

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 31 May 2017

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

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

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

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

THE HONOURABLE CHAN HAK-KAN, B.B.S., 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 WONG KWOK-KIN, S.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 LEUNG KWOK-HUNG[#]

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.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 CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, 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 WING-HANG

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

[#] According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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.

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

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

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

THE HONOURABLE JIMMY NG WING-KA, J.P.

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

THE HONOURABLE KENNETH LAU IP-KEUNG, M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE NATHAN LAW KWUN-CHUNG[#]

DR THE HONOURABLE YIU CHUNG-YIM[#]

DR THE HONOURABLE LAU SIU-LAI[#]

MEMBERS ABSENT:

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

THE HONOURABLE CHUNG KWOK-PAN

[#] According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE RAYMOND TAM CHI-YUEN, G.B.S., J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

THE HONOURABLE LAI TUNG-KWOK, G.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

MR KEVIN YEUNG YUN-HUNG, J.P.
SECRETARY FOR EDUCATION

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE STEPHEN SUI WAI-KEUNG, J.P.
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE ERIC MA SIU-CHEUNG, J.P.
SECRETARY FOR DEVELOPMENT

MR RONALD CHAN NGOK-PANG, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND
AFFAIRS

CLERKS IN ATTENDANCE:

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

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

TABLING OF PAPERS

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Admission and Registration (Amendment) Rules 2017	103/2017
Trainee Solicitors (Amendment) Rules 2017	104/2017
Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2017 (Commencement) Notice	105/2017

Other Paper

No. 101 — Kowloon-Canton Railway Corporation
Annual Report 2016

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Use of closed-circuit television systems to assist in law enforcement

1. **MR MICHAEL TIEN** (in Cantonese): *It has been reported that in recent years, the Police have detected a number of crime cases of great public concern by taking advantage of the clues obtained from the closed-circuit television ("CCTV") footages near the crime scenes and such footages have constituted*

crucial evidence in the trials concerned. On the other hand, some members of the public have relayed to me that the installation of CCTV systems is conducive to reducing traffic contraventions. In this connection, will the Government inform this Council:

- (1) of the current number of CCTV systems installed in public places by government departments; whether the authorities will install more CCTV systems in various crime black spots to enhance the deterrent effect and assist in law enforcement;*
- (2) of the number of crime cases detected in the past 10 years by various law enforcement departments by taking advantage of the clues obtained from CCTV footages; and*
- (3) whether the authorities will conduct a study on the installation of CCTV systems at bus termini, road junctions with yellow box markings, locations where illegal parking is frequent and traffic black spots to assist the Police in taking law enforcement actions against traffic contraventions; whether the authorities will consider amending the relevant legislation to expressly provide that CCTV footages can be taken as sufficient evidence to prove traffic contraventions such as illegal parking and stopping on yellow box markings?*

SECRETARY FOR SECURITY (in Cantonese): President, closed circuit television ("CCTV") systems can video-film and monitor specified areas 24 hours a day and certain systems are equipped with recording function, helping to enhance security and prevent crime. Therefore, CCTV systems are commonly used for security and monitoring purposes in many private buildings, shopping arcades, government buildings and public facilities, etc. In addition, the Government has been using CCTV cameras to monitor traffic conditions. My consolidated reply to Mr Michael TIEN's question is as follows:

Currently, many government departments, such as the Transport Department ("TD"), Housing Department ("HD"), Leisure and Cultural Services Department ("LCSD"), Food and Environmental Hygiene Department ("FEHD"), Environmental Protection Department ("EPD"), Hong Kong Police Force

("HKPF"), Immigration Department ("ImmD"), and Customs and Excise Department ("C&ED"), etc., have installed CCTV cameras in areas under their purview or in public places.

TD has set up CCTV cameras on roads with busy traffic throughout the territory and within government road tunnels and control areas for the purpose of traffic monitoring. HD has installed CCTV cameras at various locations of public housing estates, shopping arcades, car parks and construction sites for security, anti-theft and monitoring purposes, including CCTV cameras under the Falling Object Monitoring System, commonly called the "eyes in the sky". LCSD has set up CCTV cameras at its venues for maintaining public safety, assisting in crowd control and monitoring operation of the venues. FEHD has installed Internet Protocol cameras at six refuse dumping blackspots to strengthen the monitoring of illegal dumping of refuse. EPD has set up surveillance cameras at eight fly-tipping blackspots of construction waste and plans to install more surveillance camera systems at other blackspots.

In addition, HKPF have installed CCTV cameras along the land boundary and Hong Kong waters for boundary security, anti-smuggling purpose and anti-illegal immigration purpose, etc. During large-scale public order events, HKPF would set up temporary CCTV systems at strategic locations, such as places where large crowds would appear, in order to know about the flow and movement of crowds as well as adopt corresponding crowd management measures. These temporary systems are not equipped with recording function and will be removed as soon as possible after the events in accordance with operational needs. Separately, to monitor crowd and vehicle movements at immigration control points and the operation of e-Channels as well as for security purpose, ImmD and C&ED have also installed CCTV cameras at the control points.

All the above government departments have internal guidelines with stringent regulations which only allow authorized officers to use CCTV systems. The guidelines also ensure that the use of CCTV systems and the handling of recorded images as well as video footages comply with the regulations of the Personal Data (Privacy) Ordinance ("PDPO") (Cap. 486). We do not maintain statistics of CCTV cameras installed by all government departments.

On traffic enforcement, TD has installed speed enforcement camera housings and red light cameras at various locations across the territory to combat speeding and red light jumping. HKPF has also been using radar camera system and laser speed-detection equipment. These systems and equipment possess photo-taking and speed-detection functions but are not CCTV systems.

Currently, relevant government departments are studying proposals relating to the application of information technology, including CCTV cameras, for the monitoring and prosecution of traffic contraventions, such as illegal parking, illegal picking up/setting down of passengers and loading/unloading of goods, including examining the legal and technical feasibilities of installing such systems for prosecution purposes, and the additional resources required for installing and operating such systems, etc. The objectives are to make use of new technologies to assist frontline officers to take enforcement actions against traffic contraventions and to enhance the efficiency of back-end support processes. Where necessary, the Government will propose legislative amendments to support such enforcement work.

In respect of crime investigation, CCTV footages may have recorded how a criminal case happened as well as the faces and special features of offenders and victims, thereby providing law enforcement departments with important clues for investigation. Such CCTV footages were even important evidence in some cases during prosecution and in conviction. We do not maintain the total number of crimes which were detected with the help of CCTV footages. However, I can provide one example. In the case in which a media practitioner was assaulted on 26 February 2014, police investigators have identified two suspects after analysing footages of CCTV cameras at the crime scene and nearby. During trial, the prosecution played various CCTV footages in the courtroom and such footages were accepted by the Court as evidence. The two suspects were convicted and sentenced to 19-year imprisonment.

President, we have noticed that there are opinions in the community which suggest that Hong Kong should follow the practice of certain overseas cities such as London in permanently installing CCTV systems in various public places for the purpose of maintaining overall law and order. These systems can also deter criminals from committing crime in these places, assist the Police in crime investigation and address the threat of terrorist attacks.

We maintain an open mind towards these opinions. However, at the same time, we must also carefully consider in detail the relevant legal purposes, necessity and protection of privacy. As a matter of fact, PDPO clearly stipulates that personal data shall not be collected unless the data is collected for a lawful purpose directly related to a function or activity of the data user who is to use the data; the collection of the data is necessary for or directly related to that purpose; and the data is adequate but not excessive in relation to that purpose.

In March this year, the Office of the Privacy Commissioner for Personal Data issued the latest version of its Guidance on CCTV Surveillance and Use of Drones ("Guidance"), which offers advice on determining whether CCTV should be used in given circumstances and how to use CCTV responsibly. The Guidance states that before using CCTV, we should carry out a privacy impact assessment, taking into account at least the following three factors: First, are the design and use of the CCTV system appropriate, necessary and proportionate for the given circumstances? Second, are there other less privacy-intrusive means than the use of CCTV to achieve the same objective? Third, has the data user acted and been seen to have acted responsibly and transparently, in terms of its policy, controls, and compliance with PDPO, in the use of CCTV? The Legislative Council Panel on Security discussed the installation of CCTV cameras in public places in April 2002 and June 2009 and some Members expressed concerns on the issue of personal privacy.

We will continue to listen to different views in the community. However, currently we do not have any plan to permanently install CCTV systems in public places for the purpose of maintaining overall law and order but not for certain specified purposes.

MR MICHAEL TIEN (in Cantonese): *The Secretary's consolidated reply comprises two main points. First, continue to listen to different views in the community; second, propose legislative amendments where necessary. Let me now ask him directly why he believes that there is no such need at present? Many recent crime cases have been detected using CCTV footages, and we can all notice that illegal parking is out of control at this moment.*

Why does the Secretary not consult the community? I only ask the Secretary to hold a consultation. Will the Secretary do so? Finally, as collaboration among departments is largely non-existent, the Secretary does not

even know the number of CCTV systems installed throughout the territory. So why has he not established an interdepartmental committee to coordinate the issue? The problem cannot be solved without taking this step. I have briefly raised my supplementary question in these three aspects. Secretary, can you give me a reply?

PRESIDENT (in Cantonese): Mr TIEN, you can only raise one supplementary question. Secretary, you can choose to answer one of the questions raised by Mr TIEN.

MR MICHAEL TIEN (in Cantonese): *Can he give me a consolidated reply?*

SECRETARY FOR SECURITY (in Cantonese): President, with regard to Mr TIEN's concern over traffic offences, I have just mentioned in the main reply that a study is being done by various government departments in this respect. If the findings of the study confirms the feasibility of the idea, the Government will of course submit a proposal to the Legislative Council. And, if any policy changes are involved, I believe the Policy Bureau concerned will take follow-up actions.

Second, regarding crime prevention, existing CCTV systems certainly provide great help to the Police's crime investigation and prevention work. However, as I have described in the main reply, the Legislative Council had strong opinions on our previous plans to set up temporary CCTV systems for crowd monitoring operations in such public places as Lan Kwai Fong, and the Office of the Privacy Commissioner for Personal Data also advised us that several factors must be considered in connection with the installation of such systems. Therefore, at this stage we must listen to the voices of different sectors in society.

MR LEUNG KWOK-HUNG (in Cantonese): *President, the Secretary is totally unresponsive in his reply. He has given a very long reply, but when Members ask him for figures, he is unable to provide any. The Secretary says in the main reply: "We do not maintain statistics of CCTV cameras installed by all government departments." In fact, this does not involve statistical compilation. They simply have to do some calculations, as the Government can readily count*

the relevant payment records; second, he also says: "We do not maintain the total number of crimes which were detected with the help of CCTV footages." Is it really that difficult to get these done?

President, I now put my question to the Secretary. He must listen carefully. Is it really very difficult to do these two things? Have the authorities ever conducted any assessment in this connection? When will they do so?

PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): CCTV cameras are used in many different government buildings. Installation and removal are common. I see no special need for gathering any statistics for this.

As regards Mr LEUNG's second question, in the course of crime investigation, the Police will of course collect details of crime cases through various channels. That said, we do not solely rely on CCTV footages to detect crimes. Even if the footages offer really vital evidence, other supporting evidence is still needed to convince the judges in court and prove the guilt of suspects. Therefore, from this perspective, it is unrealistic to prepare statistics on the number of crime cases detected with the help of CCTV footages.

PRESIDENT (in Cantonese): Mr LEUNG, which part of your supplementary question has not been answered?

MR LEUNG KWOK-HUNG (in Cantonese): *President, I ask the Secretary if it is very difficult to gather the statistics, but he replies that I am unrealistic. In other words, he has not answered my supplementary question. President, I would like to remind the Secretary that this is just an easy job. When they sought funding approval for creating the post of Chief Superintendent of Police ...*

PRESIDENT (in Cantonese): The Secretary has answered your supplementary question. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): *Why should I sit down? He has not answered if it is very difficult ... Instead, he says that I am unrealistic.*

PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Mr CHAN Chi-chuen.

