judgment.

However, there is one point that requires clarification. Chronologically, my remarks on 8 October are totally unrelated to the pan-democratic Members' request for invoking the Legislative Council (Powers and Privileges) Ordinance. President, as you may remember, it was on 25 September that Mr Gary FAN and Ms Cyd HO made their applications to you for moving these motions.

The question of responsibility is an issue the Special Administrative Region Government (the SAR Government) has never sought to evade. Since I first attended the special meeting of the Legislative Council House Committee, I have always maintained, "We think there are shortcomings in the system."

However, as observed by Mr CHEUNG Tat-tong, Chairman of the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates (the Review Committee) formed by the Housing Authority (HA), all relevant sectors, including contractors, plumbers, workers and even government departments, did not have an adequate awareness of lead in fresh water and the health impacts of lead, and this in turn led to the shortcomings in the system.

Many pan-democratic Members have reacted very strongly to the words about inadequate awareness, dismissing them as the Government's excuse for evading responsibility. However, as explained by the Secretary for Transport and Housing when responding to Dr Helena WONG's question on the root and cause of the lead-in-fresh water incident, since the sector did not have an adequate awareness of the consequences of using soldering materials with lead, the various stakeholders in the industry did not pay much attention to the sources, use and risks of soldering materials, and this was the very cause of the incident. Mr KWOK Wai-keung, a member of the HA's Review Committee, has drawn the same conclusion. At the special meeting of the Legislative Council House Committee on 8 October, Mr KWOK said (and I quote), "Having met with different departments, including the Water Supplies Department (WSD) and the Housing Department (HD), the engineering sector and front-line workers, we do observe that the awareness of this issue in the entire industry is not very high. This is a fact." (End of quote)

Pan-democratic Members may think that since Mr KWOK Wai-keung is a pro-establishment Member, he will naturally share the Government's views. But Members should listen to the views of another Mr KWOK, Mr Dennis KWOK of the pan-democratic camp. Also at the special meeting of the House Committee on 8 October, Mr Dennis KWOK said (and I quote), "My personal view after meeting with all those licensed plumbers is that they really did not know what they were doing. When asked whether they knew that they were not permitted to use a soldering material with lead and whether they knew that their workers were violating the rule, they all answered in the negative. Nor did they know that there was such a requirement for soldering materials. The problem we can see is that the many works projects in Hong Kong, large and small, will engage this very same group of licensed plumbers. If the regulation they are subject to, their awareness and their knowledge are all of such a low level, the problem we face is in fact territory-wide in nature." Mr Dennis KWOK's speech just now was generally about this very point.



However, that there was inadequate awareness does not mean that no one is to be held responsible. Based on Members' remarks and my personal understanding of this incident, I think there are four levels of responsibility. The first level is contractual responsibility, and in this regard, building contractors must of course bear the greatest responsibility. Following the detection of excess lead in the fresh water supply of certain public housing estates, the HA already said that it would definitely hold the relevant building contractors responsible. When the Secretary for Transport and Housing spoke just now, he also gave a further account of the work in this regard. The second level is legal responsibility. As explained by the Secretary for Development just now, under the Waterworks Ordinance (the Ordinance), all licensed plumbers shall conduct their works in accordance with the requirements therein, and they must also ensure that the construction materials used can meet the requirements of the Ordinance, including the absence of lead in soldering materials. The WSD will take legal actions under the Ordinance to hold the relevant parties responsible. The third level is executive responsibility. As the departments responsible for monitoring and execution, the WSD and the HD must of course shoulder a certain degree of responsibility for the shortcomings in the regulatory system for ensuring the absence of lead in fresh water. But this does not mean that public officers have failed to execute the law and neglected their duties. This is not to speak of the fact that as Ms Cyd HO also agreed just now, this unsatisfactory system has been in existence for a very long time. Therefore, is it fair to put the responsibility on the present heads or management of these departments, or any individual front-line personnel?

Many Members have quoted what I said on 8 October, criticizing me for saying that no one should be held responsible. I have therefore asked my colleagues to send me the verbatim record of the relevant part of the meeting that day. Let me now read it aloud to Members. I said at that time, "I did not say that no one should be held responsible. I only told Members I could not see any signs that any individual officers must bear any personal responsibility for executing the system applicable at that time." Therefore, when certain pan-democratic Members twist my words into a total denial of responsibility and an attempt by the Government to get away, they are in fact misleading the public.