MR CHAN CHI-CHUEN (in Cantonese): *President, Mr Michael TIEN's question uses the term "CCTV", so the Secretary also uses the term. However, these are not truly CCTV systems. The term "closed circuit" refers to the transmission of video signal within a specific system, and footages can only be played on devices connected to a particular circuit. However, signals nowadays can easily be accessed by others, so this kind of facilities can only be regarded as video surveillance or monitoring systems.*

My supplementary question is as follows. Earlier, the British media uncovered the sale of over 1 million pieces of video surveillance equipment by one single Chinese company to the British Government. Following the revelation, the media expressed the worry that the equipment might be fitted with backdoors which could transmit information to the manufacturer or the government concerned.

Can I ask the Secretary to tell us whether the surveillance devices used by the Security Bureau are truly closed circuit, allowing no interception of any video signals and data in transmission? He only has to answer this very question within the portfolio of the Security Bureau. He does not need to answer any questions concerning other departments. Does the Secretary know that simply through an operating Bluetooth headset, people can already steal the information stored in a mobile phone and know what songs the phone user has played? When procuring such surveillance systems, will the Secretary check the security risks associated with the places of origin, or even diversify the places of origin of suppliers, so as to avoid the possible risk of plunging Hong Kong into illegal surveillance by any single place, company or country?

SECRETARY FOR SECURITY (in Cantonese): This supplementary question of Mr CHAN deviates very greatly from Mr TIEN's main question.

Mr CHAN talks about the export of a considerable quantity of CCTV devices with online video transmission function by a Chinese company to Britain. This is a transaction between the Britain Government and a company, and I am not going to comment on it publicly.

All video cameras installed by the Hong Kong Government are regulated by the laws of Hong Kong. As I have said in the main reply, these video systems must comply with the relevant requirements stipulated in PDPO, including procedures for collecting, storing and reviewing the footages. Only persons with reasonable and legitimate justifications are permitted to review the recorded footages.

MR CHAN CHI-CHUEN (in Cantonese): *President, I am not worried about any unlawful acts of the Security Bureau, but I am afraid that the video systems ...*

PRESIDENT (in Cantonese): Mr CHAN, which part of your supplementary question has not been answered?

MR CHAN CHI-CHUEN (in Cantonese): *The Secretary has not answered if he will conduct any risk assessment. I mean, whether these devices will cause leakage ...*

PRESIDENT (in Cantonese): Mr CHAN, please sit down. Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): I believe all government departments will first consider the factors of reliability and security before installing any CCTV systems. Mr CHAN, please rest assured.

MR LAU KWOK-FAN (in Cantonese): *May I ask the Secretary if there are any criteria for installing CCTV systems? We frequently advise TD and the Police to set up CCTV cameras at traffic black spots in the districts, such as crossroads where red light jumping is common, so as to monitor the traffic, enhance the deterrent effect and assist in prosecution. However, they have simply put up a stalling tactic. To be honest, in the community today, CCTV cameras are no longer anything sensitive, and even private car drivers will install front and rear cameras in their cars. The public also consider it appropriate to install CCTV systems at traffic black spots. May I ask if the Security Bureau will assist in coordinating the work in this respect, or if there are any criteria that we can refer to when we request the installation of more CCTV cameras in the districts?*

SECRETARY FOR SECURITY (in Cantonese): I thank Mr LAU for the supplementary question. First, regarding illegal parking, red light jumping or jaywalking, and so on, the existing systems are only used for speed-detection and for dealing with red light jumping. For example, when the traffic light is red, the systems will take photographs of any red light jumping vehicle. These are not CCTV cameras, but cameras used for speed-detection.

As to whether we will specifically set up CCTV systems at traffic black spots or locations where illegal parking is frequent, so that we can monitor the situation, or even using footages recorded in these systems as evidence, as far as I understand, this issue falls within the purview of the Transport and Housing Bureau, and that the Bureau is already leading a study on the issue in collaboration with relevant government departments, including TD, the Electrical and Mechanical Services Department and the Police. Of course, after the completion of the study, I believe the Policy Bureau concerned will probably publish the study findings in response to Members' concern. I believe Members can follow up these issues on other occasions.

MR CHAN HAN-PAN (in Cantonese): *President, the scope of global counter-terrorism efforts have been expanding these days. For example, an unidentified object was found outside the Harbour City mall yesterday, and 600 persons had to be evacuated as a result. It was lucky that CCTV cameras near the scene recorded the process of how the object was placed. However, the image was not clear at all. Indeed, for the purpose of crime detection, it is not*

enough for the Police to rely solely on CCTV cameras installed in the community. We must of course consider privacy. But due to the need for anti-terrorism, can we ask the Police under what circumstances they will consider setting up CCTV cameras in places with high pedestrian flow? Will the Government consider this as one of the necessary tasks?

SECRETARY FOR SECURITY (in Cantonese): With regard to this issue, of course, I understand that installing CCTV systems is conducive to crime investigation and prevention, as mentioned by Mr CHAN. However, every coin has two sides. As far as the Legislative Council is concerned, many Members hold the opposite view, thinking that this violates people's privacy, and believing that this is unnecessary. So, in this respect, we have yet to reach a decisive stance, and will thus keep on listening to opinions expressed by Members and the public.

PRESIDENT (in Cantonese): Second question.

Mechanism for holding regular working meetings established by the Education Bureau and the State Ministry of Education

2. **MR IP KIN-YUEN** (in Cantonese): *President, it has been reported that in January last year, the Education Bureau ("EDB") and the State Ministry of Education ("Ministry of Education") established a mechanism for holding regular working meetings ("the meeting mechanism") and decided that two working meetings would be held each year. On the other hand, the Ministry of Education published early this year the Key Points of Work for 2017, which included "implementing on a full scale the various tasks assigned by the Central Government in respect of the work on the education in Hong Kong and Macao". However, Article 22 of the Basic Law stipulates that no department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region ("HKSAR") administers on its own; Article 136 provides that on the basis of the previous educational system, the HKSAR Government shall, on its own, formulate policies on the development and improvement of education. In this connection, will the Government inform this Council:*

- (1) *which side proposed the establishment of the meeting mechanism; of the details of the mechanism as well as the differences in nature and contents between this mechanism and previous exchange activities between the two sides; the reasons why EDB has yet to announce the details of the mechanism despite the fact the mechanism has been established for more than one year; whether other bureaux or government departments have established similar mechanisms with relevant Mainland authorities;*
- (2) *whether the Secretary for Education, when attending the regular working meeting held early this year, discussed with the officials of the Ministry of Education the Key Points of Work for 2017; if so, of the details; whether EDB received instructions at the meeting or on other occasions to complement the relevant Mainland authorities in implementing the tasks mentioned in the key points of work; whether the Government will make it clear to the relevant Mainland authorities that the education policies of HKSAR are affairs which it administers on its own, and hence are not subject to interference by Mainland authorities as provided in Article 22 of the Basic Law; and*
- (3) *of the respective dates on which various regular working meetings were held since January last year and the issues discussed at those meetings; whether it will make public the relevant documents for and the contents of the meetings, and report them to this Council on a regular basis; if so, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): President, the Education Bureau has all along been committed to promoting the collaboration and ties in education between Hong Kong and the Mainland as well as other jurisdictions through various means, including bilateral or multilateral meetings, mutual visits, signing of memoranda of understanding, etc., with a view to providing more and wider opportunities for the progression and development of Hong Kong students, enhancing international recognition of our education system and academic qualifications, as well as consolidating Hong Kong's role as a regional education hub to facilitate exchange of talents.

Hong Kong is an integral part of the nation and its development has always been closely tied to that of the country. As such, the Ministry of Education ("MoE") is a very important partner of ours. It is necessary to enhance mutual understanding, in order to create more opportunities for collaboration. With the steadfast support of MoE, we have embarked on in-depth and diverse collaboration in education with the Mainland and achieved good progress in recent years, benefiting both teachers and students in Hong Kong. On higher education, for example, MoE has since 2012 implemented the Scheme for Admission of Hong Kong Students to Mainland Higher Education Institutions, under which Hong Kong students are exempted from taking the Mainland's Joint Entrance Examination and can apply for admission to participating higher education institutions in the Mainland by submitting their Hong Kong Diploma of Secondary Education examination results only, thereby relieving them from immense pressure. In addition, the Higher Education Outstanding Scientific Research Output Awards (Science and Technology) set up by MoE has also been open to Hong Kong scholars. Over the years, the scheme has granted awards to Hong Kong scholars (as first authors) for more than 40 research projects, giving statewide recognition to their outstanding research efforts. Besides, first-class universities in Hong Kong and the Mainland are forging alliances, which help synergize and deepen cooperation in areas such as teaching, research and technology transfer, and student exchange, thereby raising the level and standard of regional cooperation. With the MoE's agreement given last year, SCAD Foundation (Hong Kong) Limited and the University of Chicago Booth School of Business (Hong Kong) are now allowed to admit Mainland students to designated locally accredited non-local degree programmes. This has further strengthened Hong Kong's position as a regional education hub.

On basic education, in recent years, MoE has opened up more opportunities for Hong Kong teachers and students to participate in various nationwide activities and competitions. This helps facilitate exchanges with first-rate teachers and students in the Mainland, and enables Hong Kong teachers and students to gain wider exposure and develop broader perspectives. In addition, to enhance exchange and cooperation on the development of basic education curriculum between the Mainland and Hong Kong, the 9th Mainland-Hong Kong Curriculum Exchange Meeting was resumed and held in Beijing in January 2016, and the 10th Meeting was conducted in Hong Kong in January 2017. Professional discussions and exchanges were made on different education matters during the meetings. Through these regular annual meetings, curriculum experts of the two places can study and learn from each other. Moreover, quite a

number of Mainland institutions have worked with us to provide professional training for principals and teachers of kindergartens, primary and secondary schools, enriching their knowledge about pedagogy and curriculum leadership. The Sister School Scheme is also well-received. Currently, over 580 schools in Hong Kong have paired up with their counterparts in the Mainland as sister schools.

Our integrated reply to Mr IP's question is as follows:

The Education Bureau and MoE have conducted exchanges from time to time in recent years, including working meetings, to discuss different education issues and collaboration projects. To further enhance the communication channels, foster closer cooperation in education, and bring about benefits to our teachers and students, both parties agreed that with effect from January 2016, working meetings should be conducted twice a year. The said arrangement facilitates both parties to set aside time to meet periodically, follow up on the progress of various collaboration projects, and exchange views on education issues of mutual concern. In particular, the purpose and nature of the working meetings are no different from those that were conducted in the past.

Three periodic working meetings have been conducted since January 2016, and they were held on 28 January 2016; 18 August 2016; and 14 February 2017 respectively. Before each meeting, the Education Bureau would issue a press release on the date of meeting, the counterparts to be met with and the meeting arrangements, as well as the accompanying officials.

Like those bilateral meetings conducted with the education authorities of other jurisdictions, our periodic working meetings with MoE are also held behind closed doors. Out of respect for our counterparts, it is not appropriate for us to unilaterally publish the meeting papers or disclose the contents of the meetings in detail.

To our understanding, at present, other bureaux and government departments also maintain communication with relevant Mainland authorities on issues of mutual concern through ways that are deemed suitable by both sides, including holding working meetings.

The Education Bureau and MoE exchange views on education issues of mutual concern by conducting periodic working meetings, mutual visits, etc., and share experiences and opinions on the latest developments of education in Hong

Kong and the Mainland. We would like to reiterate that the HKSAR Government will continue to formulate the development and policies of education on its own, in strict conformity with the Basic Law.

MR IP KIN-YUEN (in Cantonese): *President, Secretary Eddie NG is absent again, as he is now leading a delegation to Beijing. Perhaps they need to discuss the establishment of a mechanism for holding regular working meetings the education authorities in Hong Kong and China today.*

The main reply of the Secretary says, "Out of respect for our counterparts, it is not appropriate for us to unilaterally publish the meeting papers or disclose the contents of the meetings in detail." He says that out of respect for their counterparts, they cannot tell us the contents of the meetings. I think this is exactly why Hong Kong people are being kept in the dark. However, what about their counterparts? On 18 August 2016, MoE made a clear account to the whole world on its website that it had already held the second working meeting in respect of the meeting mechanism. It also mentioned that both parties agreed to step up collaboration in the four major areas of curriculum materials, examination evaluation, team development of teachers and government management in the future, with a view to promoting education and making progress together. Why could the Mainland authorities make public the contents concerned but Education Bureau of Hong Kong would say that these contents cannot be made public or made known to the Hong Kong people? How come the whole process of communication has to be done secretly and surreptitiously, and cannot be put under sunlight? Are there any secrets which cannot be divulged?

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

MR IP KIN-YUEN (in Cantonese): *I still have not finished asking ...*

PRESIDENT (in Cantonese): You just asked your question and fully expressed your views.

MR IP KIN-YUEN (in Cantonese): *My question is ...*

PRESIDENT (in Cantonese): You have already asked your supplementary question.

MR IP KIN-YUEN (in Cantonese): *Let me briefly voice my concern, okay? My concern is that they can work on exchanges and collaboration projects, but anything that goes beyond the scope of exchanges and collaboration projects will be unacceptable. Will the officials report the contents of this meeting or future meetings to the higher authorities, and disclose the exchanges to the public through various means in the Legislative Council?*

PRESIDENT (in Cantonese): Secretary, please answer.

SECRETARY FOR EDUCATION (in Cantonese): President, what Mr IP said just now was his own speculation. As I mentioned in the main reply, our exchanges with MoE are mainly on the collaboration projects between Hong Kong and the Mainland, including the collaboration projects for higher education, and the Sister School Scheme or exchange activities for primary and secondary schools.

In fact, in the main reply, we already give very extensive treatment to the exchange projects or the past progress mentioned at the beginning. This reflects the achievement of our discussion with MoE in the past. In the future, we will continue to maintain close communication with MoE, with a view to providing more and wider opportunities for the progress and development of Hong Kong students, enhancing international recognition of our education system and academic qualifications, as well as consolidating Hong Kong's role as a regional education hub. I think Mr IP should not have such speculations, as what he is worried about has not happened.

MR IP KIN-YUEN (in Cantonese): *I only ask whether transparency will be enhanced.*

PRESIDENT (in Cantonese): Mr IP Kin-yuen, please sit down.

MR IP KIN-YUEN (in Cantonese): *I have to pursue my question.*

PRESIDENT (in Cantonese): Mr IP, you have already asked your supplementary question.

MR IP KIN-YUEN (in Cantonese): *After I have asked my supplementary question, I would like to request a clarification of the question.*

PRESIDENT (in Cantonese): You cannot ask further questions.

MR IP KIN-YUEN (in Cantonese): *However, President, the Secretary has not answered my question.*

PRESIDENT (in Cantonese): Mr IP, please sit down.

MR IP KIN-YUEN (in Cantonese): *The Secretary has not answered my supplementary question. Do you mean that I cannot pursue my question?*

PRESIDENT (in Cantonese): You have asked a number of questions and the Secretary has already answered your supplementary question. Ms Claudia MO.

MS CLAUDIA MO (in Cantonese): *In front of us is the Secretary for Education-designate, as I believe that he will be the Secretary for Education of the next Government. He means to say that the closed-door meetings are suspected to be black-box operation. However, Mr IP Kin-yuen says that the Mainland authorities have unilaterally mentioned the contents of the meeting and stated that curriculum was part of the discussion.*

When the Communist Party of China seeks to impose ideological control, it must control the press, and more importantly, it must control education. We are all worried about such control. But in the main reply, the Secretary does not say a word on what we ask in the main question, that is Article 22 of the Basic Law, which provides that no officials from the Mainland may interfere in the affairs which Hong Kong administers on its own. I really have worries and queries, because they are now talking about "implementing on a full scale the various tasks assigned by the Central Government in respect of the work on the education in Hong Kong and Macao". How do the Secretary face up to such accusations or queries?

SECRETARY FOR EDUCATION (in Cantonese): President, we have not concealed anything at all. In the main reply, we mention that in January 2016 in Beijing, Hong Kong and the Mainland resumed ...

MS CLAUDIA MO (in Cantonese): *No, President, I only ask him why he avoids Article 22 of the Basic Law like such a taboo.*

PRESIDENT (in Cantonese): Ms Claudia MO, you have already raised your supplementary question, and it is time for the Secretary to answer. Please allow the Secretary to answer. Secretary, please continue to answer.

SECRETARY FOR EDUCATION (in Cantonese): President, what I wanted to say earlier is that in the main reply, we have mentioned that the 9th Mainland-Hong Kong Curriculum Exchange Meeting was resumed and the 10th Meeting was also conducted by the Beijing authorities together with us. We thus have not concealed anything in regard to curriculum. In fact, the Curriculum Exchange Meeting was first held in 2001 or 2002, and it has already come to the 9th and the 10th meetings. Over the years, Hong Kong has been exchanging views on curriculum with the Mainland so that we can understand the differences between our curricula and make adjustments in our respective areas.

Concerning Article 22 of the Basic Law just mentioned by Ms MO, in our daily contact and exchanges, I do not feel that there is any problem with it, and hence we have not mentioned it in particular in the main reply. Towards the end

of my reply, I reiterate that the HKSAR Government will continue to formulate the development and policies of education on its own, in strict conformity with the Basic Law. Therefore, Members shall not feel worried about this.

MR HUI CHI-FUNG (in Cantonese): *MoE is a ministry in the Mainland. In the Key Points of Work, in black and white, MoE included "implementing on a full scale the various tasks assigned by the Central Government in respect of the work on the education in Hong Kong and Macao". Members just said that they are very puzzled about it. The word "tasks" would mean that Education Bureau of Hong Kong is requested to deal with some duties assigned by the Ministry of the State. The Secretary just mentioned that there is "the meeting mechanism" but that the contents of meetings on "the meeting mechanism" cannot be made public. Nevertheless, we see that after the "meetings of the meeting mechanism", there are some changes to the education of Hong Kong. For instance, the Education Bureau is updating the Secondary Education Curriculum Guide, and the teaching of the Basic Law has suddenly be enhanced ...*

PRESIDENT (in Cantonese): Mr HUI Chi-fung, what is your supplementary question?

MR HUI CHI-FUNG (in Cantonese): *I am explaining the background of the question and will ask my supplementary question later.*

PRESIDENT (in Cantonese): Mr HUI, please ask your supplementary question directly and do not elaborate your arguments.

MR HUI CHI-FUNG (in Cantonese): *President, I have to explain the background of the question first.*

PRESIDENT (in Cantonese): You do not need to explain the background.

MR HUI CHI-FUNG (in Cantonese): *You interrupt me every time I speak. You have been doing that for many times.*

PRESIDENT (in Cantonese): Members can only raise supplementary questions which are brief and concise.

MR HUI CHI-FUNG (in Cantonese): *I just spent less than one minute in asking my question. Do you really have to interrupt me like that? I am now asking my supplementary question and explaining the background.*

PRESIDENT (in Cantonese): You have already spent nearly two minutes in asking your question.

MR HUI CHI-FUNG (in Cantonese): *Please stop interrupting me, okay? Can you allow me to continue with my question?*

PRESIDENT (in Cantonese): Mr HUI Chi-fung, please raise your supplementary question.

MR HUI CHI-FUNG (in Cantonese): *Can you stop interrupting me and let me continue with my question? President, if you continue to interrupt me, I will be unable to raise my supplementary question.*

PRESIDENT (in Cantonese): Mr HUI, please raise your supplementary question immediately.

MR HUI CHI-FUNG (in Cantonese): *The Education Bureau is updating the Secondary Education Curriculum Guide, and some teaching hours for the Basic Law are suddenly added. I will quote an example. When teaching the Basic*

Law, on the topic of selecting the Chief Executive by universal suffrage, the teacher will ask questions like whether selecting the Chief Executive by universal suffrage is a solution to all problems ...

PRESIDENT (in Cantonese): Mr HUI Chi-fung, if you do not raise your supplementary question now, please stop speaking and sit down.

MR HUI CHI-FUNG (in Cantonese): ... *Is it exactly one of the "tasks" given to the Education Bureau? Is it requested to teach the Basic Law, like asking whether selecting the Chief Executive by universal suffrage is a solution to all problems? Concerning the secondary education curriculum, have they asked for your opinions? Have you discussed these issues?*

PRESIDENT (in Cantonese): Mr HUI Chi-fung, please sit down. You have already raised your supplementary question. Secretary, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): President, I think the teaching of the Basic Law in schools is an integral part of education in Hong Kong and the curriculum of Hong Kong students. The Education Bureau, on its own initiatives, introduces changes to the curriculum concerning the teaching of the Basic Law, which has nothing to do with MoE. This is our decision made on the awareness of the fact that Basic Law education should be strengthened in the schools of Hong Kong

MR HUI CHI-FUNG (in Cantonese): *Under "the meeting mechanism", was there a discussion on increasing the hours and approach of teaching the Basic Law?*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): President, as highlighted in the main reply, the Education Bureau will not unilaterally disclose the contents of the meetings in detail.

MR CHEUNG KWOK-KWAN (in Cantonese): *President, I would like to ask the Bureau from the perspective of education. According to the section on Hong Kong in the Key Points of Work for 2017 of MoE, a framework of opening up education to other countries has to be established and this will include steadily promoting the educational measures under the Belt and Road initiative. In this regard, in the Policy Address this year, the Chief Executive has also mentioned subsidizing local young people in having exchanges in the Belt and Road countries, and introducing scholarships to the young people in the Belt and Road countries for studying in Hong Kong. Are these two measures the so-called "tasks" of the State regarding education in Hong Kong? If they are, what assistance will the Central Authorities provide to us in order to implement these two tasks as soon as possible?*

SECRETARY FOR EDUCATION (in Cantonese): President, in paragraph 12 of MoE's Key Points of Work for 2017, the only one sentence mentioning Hong Kong and Macao is "implementing on a full scale the various tasks assigned by the Central Government in respect of the work on the education in Hong Kong and Macao". Up to present, we have not received any detailed information in this regard. Nonetheless, concerning the Belt and Road initiative, in the HKSAR, the Chief Executive and the Secretary for Education (including Education Bureau) agree that that we should encourage Hong Kong students to have more exchanges with their counterparts in the Belt and Road countries. Besides, we have been proposing to set up a scholarship for the Belt and Road countries to encourage the students of these countries to study in Hong Kong. We believe that in the future, Hong Kong will have a lot of opportunities in the Belt and Road development, and our students should fully grasp these opportunities.

MR STEVEN HO (in Cantonese): *President, the question of Mr IP Kin-yuen today is mainly about the various tasks assigned by the Mainland in respect of the education system or the work on the education in Hong Kong, and this part has been mentioned.*

My question is that other countries and places, including the United States and the United Kingdom, always like to tell our country what to do. Speaking of our education system, do you have a communication mechanism with other places? In the past, have other places given any recommendations and pointed out the merits and demerits of the system in Hong Kong? Will political issues also be touched upon?