The fourth level is political responsibility. Since 11 July when the first high-level inter-departmental meeting was held, the relevant politically appointed Bureau Directors and I have been personally handling the lead-in-fresh water incident. Today, there are four Bureau Directors here, including the Acting Secretary for Food and Health. We all attach a great deal of importance to our

responsibility as politically accountable officials, knowing that with the occurrence of an incident that affects so many residents, we are duty-bound to seriously address and handle the problems. If it is indeed true that when we handle this incident, we are "perfunctory in attitude", and have "enraged Hong Kong people", "acted with ulterior motives", "sought selfish interests", "shifted the blame to others" and "made an irreparable mistake", as described by several pan-democratic Members, including Dr Kenneth CHAN, Mr Frederick FUNG and Mr WONG Yuk-man, I strongly believe that the several Bureau Directors and I will all have the courage to assume political responsibility.

President, next, I want to say a few words on the politicization of this lead-in-fresh water incident. This phenomenon is perhaps related to the acts of "getting unfair advantages" and "smearing" mentioned frequently by Members in their speeches. What has induced me to talk about this phenomenon is the following remark made by Mr Michael TIEN at the special meeting of the Legislative Council House Committee on 1 September. Mr TIEN said at that time (and I quote): "Chief Secretary for Administration, you know that there are upcoming elections this year and next year. Everybody, or every organization, feels an urge to expose something. They keep searching for information and materials, and then they inform the media and television stations and tell them to publicize the findings. They have different motives. Some want to get the limelight, and others may want to arouse the curiosity of tenants." (End of quote)

Having done a thorough and careful analysis over the past three months, I notice that such a phenomenon of politicization indeed exists, and I do not think that it is the kind of benign politicization referred to by Ms Cyd HO. Such a phenomenon of pan-politicization manifests itself in the following three ways. First, it is exaggeration. Pan-democratic Members who spoke just now, for example, kept saying that we wanted people to drink "toxic water" and "poison them with lead". But the fact is that we tested totally 4 740 water samples from the public housing estates completed in 2005 or afterwards, and only 91 of these water samples, or just 2% of the total, could not meet the lead-content requirement of 10 micrograms per litre of water laid down by the World Health Organization (WHO). And, of the 91 water samples that could not meet the WHO standard, 63 samples, or 69% of the total, contained lead ranging from 10 micrograms to 20 micrograms per litre of water. In the case of 10 other samples, or 11% of the total, their lead contents ranged from 21 micrograms to 30 micrograms per litre of water. Only 18 samples, or the remaining 20% of the

total, exceeded the level of 30 micrograms per litre of water. As at 14 October, we finished the testing of totally 887 fresh water samples from 41 public housing estates completed before 2005. All these samples could meet the WHO standard.

As for blood tests, the Hospital Authority completed blood lead level tests for a total of 4 913 people as at 14 October. The blood lead levels of 4 750 people, or roughly 96.7%, were normal. And, the test results for 163 people were slightly above the normal level of less than 5 micrograms, ranging from 5 micrograms to 16.7 micrograms per deciliter in lead content, indicating potential health risks, but far below the lead poisoning level of 44 micrograms.

The second manifestation of pan-politicization is the making of very unreasonable demands to the Government, such as water sample tests for the whole public housing estate and blood tests for all residents. Such demands are unscientific and will greatly hamper our work of conducting early water sample tests for various public housing estates and other facilities. One can imagine that if the Government had not resisted the political pressure calling for water sample tests for the whole housing estate, our tests might still be confined to Kai Ching Estate today, because in this housing estate alone, there are already as many as 5 200 households. In that case, it would be totally impossible to complete water tests for public housing estates completed in 2005 or afterwards. Nor would we be able to launch any water sample tests for kindergartens.

Regarding the request for expanding the scope of blood tests, the Acting Secretary for Food and Health already explained in detail why this proposal was not feasible a moment ago. However, under the people-oriented principle, we have already responded as much as possible to people's concerns, or Members' requests. For example, in response to Ms Starry LEE's request and in order to assure residents that they can safely consume the fresh water from filters, the Secretary for Transport and Housing has decided that in the case of the 11 affected public housing estates, if those units with water samples tested to be exceeding the lead content standard have installed any water filters, another round of water sample tests will be conducted for them to ascertain whether the filters are working effectively. We will strive to complete this task within this month.

The third manifestation of pan-politicization is the fomenting of conflicts, including conflicts between the public and government officials and conflicts between Hong Kong people and the Mainland. The former kind of conflicts could be seen when certain District Council members insulted government

officials at residents' meetings in housing estates. And, on other occasions, government officials were forced to drink what these people called "lead water". Very unfortunately, at least two of my colleagues actually drank what these people called "lead water". Because of this, I have already issued an internal instruction, directing that in case any government officials face the same kind of coercion and circumstances when attending public events in the future, they must not accept any such insult. What they must defend is not only their personal dignity but also the dignity of the SAR Government.