SECRETARY FOR EDUCATION (in Cantonese): President, in our daily exchanges with other jurisdictions, we often mention the progress or the latest development of our education systems. Through these opportunities, we always explain the advantages of the education system in Hong Kong to other places. When other places are explaining their education systems, we will also observe and try to learn from them. In these exchanges, other jurisdictions have not directly told us the areas that warrant improvement in the education system of Hong Kong. But when we have academic discussions with overseas scholars, they will sometimes suggest studying ways to improve certain areas from the academic point of view.

MR STEVEN HO (in Cantonese): *My question is whether some political issues will be discussed, and the Secretary has not given an answer.*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): President, in our daily educational exchanges or discussions, we seldom mention any political issues, and hence in our exchanges with overseas counterparts, these political issues will hardly be discussed.

DR HELENA WONG (in Cantonese): *President, after the reunification, the Chief Executive, Secretaries of Departments and Directors of Bureaux always have to report to the Central Authorities. Today, the question of Mr IP Kin-yuen is about education affairs. I believe that the Secretary will also agree that education affairs are the affairs which Hong Kong should administer on its own.*

In accordance with Article 22 of the Basic Law, MoE shall not interfere in the education affairs of Hong Kong. In regard to these working meetings which are held twice each year, the questions of Mr IP Kin-yuen are: Do you have an agenda? What has Education Bureau reported? Can those reports be made public and can Members be given an account? I find that these questions are rational. Members and the public have no idea what the Education Bureau has reported to the Beijing authorities. Although the Secretary says that these are routine working meetings, it may also be against the Basic Law as you have accepted the interference from the Central Authorities and there is a hidden agenda. I am now asking the Secretary whether there is any hidden agenda. If the Secretary does not give an account to us, how would we know the answer?

In the third last paragraph of the main reply, the Secretary says, "Our periodic working meetings with MoE are also held behind closed doors. Out of respect for our counterparts, it is not appropriate for us to unilaterally publish the meeting papers or disclose the contents of the meetings in detail."

In saying the above, the Secretary has shirked the responsibility because he implies that the contents of the meetings are not allowed by the Beijing authorities to be disclosed. In that case, how can the Legislative Council monitor the Executive Authorities, and how can we know whether the authorities have violated the Basic Law by allowing the Mainland authorities to interfere with the affairs within the area to which the principles of "high degree of autonomy" and "Hong Kong people administering Hong Kong" apply? It is because Hong Kong needs an open and transparent ...

PRESIDENT (in Cantonese): Dr Helena WONG, what is your supplementary question?

DR HELENA WONG (in Cantonese): ... *The Secretary is accountable to Hong Kong citizens. Hence, President, my supplementary question is actually very simple. Secretary, what gives you the right to make us give up the principle that the Executive Authorities have to be accountable to the legislature in Hong Kong, and the function that the legislature has to monitor the authorities in implementing the Basic Law?*

SECRETARY FOR EDUCATION (in Cantonese): President, perhaps I will reiterate here that the Education Bureau fully abides by the Basic Law in its practices. I can also state that in our meetings, there is not any so-called "hidden agenda" as mentioned by Dr WONG. We only make exchanges in respect of our daily work and follow up the progress of our collaboration projects. Therefore, in the main reply, we also set out the results of our discussion in the past.

I would like to tell Members here that the Education Bureau or we, as the accountable officials, have the responsibility to give an account of our policies or initiatives to the Legislative Council. Therefore, no matter what the discussion results are or what we have achieved, whenever we have any initiatives, we will certainly give an account of our initiatives to Members at the Legislative Council meetings or Panel meetings, and Legislative Council Members will have the opportunities to ask us questions and monitor our work. It is thus unnecessary for Members to feel worried.

PRESIDENT (in Cantonese): Third question.

Measures to prevent students from committing suicide

3. **MR WILSON OR** (in Cantonese): *President, it has been reported that as revealed by the findings of a questionnaire survey released recently, among some 900 students from Primary Five to Secondary One surveyed, 30% and 40% of the primary and secondary school students respectively were assessed as having potential suicidal tendency. The academic who conducted the survey has pointed out that students facing changes such as moving on to secondary school and adaptation to new social circles are more susceptible to emotional distresses, and recommended that the parties concerned should raise students' sense of happiness and improve their ability to face adversities. On the other hand, it has been reported that an online game named "Blue Whale" originated from Russia has recently found its way into Hong Kong. That game, which promulgates ideas of suicide and self-mutilation, may poison the psychological health of young people in Hong Kong. In this connection, will the Government inform this Council:*

- (1) *whether it will follow up the findings and recommendations of the aforesaid survey and take measures to reduce the risks of students committing suicide; if so, of the details of the measures; if not, the reasons for that;*
- (2) *whether it has gained an understanding about the number of local players of the aforesaid online game, and assessed the possible psychological impacts of that game on young people; if so, of the details; if not, the reasons for that; and*
- (3) *whether it will step up efforts in educating young people to cherish their lives, so that they may be immune to the influence of ideas of suicide and self-mutilation disseminated through the Internet; if so, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): President, the Government is very concerned about the developmental needs of young people and attaches great importance to cross-sector collaboration. The Education Bureau and relevant bureaux/departments, including the Food and Health Bureau, the Home Affairs Bureau, the Hospital Authority ("HA"), the Social Welfare Department ("SWD") and the Department of Health ("DH") have been performing their respective duties in taking various measures to enhance the mental well-being of young people with a view to reducing the suicide risk. We aim at early identification and intervention and have been taking a multi-pronged approach in prevention of youth suicide through developing diversified programmes on mental health promotion with an objective of enhancing students' positive thinking and their competency in coping with adversities and environmental changes; as well as devising various measures to provide timely and appropriate support for students in need.

Regarding the questions raised by Mr Wilson OR, I set out my reply as follows:

- (1) and (3)

Youth suicide is a complicated social problem with the interplay of multiple factors, including mental health issues, psychological concerns, interpersonal relationship, family and adjustment

problems, as well as academic stress. The reasons behind each case are not the same. Many organizations in the community have studied the problem of youth suicide. We would consider and integrate these study results and suggestions to enhance the Government's ability to deal with this problem.

The following is a brief on measures taken by different bureaux/departments:

DH promotes mental and psychosocial health to students, parents and teachers through education and publicity activities in different services. HA provides appropriate specialist services for adolescents with suicidal risks. Patients with suicidal risks would be triaged into priority 1 (urgent) cases in general to ensure patients with urgent medical needs are given timely treatment.

Apart from subventing non-governmental organizations to offer stationing school social work service in each secondary school, SWD has subvented the Suicide Crisis Intervention Centre ("SCIC") of the Samaritan Befrienders Hong Kong to provide different dedicated services. In view of the popularity of Internet service among young people, SCIC has set up forum, email-boxes and chat-rooms to identify early and proactively reach out to Internet users with suicidal ideation. SWD also subvents the Hong Kong Federation of Youth Groups in setting up the "Hotline Service for Youth at Risk" which provides counselling and referral services to children and young people facing crisis through telephone contact.

The Home Affairs Bureau currently provides recurrent subvention to 11 youth uniformed groups (with over 110 000 members in total) for providing various types of trainings and programmes to young people so as to enhance their perseverance, discipline, and physical and leadership skills, which will in turn strengthen their ability to face adversities. Meanwhile, the Home Affairs Bureau and the Commission on Youth have launched the Funding Scheme on Life Education for Young People to subsidize non-governmental organization to organize life education programmes for young people.

The Education Bureau is mainly responsible for work within schools. Since 2001, cultivating students' positive values and attitudes has been one of the major objectives for the curriculum reform. The Education Bureau facilitates the implementation of life education at schools. Moreover, the Education Bureau has been planning and organizing programmes and learning communities on life education for primary and secondary schools, with a view to helping schools in formulating their life education curriculum as needed and facilitating teachers' acquisition of teaching strategies and skills necessary for effective implementation of life education, which aims at helping students develop positive values and attitudes and enhance their resilience.

The Education Bureau has been promoting a caring and harmonious school culture among schools, enhancing teacher-student relationship as well as peer relationship among students. We have actively organized diversified preventive guidance programmes for the healthy growth of students. Programmes including "Enhanced Smart Teen Project", "Understanding Adolescent Project" and "Pupil Ambassador Scheme on Positive Living" can help enhance primary and secondary students' self-confidence and resilience. Moreover, the Education Bureau has started the "Pupil Ambassador Scheme on Positive Living" since the 2007-2008 school year to help primary and secondary schools prepare their students for disseminating the message of love on one's life.

The Education Bureau has been encouraging schools to adopt the 3-Tier Support Model to offer additional support to students according to their needs. School professionals, including school social workers, student guidance teachers, educational psychologists ("EPs") will provide support services in their professions. Where necessary, the students identified will be referred to psychiatrists for diagnosis and medication. In addition, schools will arrange multi-disciplinary case conferences when necessary for psychiatrists, medical social workers, EPs and school personnel (including school social workers and guidance personnel) to jointly discuss appropriate support measures for the students.

In response to the spate of student suicides last year, the Education Bureau, in collaboration with relevant bureaux and departments, has put forward various measures, which are directed at three levels, namely "Universal", "Selective" and "Indicated".

At the Universal level, DH and the Education Bureau jointly organized the Joyful@School Campaign with an aim of enhancing students' knowledge and understanding about mental health and their competency in coping with environmental changes. The Quality Education Fund will subsidize appropriate programmes, especially encouraging cross-sector collaboration with schools to conduct activities relating to the promotion of mental health, for example, bridging programmes for Secondary One/Secondary Four students, guidance or life skills lessons.

At the Selective level, the Education Bureau published the "Resource Handbook for Schools" and a web page on prevention of student suicides in order to support schools on identification, support and making referral of students with suicidal behaviours. Besides, the Education Bureau will develop teaching resources jointly with HA to be released in August to enhance schools' capacity to identify and support students with mental illness (including psychosis, depression and anxiety disorders). In addition, the Education Bureau will conduct professional development programmes for teachers to help them detect early and support students with mental health needs including those with suicidal risks.

At the Indicated level, to facilitate early integration of students with mental illness into school upon their recovery, starting from the 2017-2018 school year, the Learning Support Grant will cover students with mental illness so that schools will have additional resources to provide appropriate services, such as arrangement of counselling and emotional support for the students.

In addition, the Food and Health Bureau, in collaboration with the Education Bureau, HA and SWD launched a two-year pilot scheme, the "Student Mental Health Support Scheme". Through multi-disciplinary platforms comprising teachers, EPs, school social workers and psychiatric nurses, communication and collaboration

among professionals from medical, educational and social sectors would be strengthened to provide better support services for students with mental health needs at schools, with a view to facilitating their integration into school life.

- (2) Regarding the questions raised by Mr OR on the aforesaid online game, we do not have the figures and information of players. Nevertheless, most of the ordinances targeting crime prevention in the real world apply also in the cyber world. According to the laws of Hong Kong, a person who, through the Internet, aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence triable upon indictment under section 33B of the Offences against the Person Ordinance (Cap. 212), and shall be liable on conviction to imprisonment for 14 years.

Apart from adhering to the use of Ordinance, promoting students' correct and positive values, as well as developing students' information literacy and enhancing their awareness in e-safety are the most effective measures to protect students, especially in response to the rapid development of information technology and incessant rolling out of online games. The framework "Information Literacy for Hong Kong Students" was updated in late 2016 which aimed at developing students' proper use of information technology. We also encourage parents and teachers to pay attention and provide appropriate guidance to prevent students who might not have sufficient maturity from being affected by temptations. Some games rendering incorrect and improper information, such as those related to violence, suicide and self-mutilation, may have a negative impact on the growth of young people.

To teach, guide and protect students against cyber problems, we have all along been encouraging schools to actively develop students' proper use of the Internet. Every year, we provide workshops on cyber traps and related legal concerns for students to help them handle the problems of cyber bullying and cyber traps as well as to promote Internet safety and awareness of bullying behaviour.

MR WILSON OR (in Cantonese): *President, I am disappointed with the main reply of the Secretary. The Secretary only mentioned some regular work the Administration was doing at present. He did not respond directly to my question on the "Blue Whale" network. You referred it as a game, but to me, it is a death curse finding its way into Hong Kong.*

President, I wish the Secretary can realize that a number of countries including the United Kingdom, Argentina, and Mexico have issued relevant warnings, urging parents to pay attention to the cyber behaviours of their children. On the Mainland, the emergence of online social groups which call themselves "Blue Whale" or "Wake me up at 4:20" has aroused attention of the cyber monitoring department, and relevant departments have started to wipe out this kind of social groups for suspected abetting of suicide. Operators of social networks have also alerted their users of the crime of abetting suicide ...

PRESIDENT (in Cantonese): Mr Wilson OR, please state your supplementary question directly.

MR WILSON OR (in Cantonese): *... President, my supplementary question is I hope that the Secretary can once again take this opportunity to tell members of the public, including our parents and students, what measures are in place to monitor or guard against this life-taking "Blue Whale" game?*

PRESIDENT (in Cantonese): I have to remind Members once again that under Rule 26(5) of the Rules of Procedure, a Member shall not address the Council on a question and a question shall not be made a pretext for a debate. I would ask Members to be more concise in putting their supplementary questions. Otherwise, I will order the Members to stop asking questions. Secretary for Education, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): Actually, like Mr OR, the Government is greatly concerned about the mental and physical health of young people. As I have mentioned in the main reply, there is a wide variety of online games, and new games keep rolling out in short intervals.

The Government endeavours to monitor problematic games and information on various fronts through the efforts of different departments under their respective portfolio. However, as I have said in the main reply, from the perspective of the Education Bureau, the most effective measure is rather the promotion of students' correct values and outlook on life. We have to find ways to let students understand and be aware of the need to look for some basis protection for themselves in the cyber world, and to learn the proper use of information networks. Nevertheless, in response to Mr OR's suggestions, we will step up our efforts in this area. Actually, in respect of this online game, we have already advised teachers and informed parents through certain channels of the need to pay closer attention to their students and children.

MR MARTIN LIAO (in Cantonese): *President, electronic games may create a far-reaching impact on youngsters who are not mature mentally. The suspects of several family homicide cases happened four years ago are youngsters addicted to playing online violent games. I did raise a question on this at the Legislative Council that time. In his reply, the then Secretary for Labour and Welfare said this was a very complex issue, and was thus difficult to assess whether violent crimes and adolescent mental health were directly related to the playing of electronic games. As a result, no focus study was conducted. But the "Blue Whale" game we are facing now is full of psychological calculation. It is the game which instigates suicide and self-mutilation. Indeed, one of the producers of the game has already admitted in court that this game aims to incite young suicide. A number of countries including Estonia, the United Kingdom, the United States, Brazil, and even the Mainland China have already stepped up efforts to prevent the spread of this game. For now, will the authorities still stick by its previous reply and deny conducting a focus study and carrying out a statistical study and analysis on the grounds that the correlation between online games and violent crimes cannot be established?*

SECRETARY FOR EDUCATION (in Cantonese): President, as we all know, the cyber world is developing rapidly, with new products rolling out every day or perhaps at every moment. There is certainly a need to prudently consider whether new information published or new games launched will instil some undesirable notions to their players. As I have said just now, on the education front, we will strive to properly help students distinguish good games and information from the bad ones in this ever-changing cyber world.

In a focused effort to tackle the mental health problem, the Education Bureau is studying ways with the Hong Kong Jockey Club Centre for Suicide Research and Prevention, the University of Hong Kong to make better use of the social media for the promotion of mental health. It is also exploring the possibility of developing with Facebook, YouTube, and other social media some online suicide prevention tools for identification of high-risk youngsters so as to give them appropriate assistance. Apart from preventing the distribution of dangerous beliefs and information online, we will also collaborate with online operators and universities to proactively develop some suitable and desirable information, games, or tools to assist in our work in this area.

PRESIDENT (in Cantonese): Mr LIAO, which part of your supplementary question has not been answered?

MR MARTIN LIAO (in Cantonese): *My previous question was responded to by the Secretary for Labour and Welfare while this question was answered by the Secretary for Education. In view that the issue of student and youth suicide straddles across departments, I would like to ask ...*

PRESIDENT (in Cantonese): Mr LIAO, you have already put your supplementary question, and the Secretary has already answered it. Please sit down.

MS YUNG HOI-YAN (in Cantonese): *The authorities have given detailed explanations on the influence of online games on student suicides. However, despite the collaborated efforts of relevant bureaux and departments to put forward measures directed at three levels of "Universal", "Selective" and "Indicated", it appears that the influence of online game on students' suicidal attempt cannot be effectively monitored. I would like to ask if the authorities have established any concern group to conduct focused study of and keep close watch on how the cyber world impacts students' psychological development? If the authorities have not, whether they will consider establishing such a concern group?*

SECRETARY FOR EDUCATION (in Cantonese): President, the Education Bureau has not set up any cyber monitoring group. Rather, the work is done through exchanges with schools. It is hoped that in their routine or teaching work, teachers can pay special attention to students' possible exposure to and influence by undesirable information or games. As far as the Education Bureau is concerned, we have not set up any cyber monitoring group.

MR JIMMY NG (in Cantonese): *My supplementary question is very simple. It is encouraging to note that the Bureau has done a lot of different work to help students with suicidal tendency. However, while the Bureau has said so much, it appears that neither the Government nor the Bureau has provided relevant figures. Can you explain to us briefly if the number of students with suicidal tendency was found to show a trend of decline statistically over the past five years after the implementation of a series of supporting measures for students?*

SECRETARY FOR EDUCATION (in Cantonese): President, the support we provide to young people who face difficulties or who are in bewilderment and doubt cannot be fully translated in statistical figures. Let me use the questionnaire survey Mr OR has referred to in the main question as an example. If we look into the survey from a relatively academic angle, we will find that the criteria adopted for the assessment of the suicidal tendency of students are rather lax. The institution which prepared this survey also admitted it. Hence, the figures we get from the survey are likely to be higher.

Actually, it will be relatively difficult to conduct a statistical study on students with suicidal tendency by way of detailed and long-term observation. Students may have different emotions at different times. Compared with ordinary days, for example, students may feel differently if a survey is conducted before the Hong Kong Diploma of Secondary Education Examination. The point is that this kind of survey relies heavily on the personal feeling of students, and it depends on whether they believe they have such a feeling. Hence, the effectiveness of the existing measures cannot simply be translated in figures, neither can it be shown by just an increase or decrease in the number of students with suicidal tendency. It is because different new problems will emerge at different time.

Nevertheless, when we discussed the measures in place with teachers and youth affairs workers, they did think that these measures were useful in helping students to overcome, tackle or face up to difficulties or changes in their lives or living environments. Thus, the measures are effective. The problem is whether the past measures we are referring to are able to meet targets or are effective cannot be fully translated in figures or established by surveys.

MR NATHAN LAW (in Cantonese): *Mr LEUNG, as stated in Mr Wilson OR's main question, the same questionnaire survey has pointed out that, among 900 students from Primary Five to Secondary One surveyed, 30% and 40% of the primary and secondary school students respectively were assessed as having potential suicidal tendency. The figures are alarming as the suicidal tendency of students has gradually become a systematic problem. The Bureau has introduced several measures in response to the suicide cases last year. However, I find them only treating the symptoms but not the root cause of the problem. As we can see, there were 17 cases of students suicide since the start of the school year in 2017. I may say that the situation has not been improved. In my view, to treat the root cause of the problem, we must resolve the sources of heavy stress currently faced by students. The education system is one of them. I would like to ask the Bureau whether or not it has conducted systematic assessment or set out systematic review direction for the existing stressful examination-oriented education system?*

SECRETARY FOR EDUCATION (in Cantonese): President, as I have pointed out in the main reply, youth suicide is a complicated social problem with the interplay of multiple factors that eventually lead to youngsters' committing suicide. We understand that to some youngsters, academic stress is one of the sources of stress. Therefore, in the release of the report we have said that we would review the relevant domains of the education system. Looking ahead, the Education Bureau will conduct review on some different domains of the education system in the hope to alleviate the stress of students.

PRESIDENT (in Cantonese): Fourth question.

Conservation and revitalization of the Central Market Building

4. **MR KWOK WAI-KEUNG** (in Cantonese): *President, in March this year, the Government announced that the Chief Executive in Council had approved in principle that the site of the former Central Market be granted to the Urban Renewal Authority ("URA") by a private treaty for a term of 21 years at a nominal land premium, to enable URA to conserve and revitalize the Central Market Building ("CMB"). On the other hand, when commencing the Lee Tung Street redevelopment project in Wan Chai in 2007, URA stated that it would feature in the redevelopment project a "Wedding City" with a wedding-themed design so as to preserve the original characteristics of Lee Tung Street where there used to be a large number of printing shops for wedding cards. The project was completed at the end of the year before last, but the "Wedding City" was missing. In this connection, will the Government inform this Council:*

- (1) as URA has made an undertaking to the Government that it will ensure that the tenants of the revitalized CMB will aim at providing affordable goods and services, of the measures put in place by the Government to ensure that URA will honour that undertaking and will not repeat its failure in the Lee Tung Street redevelopment project; whether such measures will include specifying in the land grant agreement that URA is required to lease the shops in the revitalized CMB to small operators at low rents;*
- (2) whether it knows if URA will conduct a public engagement exercise to consult the public on the modus operandi of the revitalized CMB and on the affordable cultural and retail facilities that should be provided there; how the authorities will rehouse the shop operators that are still running business in CMB at present; and*
- (3) as some members of the public have suggested that URA should make reference to the Lau Pa Sat Market in the central business district of Singapore, and position the revitalized CMB as a food court offering inexpensive food of good quality and with local flavours, whether the Government will request URA to study that suggestion; if so, of the details; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the preservation and revitalization of the Central Market Building is one of the measures under "Conserving Central". In view of the statutory mission of the Urban Renewal Authority ("URA") in preserving buildings, sites and structures of historical, cultural or architectural interest, the Government entrusted URA in 2009 with the preservation and revitalization of the Central Market Building.

To take forward the Central Market Revitalization Project, the Community Advisory Committee established by URA conducted an extensive public engagement exercise between 2009 and 2011 to tap public views on the preferred uses, facilities and operation approaches of the revitalized Central Market Building. There was public consensus that the operation model should have due regard to heritage conservation and public enjoyment, and should avoid profit-maximization. The revitalized Central Market Building will provide a diversified and non-uniform leisure space for public enjoyment and will adopt an operation model aiming at providing affordable goods and services with greenery and public space provided.

Subsequently, URA announced in September 2015 that it would adopt a simplified design in preserving and revitalizing the Central Market Building. The Town Planning Board approved the relevant planning approval conditions for the revised design of the revitalization project in September 2016 and the Buildings Department approved the revised building plan in November 2016. To support URA in preserving and revitalizing the Central Market Building in accordance with public consensus, the Government announced in March 2017 that the Chief Executive in Council had approved in principle that the site of the former Central Market be granted to URA by private treaty at a nominal land premium for a term of 21 years. URA is implementing the Central Market Revitalization Project in accordance with the conditions of the planning approval and the public consensus achieved from the above mentioned extensive public engagement exercise. URA expects to commence the alteration and construction works in the second half of this year as soon as the various approvals are obtained, and will endeavour to complete the revitalization project before the end of 2021 for early enjoyment by the public.