As for the fomenting of conflicts between Hong Kong people and the Mainland, it could be seen in the opinions expressed by several pan-democratic Members in this debate. Dr KWOK Ka-ki, for example, kept mentioning only one of the four building contractors involved, the China State Construction Engineering (Hong Kong) Limited. Mr Frederick FUNG groundlessly accused the Chief Executive of favouring Mainland corporations in this incident. And, other pan-democratic Members criticized, intentionally or unintentionally, that the incident also involved the prefabricated units made by the Mainland. Their political motive is very obvious.

President, finally, I want to say a few words on the performance of civil servants and Hospital Authority staff in this incident. I do not think I should unreasonably defend my colleagues. However, I also think that I have the duty to state the facts. Throughout their handling of the lead-in-fresh water incident, my departmental colleagues have devoted their utmost and stuck loyally to their duties. They have been professional and serious in their work, and upholding the people-oriented spirit, everybody has sought to walk extra miles whenever possible. In the past three months, I personally visited my colleagues in the relevant departments. I saw how the staff of the HD arranged the delivery of bottled water to the doors of those public housing estate residents having mobility difficulties, and how they arranged bus services for residents going to blood tests. I also saw how my colleagues responsible for testing in the WSD and the Government Laboratory worked overtime over prolonged periods, how my colleagues in the Department of Health manned the hotline service late into the night, and how the hospital staff of the Hospital Authority designed a number of custom-made measures for small children in order to reduce their fear of blood taking. I am touched by their efforts, and I am proud of them. I would also like to thank Mr Tony TSE and Ms Starry LEE for boosting the morale of these dedicated civil servants in their speeches.

The civil servants who are responsible for handling the lead-in-fresh water incident have worked together seriously and positively with high team spirit. I must therefore clarify that even though I said "I feel a bit helpless" in my opening speech the day before yesterday, I do not buy Dr Kenneth CHAN's criticisms that we have failed to adopt a positive, proactive and serious attitude when handling this incident, nor do I buy his view that we are poor in governance. More importantly, I do not agree with Mr Albert HO that we have been adopting a deprecatory attitude that shows disrespect for Members' right to discharge their constitutional duty. Quite the contrary, I respect the Legislative Council very highly, and I am happy to inform Members of the progress of our work. "I feel a bit helpless" because at the very first meeting of the Legislative Council right after the summer recess, pan-democratic Members already want to use this "Sword of Imperial Sanction" to lash out at the work of government departments. "I feel a bit helpless" because even though the Government has promised to conduct full investigation and set up an independent investigation committee with a high degree of credibility, pan-democratic Members are still so very relentless, choosing to invoke the Legislative Council (Powers and Privileges) Ordinance and set up a select committee to do a task which is unnecessary. However, helpless though we are, the morale of the team responsible for handling this lead-in-fresh water incident will not be impacted by pan-democratic Members' groundless accusations. We will continue to discharge our duties faithfully and serve the people.

President, I know only too well that what I have just said will likewise be twisted and smeared, and personal attacks will ensue. Nevertheless, what should be said should be said. "A person with no expectation is always virtuous", as an old saying goes. Today, I would say, "A government official with no expectation is always courageous." (*Laughter*) I am courageous enough to point out that at the very early stage of the lead-in-fresh water incident, I was already courageous enough to admit the inadequacies and imperfection of our system. And, I have also worked very hard to urge all government departments to follow up the incident. I am courageous enough to point out that this incident has been politicized. I am courageous enough to return justice to our dedicated civil servants at risk of being criticized for harbouring shortcomings.

With these remarks, President, I earnestly call upon Members to oppose Mr Gary FAN's motion. Thank you, President.

**PRESIDENT** (in Cantonese): Mr Gary FAN, you may now speak in reply.

**MR GARY FAN** (in Cantonese): I have 15 minutes to reply.

In her opening speech the day before yesterday, the Chief Secretary for Administration Carrie LAM began by saying that she felt helpless as she had to face a motion proposed under the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) at the first meeting of the Legislative Council in this session. To my surprise, in her entire speech, the Chief Secretary made no apology to the public on behalf of the Government. I certainly do not only feel helpless as the Chief Secretary for Administration said. Rather, I also feel very angry and regrettable. The Chief Secretary for Administration did not say even a word of apology, and there was also no mentioning of accountability and punishment.