Having consulted URA, my reply to the three-part question is as follows:

- (1) URA made a public pledge that the Central Market Revitalization Project will be implemented on the basis of the above mentioned public consensus achieved from the extensive public engagement

exercise. In addition, consideration may be given to opening certain areas in the Central Market Building around the clock. The Government and URA are negotiating the detailed terms of the land grant and the relevant agreement. To ensure that URA can operate the revitalized Central Market Building in accordance with public consensus, the above operating principles will be reflected in the detailed terms of the land grant and the relevant agreement.

(2) and (3)

As mentioned above, URA conducted an extensive public engagement exercise between 2009 and 2011, including territory-wide opinion polls, consultation workshops for professional bodies, workshops for public engagement and roving exhibition on the design concept, etc., during which public consensus regarding the operation model for the revitalized Central Market Building was reached.

To implement the above mentioned operation model, URA set up an Ad Hoc Committee on the Central Market Revitalization Project in January 2016, and commenced a consultancy study based on the comments collected and consensus achieved in the public engagement exercise conducted between 2009 and 2011 to work out the details of the operation arrangements. URA pledges to ensure that the operator of the revitalized Central Market Building will aim at providing affordable goods and services, exercise control over the uses and tenant mix of the Central Market Building to encourage a diversified array of affordable goods and services, and will not introduce expensive branded stores. URA will report regularly to the Central and Western District Council and URA Central and Western District Advisory Committee on the progress of the relevant study and the revitalization project.

Currently, eight short-term tenancy agreements have been granted by the Lands Department ("LandsD") for retail uses on the second floor of the Central Market Building. LandsD issued notices of termination in mid-April 2017 to request the eight tenants concerned on the second floor of the Central Market Building to vacate the premises before end July 2017. If these tenants meet the

requirements of the operation model of the revitalized Central Market Building, they may consider applying to the operator appointed by URA for tenancy.

MR KWOK WAI-KEUNG (in Cantonese): *President, I am the only Member representing the Hong Kong Island constituency at the Chamber now.*

President, many office or white-collar workers have relayed to me that Central is a district where many workers converge. They complain that their salaries have not been increased but their expenditure on meals has been increasing due to the hiking rents. Actually, we all want more affordable catering facilities in the district so that we do not need to spend on expensive meals. How will the Government ensure that after the revitalization of the Central Market Building, the rents and operation mode can allow the operator to provide adequate affordable catering facilities, so that these office workers can have a choice and thus spend less on their meals?

SECRETARY FOR DEVELOPMENT (in Cantonese): Like the public pledge made by URA, the Government also hope that the Central Market Building, after it reopens, will provide affordable goods and services. According to the existing preliminary proposal, there will be a modern market and food stalls on the ground floor; a cafeteria and light food and beverage facilities on the first floor; and catering services on the second floor. All these are put in place with the catering needs of white-collar workers in mind. We will follow up with URA on the implementation of these suggestions.

MR ABRAHAM SHEK (in Cantonese): *President, the Antiquities Advisory Board did not list CMB as Grade 1 Historic Building. Only Carrie LAM, who was the Secretary at that time, was interested in preserving this building. This is my first point.*

And second, Central seriously lacks office buildings. Have the authorities considered the land premium of this site? If we use the money on providing subsidies for catering operators, I believe the money is sufficient for providing 10 years of free lunch boxes and free drinks. Have the authorities considered the price they have to pay for preserving and revitalizing the Central Market Building?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, conserving and revitalizing the Central Market Building was one of the items, and also one of the measures, proposed under the heading of "Conserving Central" in the 2009 Policy Address. This project under discussion seeks to implement the major measures under "Conserving Central" proposed in that year.

Regarding the supply of commercial buildings and office buildings, we strive to conduct other work apart from rezoning existing sites. In 2016-2017, the Government has sold seven commercial/business sites with a total floor area of almost 490 000 sq m, which is a record high since 2010-2011 when the Government refined the land sale arrangement. It is thus evident that the Central Market Building site is not the only site that can be used for commercial/business purpose, other sites can also provide sufficient space for this purpose.

PRESIDENT (in Cantonese): Mr SHEK, which part of your supplementary question has not been answered?

MR ABRAHAM SHEK (in Cantonese): *The Secretary has not answered my supplementary question. I asked him whether the authorities had estimated the land premium of this site and the amount of money needed to be used to revitalize the Central Market Building. Besides, the Secretary is wrong in saying that there should be sufficient land for commercial/business land use. If what he said is true, the rents in Central would not be so high.*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, we did not make any valuation or estimation on the value of the Central Market Building site. We do not want to assess all sites from the perspective of money. As I said just now, this is one of the projects the Government proposed to conserve Central.

Regarding land supply, as I said just now, the land supply in this regard has been increasing. In the past year, that is 2016-2017, we have supplied almost 500 000 sq m of land, which is a record high in recent years. We will continue

to carry out other rezoning projects, including rezoning, for commercial purposes, the Queensway Plaza site, the topside development of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Central Harbourfront Site 3 and the Caroline Hill Road site.

MR JIMMY NG (in Cantonese): *President, conservation efforts should certainly be encouraged, but leasing shops at low rents to small and medium enterprises with operational difficulties is equally commendable. My question is as follows: have the authorities considered specifying in the terms of the land grant agreement that the small business tenants to which URA leases the shops in Central Market Building shall have to be local enterprises or local branded products, rather than overseas branded enterprises which come to Hong Kong to make profits at low rents?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Member for the reminder. In order to follow up the work concerned, URA set up an Ad Hoc Committee on the Central Market Revitalization Project to continue to listen to public views. As I just mentioned, profit maximization is not our motive for taking forward this project. Hence, we will conduct detailed research to see how we can provide affordable services that meet the needs of local people. As I said just now, we will not introduce expensive branded stores in the Central Market Building. We hope that the shops will mainly be selling local branded products.

DR YIU CHUNG-YIM (in Cantonese): *President, I wish to put a supplementary question to the Secretary. The whole project has been substantially reduced from the \$5 billion "Central Oasis" design to the \$500 million down-to-earth conservation option. But URA is stilling using the consultation result 10 years ago to decide its way forward for the operation and restoration of the Central Market. That is all out-dated information. Now, the authorities only count on a consultancy firm to subjectively conduct a study without conducting another consultation on the latest public views on the use and revitalization of the Central Market Building. We should not forget that two related monuments were discovered recently in the district, and the conservation work should be completely different from the point, line and surface perspectives. May I ask the Secretary whether he will consider conducting afresh a large-scale bottom-up consultation before making the final decision?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as mentioned in my main reply, URA conducted an extensive public engagement exercise between 2009 and 2011 to communicate with different stakeholders. The public engagement exercise included territory-wide opinion polls, consultation workshops for professional bodies, workshops for public engagement and roving exhibition on the design concept, etc.

In order to carry out the follow-up work, URA set up an Ad Hoc Committee on the Central Market Revitalization Project in January 2016. The Ad Hoc Committee will continue to communicate with the stakeholders after taking into account the result of the study concerned. But we need to proceed according to the timetable in order to take forward the project.

DR YIU CHUNG-YIM (in Cantonese): *President, I hope the Secretary can answer the following follow-up question: given that the authorities based the consultation on the "Central Oasis" design and the design is now changed, should they conduct the consultation afresh?*

PRESIDENT (in Cantonese): Dr YIU Chung-yim, please sit. Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the consultation at that time was mainly on the operation mode and the main content of the project, which remain unchanged. We will still use the same operation mode and planning principle.

MR CHU HOI-DICK (in Cantonese): *I wish to put a supplementary question to the Secretary. The authorities have not yet disclosed two pieces of information to the public. First, the building plans approved by the Buildings Department in November 2016; and second, the directions given by URA to the consultancy firm on the proposed operation mode. Can the Secretary provide these two items of information to the public and this Council?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as I mentioned just now, the Town Planning Board approved the planning application for the revised design of the revitalization project in September 2016, and the revised design was mainly about the floor area, usage and concept of the project.

As for the Buildings Department, it is mainly responsible for building safety. Hence, the building plans mainly involves structural engineering. If Member wishes to see those building plans, he can approach the Buildings Department. The building plans are mainly about structural engineering and stabilization works. I believe Members can make an enquiry at the Buildings Department for viewing the building plans.

MR CHU HOI-DICK (in Cantonese): *Regarding the directions given on the consultancy study, can the Secretary also provide that information to us?*

PRESIDENT (in Cantonese): Secretary, regarding the consultancy study, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the consultancy report is still being drafted. As I just said, when the report is completed, the Ad Hoc Committee will consult the stakeholders and the related information will be released then.

MR CHU HOI-DICK (in Cantonese): *President, what is the consultancy firm required to do, I mean, regarding the research scope?*

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please sit. Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, we can follow up on this issue and provide a written answer to Mr CHU. (Appendix I)

MS ALICE MAK (in Cantonese): *President, I declare that I am a Non-Executive Director of URA and also a member of the Ad Hoc Committee on the Central Market Revitalization Project mentioned in the main reply. I need to*

clarify that the proposed cost of the "Central Oasis" design, which Dr YIU Chung-yim just mentioned, is not \$5 billion. It should be \$1.5 billion. Now, this option is dropped, and the current option will still cost \$700 million. In fact, there are only a few building plans, which Member requests to see. It is because URA is required to keep a large part of the internal structure of the Central Market Building unchanged when it revitalizes the building. URA can only conduct some strengthening and stabilization works, like the Secretary just said.

However, I believe what worries the public the most is that the Government has allowed the Central Market site to be granted to URA for a term of 21 years at an extremely low, or nominal, land premium by a private treaty. We certainly agree that this can encourage URA to lease the shops to local small business operators at low or reasonable rents. But how can we be sure that URA will do that? We have reached a consensus in the Ad Hoc Committee, or at URA, and we hold that the shops in the future Central Market Building should be leased to local small business operators at low rents. But frankly, we have a term of office and I certainly cannot be a member of the Ad Hoc Committee for 21 years and my term will end. So, how is the Government going to implement the treaty in future? Would it be better that a specific term be set out, requiring URA to lease the shops to local small business operators in order to enjoy the concessionary land premium?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Ms MAK for her question.

In granting land by a private treaty, we usually will include a term on, what we call it, resumption of site and premise. When a tenant fails to comply with the relevant term of the private treaty but continues to operate its business or carry out its work, the Government shall have the right to resume the land. Another term, which is included in land grant treaty, is cease or reduction in usage. This term gives the Government the right to resume the land if the tenant ceases or substantially reduces in using the premise for the permitted purpose originally prescribed in the private treaty.

Besides, we certainly expect that URA, as a statutory body, will also take up the responsibility to conserve these buildings, apart from taking forward urban renewal. We hope that the monitoring function of the URA Board will enable

its members to follow up this work. In fact, URA also has to be accountable to the public. It has openly pledged that it will adopt the consensus reached at the public engagement exercise conducted between 2009 to 2011 to operate the future Central Market Building.

I certainly understand Ms MAK, being a URA Board member tasked with the monitoring role, may wish the Government to provide additional assurance. Hence, we are considering requiring URA to submit a letter of undertaking to the Government, setting out that it will base its works on the public consensus reached at the public engagement exercise when it takes forward the revitalization of the Central Market Building.

PRESIDENT (in Cantonese): Fifth question.

Standard working hours

5. **MR POON SIU-PING** (in Cantonese): *In November last year, the Members of this Council from the labour sector and all the six employee representatives in the Labour Advisory Board submitted to the Government a report on legislating for standard working hours ("SWH"). On the other hand, the Standard Working Hours Committee submitted its report on working hours policy to the Government in January this year. In this connection, will the Government inform this Council:*

- (1) *whether the current-term Government will, before the end of its term, proceed to implement the recommendations in the two aforesaid reports; if so, of the specific measures; if not, whether measures are in place to ensure that the next-term Government will take forward the work of legislating for SWH; if so, of the details; if not, the reasons for that; and*
- (2) *whether, in order to take the lead, promote family-friendly employment policies, take forward the work of legislating for SWH and protect the rights and interests of grass-roots workers, the Government will revise the "Standard Employment Contract" to be signed between government service contractors and their non-skilled workers to stipulate that the wage rate for overtime work must be higher than the hourly wage rate of the employees concerned, or to*

stipulate that the SWH for such employees should be 44 hours per week and that overtime work must be compensated at 1.5 times of the wage rate, as recommended in the aforesaid report submitted by the labour sector; if so, of the details; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, having consulted the Financial Services and Treasury Bureau, I provide a consolidated reply to the question raised by Mr POON Siu-ping as follows:

- (1) The Standard Working Hours Committee ("SWHC") was set up in April 2013 to follow up on the Report of the Policy Study on Standard Working Hours released by the Government in November 2012, facilitate informed and in-depth discussions by the community, gather views and mapping out the way forward on working hours issues. SWHC has completed a number of important tasks during its term of office, including conducting two rounds of broad-based public consultation and Hong Kong's first ever territory-wide household survey to collect comprehensive working hours data, examining the social and economic factors relevant to working hours policy, and conducting impact assessments on the working hours policy directions explored by SWHC.

In November 2016, the Chief Executive received the Consultation Report on Legislating for Standard Working Hours from the labour sector and passed it to SWHC for consideration. After careful deliberation and balancing different considerations in light of the data and views collected, SWHC submitted its report to the Government on 27 January 2017 putting forth the following major recommendations on working hours policy direction for Hong Kong:

- (i) to adopt a legislative approach to mandate employers to enter into written employment contracts with the lower-income grass-roots employees, which shall include terms on working hours and overtime compensation arrangements. Having regard to the operational needs of different sectors and occupations, employers and employees may work out the agreed contents of these terms on the premise that the relevant legal requirements are satisfied;

- (ii) to adopt a legislative approach to specify that the lower-income grass-roots employees should be entitled to overtime compensation by way of overtime pay at a rate no less than the rate of the agreed wages or the equivalent time-off in lieu, so as to further protect these lower-income employees;
- (iii) through the Labour Department's existing industry-based tripartite committees and setting up new ones for other sectors with relatively long working hours (such as cleaning services and elderly homes), to formulate and publish sector-specific guidelines setting out suggested working hours standards, overtime compensation methods and good working hours management measures for employers' reference and adoption so as to improve employees' working hours arrangements; and
- (iv) to monitor the implementation of the above recommendations (for example, collecting relevant information and statistics through enforcement action and statistical surveys) and review their effectiveness after two years of implementation, and continue to discuss and study through an appropriate tripartite platform whether there is a need for standard working hours legislation; and, if so, its contents and relevant arrangements.

SWHC considers that Recommendations (i) and (ii) above should not cover persons to whom the Employment Ordinance and the Minimum Wage Ordinance do not apply, and recommends that the Government may conduct detailed examination and impact assessment with a view to determining the scope of lower-income employees requiring protection, as well as further collating views and making reference to relevant information for formulating the contents and detailed arrangements of these two recommendations.

The Government is taking full account of the report of SWHC and the views of various sectors of the community carefully, and strives to map out within the current term the working hours policy direction that suits Hong Kong's socio-economic situation.

- (2) Under the existing procurement system, the Government would as far as possible incorporate the statutory entitlements stipulated in the relevant labour legislation into government service contracts. Requiring contractors to provide employment benefits in addition to statutory requirements on a compulsory basis, such as setting weekly working hours limits or offering higher wages including overtime pay on the employment of non-skilled workers, involves the Government's overall policy considerations and needs to be considered carefully.

MR POON SIU-PING (in Cantonese): *The reply given by the Secretary is disappointing, especially part (2) of the main reply, because the Government should take the lead to promote family-friendly employment policies, and make the necessary arrangements accordingly when awarding government service contracts.*

The Secretary stated in part (2) of the main reply that setting weekly working hours limits or offering higher wages including overtime pay on the employment of non-skilled workers involved the Government's overall policy considerations and needed to be considered carefully. My supplementary question is: As family-friendly employment policies are established policies, what policies the Secretary was actually referring to when he said that overall policy considerations were involved? Why this cannot be done?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): As I have pointed out in the main reply, apart from family-friendly employment policies, we are now taking full account of the report of SWHC and the views of various sectors of the community, and are considering the overall situation. Our aim is to put forward, before the expiry of the term of the current Government, the working hours policy direction that suits Hong Kong's socio-economic situation.

After the working hours policy direction is finalized, a study will of course be conducted by the Government having regard to the details and implementation of the policy direction, so as to determine if there is a need of incorporating the relevant terms and conditions into government service contracts, or how they should be duly incorporated into such contracts.

MR HO KAI-MING (in Cantonese): *President, I wish to tell the Secretary that the labour sector has taken a very firm stance on the setting of standard working hours. We object to the proposal put forward by SWHC in its report to substitute standard working hours with contract working hours, because members of the sector have reflected to us that the introduction of contract working hours could never achieve the effect of reducing working hours, and working hours specified in written contracts would only keep lengthening.*

Since the incumbent Chief Executive has undertaken in his election manifesto that he would follow up on the issue of standard working hours, I would like to ask the Bureau whether it is the intention of the current-term Government to keep delaying the matter and deprive members of the labour sector of the rights and interests they entitled? If this cannot be done, how would the Bureau of the current-term Government and the Chief Executive explain the whole thing to all wage earners?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): We all understand that the issue of standard working hours is highly complicated and controversial, and will in fact bring about a wide range of far-reaching impacts on different areas such as the overall labour market, manpower demand, employment relationship, work culture, business environment, economic development, enterprise competitiveness, and so on.

Therefore, as I have pointed out just now in the main reply, we are taking full account of the report of SWHC and the views of various sectors of the community carefully and thoroughly, including the views contained in the Consultation Report on Legislating for Standard Working Hours submitted by the labour sector. We will also make reference to the findings of the relevant data analyses and impact assessment results under different scenarios. It is still our objective to map out within the current term the working hours policy direction that suits Hong Kong's socio-economic situation.

MR LUK CHUNG-HUNG (in Cantonese): *President, I express deep regrets at the reply given by the Secretary. The Chief Executive has stated very clearly in his manifesto that he would promote the work of legislating for standard working*

hours, and the committee set up for this purpose is called the Standard Working Hours Committee instead of the Contract Working Hours Committee. These are my personal views, and I would put my supplementary question now.

According to the results of a survey conducted by the United Bank of Switzerland, Hong Kong people are now working 50 hours per week, ranking first in the world. There is also an increase of six hours in our working hours when compared with the results of similar surveys conducted in 2012. Is it a shame to Hong Kong, which is a world city in Asia? Does the Secretary consider it an acute social problem for people here to work exceedingly long hours? Moreover, after SWHC has submitted its report in January, what have SWHC and the Labour and Welfare Bureau done in these few months? Does the Secretary consider this a problem?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I have repeatedly emphasized just now, the issue of standard working hours is highly complicated and controversial. As revealed by the report of SWHC, there are dissenting views in society apparently on the proposal to legislate for standard working hours, and further discussions are necessary. We notice that apart from putting forth recommendations on how a legislative approach can be adopted to execute written employment contracts, and how to protect the overtime compensation for low-income employees, SWHC has also proposed that a review should be conducted on the effectiveness of its recommendations after two years of implementation, in order to continue to discuss and study whether there is a need for standard working hours legislation; and if so, its contents and relevant arrangements.

We are now trying our best to take full account of the views of various sectors carefully, and have conducted a lot of data analyses and impact assessments under different scenarios over the past few months. As we all know, a meeting of the Panel on Manpower will be held on 20 June, during which Members will certainly be briefed on the latest progress as well as the findings of analyses and assessments conducted in the process.

MR POON SIU-PING (in Cantonese): *President, the Secretary insisted that the Government would strive to map out within the current term the working hours policy direction that suits Hong Kong's socio-economic situation, but SWHC has submitted its report to the Government four months ago, and there is only one*

month left in the term of the current Government. I am eager to know the concrete details in this respect, and when will the actual policy direction be mapped out so that most of the labour unions will be briefed on its details?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I have repeated just now and as we all know, a meeting of the Panel on Manpower has already been scheduled on 20 June, during which we will report on the latest progress in general as well as the findings of analyses and assessments conducted by the Government over the past few months. It is still our objective to map out within the current term the working hours policy direction that suits Hong Kong's overall socio-economic situation.

MR KWOK WAI-KEUNG (in Cantonese): *President, It would indeed be very difficult to fight for employees' rights and benefits in a highly commercialized city. In the past few years, the Government has failed to honour its pledge in employees' rights and benefits and worse still, it has handled the relevant matters in a distorted way, and this can be best illustrated by the fact that standard working hours are substituted by contract working hours.*

If a performance pledge can be given like the allocation of public housing flats so that a housing offer would be made in three years, the number of cases on the Waiting List would not be accumulated to over 300 000. The problem now is that there is a heavy backlog of cases involving employees' rights and benefits, since we sometimes cannot even settle a single case after five years. Does the Government really have the determination to tackle the problem?

President, I have raised the same question many times, and as far as overtime work is concerned, the data collected by the Census and Statistics Department only reflect the hours of overtime work undertaken by employees at the request of employers. However, the hours of overtime work undertaken by employees due to the overtime work culture are not covered by the data collected. Hence, the data collected by the Census and Statistics Department cannot really reflect the actual situation. What exactly is the Bureau planning to do to address the problem, so that the data collected in the future would be adequate to reflect the actual hours that wage earners have worked overtime?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, we have been listening to views expressed by various sectors, including the labour sector. As for the data collected, we notice that SWHC has recommended the execution of written employment contracts, and this should be helpful in enhancing the transparency and openness of the overall working hours arrangements, and in facilitating our study and review of the issue in the future.

As I mentioned earlier, overall consideration will of course be made in mapping out the working hours policy direction, and it is hoped that a policy direction could be put forward to follow up the views expressed by various sectors in the future. We understand that many different views have been expressed in this regard, including those expressed by the labour sector, and we will definitely take them into careful consideration.

PRESIDENT (in Cantonese): Mr KWOK, which part of your supplementary question has not been answered?

MR KWOK WAI-KEUNG (in Cantonese): *President, the Secretary has not answered how the methods of data collection will be improved, so that the data collected can genuinely reflect the current situation.*

PRESIDENT (in Cantonese): Alright, please sit down. Secretary, do you have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): According to the data provided by employees interviewed in the 2014 Household Survey on Working Hours Situation, their median total working hours during the seven days before enumeration were 44 hours. Among them, employees with lower educational attainment (Secondary Three or below) and employees engaged in lower-skilled occupations had longer median total working hours (48 hours and 45 hours respectively) during the seven days before enumeration, while the median weekly working hours for employees of relatively long-working-hours sectors were 48 hours.

During discussions at the Panel meetings, views have been expressed on the methods adopted to conduct statistical surveys, and such views have already been noted by the Census and Statistics Department. A review will be conducted as and when appropriate, so that further adjustments may be made to data collection and analysis.

MR HO KAI-MING (in Cantonese): *President, I am very disappointed with the reply given by the Bureau in part (2) of the main reply, because the Government has failed to make any attempts to incorporate the element of standard working hours we put forward into government service contracts. Let me illustrate this point with a living example I have at hand.*

If upward adjustments are made annually in accordance with actual inflation to the salary of security personnel in housing estates, their salary will increase to \$9,200 in six years. However, if the practice mentioned in part (2) of the main reply is adopted to award security service contracts through open tender, the bidder with the lowest bidding price will get the contract, but every security guard will be subject to a pay cut of \$500. Yet, such personnel are employees engaged by government service contractors. I would like to ask if it is the policy of the Government to reduce the salary of workers? Will consideration be given by the Government to adopting the protection of the existing rights and benefits of workers as its most basic labour policy? I hope the Bureau would relay my opinions in this respect to the Financial Services and the Treasury Bureau.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): We will convey the views expressed by Mr HO just now to the Financial Services and the Treasury Bureau for information and follow up. However, as Members may be aware, a series of targeted measures have been introduced by the Government over the years to safeguard the rights and benefits of non-skilled workers employed under government service contracts. For example, for government service contracts awarded through open tender since April 2005, contractors have been required to sign the "Standard Employment Contract" promulgated by the Labour Department with their employees, and specify clearly in the contract the monthly salary they will receive, working hours, working place, their Mandatory Provident Fund contribution, the method of salary payment and other terms of employment.