I listened carefully to the speeches of all Members and government officials in this debate. The concluding speech of the Chief Secretary for Administration was really amazing — three kinds of responsibilities, three kinds of pan-politicization, political courage, and the courage of a government official with no expectation. The Chief Secretary for Administration also said that if it was necessary to bear responsibility, she herself and all the four accountability officials sitting behind her would definitely do so. Let me remind the Chief Secretary for Administration seriously of something. If they really have the courage to bear political responsibility, Secretary Eddie NG behind her should not be sitting here because of the national education incident; Secretary Prof Anthony CHEUNG also should not be sitting here because of the budget overrun and delay of the XRL project; and, Secretary Paul CHAN should not be sitting here because of land hoarding and the "sub-divided units". As regards the Chief Secretary for Administration herself, she should also not be sitting here because of the rejection of the political reform package.

In her speech just now, the Chief Secretary for Administration repeatedly pointed out the need to defend the dignity of civil servants. She said that government officials would be insulted if they were made to drink a glass of water with excess lead like the common people. Chief Secretary for Administration, you are paid to do your job and so are we. You have to defend the dignity of civil servants, but have you ever defended the health of Hong Kong people? They deserve to be protected. Obviously, this was not the focus of your speech.

When responding to my speech, the Chief Secretary for Administration emphasized that the Commission of Inquiry appointed by the Chief Executive was an independent commission with statutory powers, and that its inquiry was not a "peers investigation". Nonetheless, the Chief Secretary has not said that the terms of reference of this Commission of Inquiry are drawn up by the Chief Executive and the Executive Council, and its power is restricted by the SAR Government. During the meeting of the House Committee of the Legislative Council on 1 September, the Chief Secretary for Administration also personally admitted that the terms of reference of the Commission of Inquiry did not include inquiring into who should be held responsible.

Members who have spoken have also clearly pointed out that the three committees which have been established would not inquire into the question of responsibility. In his speech, Secretary Paul CHAN even said that there was a duplication of work. The royalists said that we should avoid making premature judgment on the findings of the Commission of Inquiry. In fact, the Government already confined the scope of inquiry at the start, or even determined that the issue of responsibility was not to be dealt with. This is the core issue of this motion debate on invoking the P&P Ordinance, a point which Members have also mentioned repeatedly.

I want to emphasize that there was a similar example in the past, the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests (Review Committee) targeted specifically at the former Chief Executive Donald TSANG. Although the Review Committee was chaired by Andrew LI, former Chief Justice of the Court of Final Appeal, its function was subject to various limitations. It could only look into how to improve and make recommendations on the system, but it was not allowed to inquire into the conduct of Donald TSANG. Consequently, since taking office as the Chief Executive, LEUNG Chun-ying has to date failed to follow the recommendation of the Review Committee on amending the Prevention of Bribery Ordinance to extend it to the Chief Executive. Despite LEUNG Chun-ying's pledge and the fact that the Review Committee has completed its work, there has been no improvements to the system, nor have we been able to hold the Chief Executive accountable. What is more, the Review Committee has no power to follow up the matter. The lead-in-fresh water incident is a repetition of the same situation.

President, history keeps repeating itself, and the pro-establishment camp and the royalists keep repeating the same mistake. Some years ago, the Legislative Council was in a similar situation as today because it had to discuss

whether the P&P Ordinance should be invoked to establish a select committee. But the proposal was rejected by the royalists on the ground that the matter was already being followed up by the Review Committee led by Andrew LI. Now, the Prevention of Bribery Ordinance remains unamended, and Donald TSANG can say in a loud voice outside the Court that he has a clear conscience. The royalists have not reflected on their voting down of the motion back then. Ms Starry LEE, chairman of the DAB, even compared the select committee to a "political court". Her words showed that she was blindly defending the Government and distorting the truth, prompting history to repeat itself. The DAB has ignored the interests of the public, and has let down the people who expect them to monitor the Government in the Legislative Council.

President, the public can see clearly how chaotic the Government's handling of the lead-in-fresh water scandal is. In particular, residents deeply affected by the lead-in-fresh water will not forget. The Chief Secretary for Administration and government officials have said over and over again that more than \$50 million has been spent on buying over 3 million bottles of water for residents living in the affected estates. I must stress that three organizations in succession have come up with test results showing lead content in fresh water samples taken from Shui Chuen O Estate in Sha Tin. The Chief Secretary for Administration claims that the Government's principle is people-oriented. As residents of Shui Chuen O Estate are too scared to drink the water supplied to their homes, they go to a hillside stream to collect water. We have repeatedly held meetings with the Under Secretary for Transport and Housing and petitioned the Chief Secretary for Administration and other officials, but the Government has never deployed any water wagon to Shui Chuen O Estate.

Mr Christopher CHEUNG has criticized us for moving this motion under the P&P Ordinance and accused us of undermining the credibility of the Government. However, it is crystal clear to the media and the public that the messy and fossilized approach of government officials in handling the matter and their neglect of the health of Hong Kong people are the real culprits causing the loss of the Government's credibility.

When delivering her speech, the Chief Secretary for Administration said that the Government had held 17 inter-departmental meetings on the lead-in-fresh water scandal. However, what people can see is only the contradictory moves of the Government in this incident. For instance, in the beginning, the Education Bureau refused to conduct water tests for all primary and secondary schools in the



territory, and even installed water filters for new schools completed in the past decade regardless of lead content. This approach is poles apart from the treatment received by residents of Shui Chuen O Estate. Then, under heavy pressure, the Chief Secretary for Administration undertook to test the water of all kindergartens in Hong Kong and around 80 primary and secondary schools, thus overturning the words of the Secretary for Education Eddie NG, who did not encourage water tests. This in effect gives Secretary Eddie NG a slap on the face.

President, despite the 17 inter-departmental meetings, there is still a lack of co-ordination among the Bureaux, and their policies simply keep changing. Given such quality of administration, people really find it very difficult to have any confidence regarding water quality, to speak less of any trust in the Government. The Government has to be responsible. In the speeches she made these two days, the Chief Secretary for Administration still repeated that there was a lack of awareness, the system had to be reviewed and the authorities would not sidestep issues. Nonetheless, she simply refrained from saying that government officials at fault should be responsible.

President, I would also like to respond to Ir Dr LO Wai-kwok. Earlier, he described the moving of this motion under the P&P Ordinance as an ill-timed move. In his opinion, bringing fresh water to the safety standard is the most pressing task at the moment, and anyone who advocates ascertaining responsibility is just trying to pick on others rather than really dealing with the incident. I find Ir Dr LO Wai-kwok's demand too lenient with regard to the monitoring of the Government. The Government is in fact duty-bound to ensure that the people can consume water that is safe, but surprisingly, committees have to be established one after the other to push the Government to do its part. Ir Dr LO Wai-kwok has in fact underrated the ability of the government departments to address livelihood issues.

I can fully understand why Ir Dr LO Wai-kwok objects to invoking the P&P Ordinance. As rightly said by his fellow party member Mr Jeffrey LAM, the royalists cannot possibly be driven by any dislike for LEUNG Chun-ying to refuse to render their support and co-operation. Chief Executive LEUNG Chun-ying once said, "No livelihood issue is trivial". But in the end, he has even failed to properly handle the issue of fresh water safety for Hong Kong people. The Business and Professionals Alliance for Hong Kong, being a die-hard royalist, must of course facilitate the SAR Government's shirking of

responsibility, cover up its blunders and reject the motion moved under the P&P Ordinance. They themselves are the very people who try to pick on others and refrain from really dealing with the incident.

President, I must emphasize again that under the principle of separation of powers, the Legislative Council has the constitutional responsibility to monitor the Government, and this is irreplaceable by the Commission of Inquiry. The Government and the royalists call on public to have the confidence that the Government will conduct a thorough investigation. But the people will not have faith in the Government for no reason. To win public trust, the Government should conduct all investigation under the sun, rather than dodging the monitoring by the Legislative Council. It should not resort to excuses to block the Legislative Council from exercising its constitutional power. If the royalist Members really care for the public, the Government's authority and its standard of governance, they should vote for the invocation of the P&P Ordinance to thoroughly investigate the causes of excess lead in our fresh water. They should not cover up the failure of the Government and its move to shirk responsibility. I wish Members will think twice and vote in favour of this motion moved under the P&P Ordinance.

President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Gary FAN be passed. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Gary FAN rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Gary FAN has claimed a division. The division bell will ring for five minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Prof Joseph LEE, Mr CHEUNG Kwok-che, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK and Mr IP Kin-yuen voted for the motion.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Miss CHAN Yuen-han, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the motion.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Dr KWOK Ka-ki, Mr SIN Chung-kai and Dr Helena WONG voted for the motion.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Mr Christopher CHUNG voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 32 were present, nine were in favour of the motion and 23 against it; while among the Members returned by geographical constituencies through direct elections, 30 were present, 16 were in favour of the motion and 13 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 9.30 am on Thursday, 22 October 2015 for the Chief Executive Question and Answer Session.

*Adjourned accordingly at 1.12 pm.*