Moreover, we have also put in place a barring from tender mechanism and a demerit point system in the procurement procedures. Under the barring from tender mechanism, should a contractor contravene any ordinance related to labour rights and benefits, his tender submission will not be considered by the Government in the five-year period commencing from the conviction date, regardless of whether the relevant conviction is related to a government service contract. Under the demerit point system, should a contractor fail to fulfil his responsibility stipulated in the "Standard Employment Contract" in relation to wages, working hours and other terms and conditions, he will be given one demerit point for each contravention. Should a contractor receive three demerit points in three years, his tender submission will not be considered by the Government in the next five years.

We have also encouraged procurement departments to adopt a scoring system when handling service contracts involving the employment of a large number of non-skilled workers. Apart from assessing the ability of contractors in rendering the required services according to the marking schemes, procurement departments are also required to include the proposed wages and working hours under pre-set assessment criteria in the technical assessment, so that tenderers who are prepared to pay higher wages or propose shorter working hours for workers will receive higher scores. In addition, the Labour Department and procurement departments will also continue to step up their enforcement and regulatory efforts.

PRESIDENT (in Cantonese): Last oral question.

Issues relating to a recent serious untoward event which occurred in a public hospital

6. **DR HELENA WONG** (in Cantonese): *President, the Hospital Authority ("HA") has adopted a sentinel event reporting mechanism since 2007 and added two types of serious untoward events to the mechanism since 2010. Under the mechanism, public hospitals must report such events to the HA Head Office within 24 hours. On the other hand, when two doctors in the Renal Specialist Outpatient Clinic of the United Christian Hospital ("UCH") provided high-dose steroid treatments to a hepatitis B ("HBV") carrier in January and February this year respectively, they did not concurrently prescribe antiviral prophylaxis to*

reduce the risk of acute hepatitis flare-up triggered by steroid treatments. Subsequently, the patient suffered from acute hepatitis and underwent two liver transplant surgeries. UCH had all along not reported the event since uncovering this serious untoward event on the 6th of last month, and it did so only after the patient's family made enquiries on the 19th of last month. UCH then made public the event on the 9th of this month. In addition, it has been reported that such nephrologists are not authorized to prescribe hepatology drugs, and they have to refer such cases to the relevant specialists or more senior doctors for decision. In this connection, will the Government inform this Council if it knows:

- (1) the number of cases, in each year since HA's adoption of the sentinel event reporting mechanism, in which public hospitals failed to comply with the requirements of reporting such events within 24 hours and details of such cases (including the names of the hospitals involved and whether the staff members involved in delayed reporting on such events were punished); whether HA will conduct an investigation to see if there were events in the past 10 years which have so far not been reported but should have been reported as required, and announce the investigation outcome; if HA will, of the details; if not, the reasons for that;*
- (2) whether HA will conduct a comprehensive investigation to ascertain whether there were cases, other than the aforesaid UCH incident, in the past 10 years in various public hospitals in which patients were not prescribed anti-HBV prophylaxis despite medical needs and subsequently suffered from acute hepatitis; if HA will, of the details; if not, the reasons for that; and*
- (3) whether HA will review and relax the restrictions currently imposed on specialists' prescribing drugs of other specialties so as to avoid delays in treatment for patients; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the Food and Health Bureau and Hospital Authority ("HA") are highly concerned about the event mentioned in the question. An independent root cause analysis panel has been set up by the United Christian Hospital ("UCH") to investigate the

hospital's clinical management of the patient and its communication with the patient and her family, as well as to make recommendations on improvement measures to prevent any recurrence. Apart from the investigation into this event, HA has also established an independent review panel to conduct a comprehensive review of the current Sentinel and Serious Untoward Event Policy ("the Policy"), which covers examination of the definition and scope of sentinel and serious untoward events related to clinical incidents, reporting mechanism, as well as notification and announcement mechanisms. The review panel will make recommendations to HA on follow-up actions according to the findings.

Both panels have commenced their work. The root cause analysis panel is expected to complete its work in mid-June, while the one reviewing the Policy will submit its report to HA Board in early July. The Food and Health Bureau and HA are closely monitoring the progress of the panels and, with reference to the findings, will formulate improvement measures to ensure implementation and compliance of the Policy, with particular emphasis on the timeliness of notification and announcement.

My reply to the various parts of the question is as follows:

- (1) Since the implementation of the Policy by HA in 2007, about 80% of cases were reported within 24 hours. The remaining cases could not be reported within 24 hours mainly because they were more complicated that the hospitals and clusters concerned might need more time to gather information from the staff members, patients and their family members and to maintain close liaison with relevant departments before determining the nature and category of the events and reporting the cases.

As for cases which are not reported within the time specified, HA Head Office will seek explanation from the clusters and hospitals concerned and conduct reviews to ensure that all hospitals and clusters report the cases to HA Head Office via the Advanced Incident Reporting System ("AIRS") within 24 hours and handle the cases in accordance with the established procedures.

In case of any medical incidents, the hospitals concerned should report the incidents, including those outside the scope of specified sentinel and serious untoward events to be reported, to HA Head

Office via the AIRS. The hospitals and clusters concerned and HA Head Office will take appropriate actions, such as conducting investigation and reviews, having regard to the nature of the incidents. Where necessary, HA will appoint an expert panel to conduct detailed analysis with a view to identifying the possible causes of the incidents, and exploring and formulating improvement measures.

By implementing the Policy, HA intends to encourage its staff to report sentinel and serious untoward events in a timely and open manner to facilitate early investigation so that lessons can be learnt from the events to prevent the recurrence of similar incidents in the future. Hence, instead of releasing the number of sentinel and serious untoward events of individual hospitals, HA announces the overall figures of all hospitals through its "Risk Alert" and the Annual Report on Sentinel and Serious Untoward Events.

As I have mentioned above, HA has nevertheless established an independent review panel to conduct a comprehensive review of the Policy, which covers examination on the definition and scope of the events related to clinical incidents, reporting mechanism as well as notification and announcement mechanisms. The review panel will make recommendations to HA on follow-up actions according to the findings.

- (2) In the past 10 years, HA Head Office received a total of three reported cases related to medical incidents in which patients were not prescribed anti-HBV prophylaxis and subsequently suffered from acute hepatitis. The first two cases were investigated and analysed by the respective root cause analysis panels, and later published in HA's "Risk Alert". The third case is under investigation.
- (3) With the advancement of medical technologies, new drugs come into the market from time to time. These drugs are proven to vary in safety, efficacy and cost-effectiveness, as well as their side effects and health outcome. The HA Drug Formulary ("HADF") was put in place with a view to ensuring equitable access by patients to cost-effective drugs of proven safety and efficacy through standardization of policies on drugs and drug utilization in public

hospitals and clinics. In the HADF, general drugs are those with well-established indications and effectiveness available for general use as indicated by relevant clinical conditions, while special drugs are those used under specific clinical conditions with specific specialist authorization to ensure the safety and efficacy of the drugs used by different specialties.

HA currently sets out guidelines on the clinical specialties recommended for drug prescription for each type of special drugs as well as the clinical indications of the drugs. The Cluster or the Hospital Drug and Therapeutics Committees may include additional clinical specialties internally for drug prescription for operational needs. Specialists other than those recommended clinical specialties may also prescribe special drugs according to the clinical needs of individual patients upon consultation with the latter. The HA reviews, on a regular basis, HADF, the clinical indications of various drugs and the clinical specialties recommended for drug prescription, to ensure that its clinical services and drug utilization can keep up with the latest development of medical technology and scientific evidence. HA also reviews the prevailing procedures in accordance with the established mechanism to facilitate prescription of special drugs by the specialists concerned.

DR HELENA WONG (in Cantonese): *President, we can see from the Government's main reply that actually only 80% of hospitals have adhered to HA's mechanism by reporting such events within 24 hours while the remaining 20% have ignored the mechanism and disregarded the required procedure. At the same time, some hospitals have failed to observe the mechanism and procedures since HA has failed to discharge its monitoring duties properly. In part (2) of my main question, I have asked the Government whether it would conduct investigation to ascertain whether there were similar cases in the past 10 years. The Government responded that HA Head Office received a total of three reported cases. Actually, one such fatal incident is too many, but these hospitals have time and again made the same mistakes and HA could not stop them.*

Since the Government responded just now that 20% of cases could not be reported within 24 hours, and some were even not reported—just like the latest case, had it not been brought to light by the relatives of the patient, the public

would have been kept in the dark. May I ask since there were three reported cases in the past 10 years, will Dr KO investigate whether or not there are cases being hidden among those unreported cases in which patients were prescribed the same high-dose steroid treatments but not hepatology drugs? Will he launch the investigation in order to prevent patients who are waiting for liver transplant from dying as they could not live long enough to wait until their turns come for the transplant, or they would die or suffer serious health hazards after the transplant as a result of the occurrence of similar incident? As to these cases, will Dr KO probe into them?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, as I have mentioned in the main reply, apart from setting up a root cause analysis panel to find out what exactly has happened and whether or not there is a cause for this incident involving one hospital, as well as to make recommendation on improvement measures this time around, HA has also established an independent review panel to conduct a comprehensive review of the Policy, which covers examination on the definition and scope of the events related to clinical incidents, reporting mechanism as well as notification and announcement mechanisms.

As I said just now, in HA's knowledge, 20% of cases could not be reported within 24 hours mainly because complicated clinical incidents were involved. Thus the hospital management had to establish certain communications and gain a preliminary understanding of the incident as soon as it was informed that an incident was likely to happen or had just happened before determining the nature of these cases and considering whether or not immediate report was warranted.

Since an overall and comprehensive review will be conducted this time around, which covers examination on the scope and definition of the events related to clinical incidents, the reporting mechanism as well as notification and announcement mechanisms and so on, therefore I believe that we can make fundamental improvement to the overall notification mechanism.

DR HELENA WONG (in Cantonese): *My supplementary question was very clear. I asked if Dr KO would conduct a fresh investigation into unreported cases in the past 10 years in which patients had to undergo liver transplant or had deceased due to liver failure?*

PRESIDENT (in Cantonese): Dr Helena WONG, please sit down first, you have raised your supplementary question. Secretary, do you have anything to add?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, if we have any information which could substantiate the existence of such cases, we will definitely conduct the investigation.

DR KWOK KA-KI (in Cantonese): *President, the incident of Ms TANG Kwai-sze is certain not a common medical incident. Members should remember that on 13 April, the Queen Mary Hospital and the Secretary were urging Hong Kong people to donate their livers. Doctors or any health care worker will make mistake, that is something we all understand. But the most outrageous thing is that UCH delayed the notification for 15 days and HA Head Office delayed 18 days.*

The Secretary was once a senior executive of HA. May I ask the Secretary, if staff of HA (the so-called senior executives) could turn a blind eye to the notification mechanism, or even the Chief Executive of HA was not observing the notification mechanism which had been implemented since 2007, then will the Secretary consider that both the hospital involved and HA Head Office have made a serious mistake as they failed to report the event? Regardless of the findings of the investigation, will the Secretary accept the mistake? If he cannot accept it, what should be done, in the Secretary's view, to address the current poor governance of HA?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have repeated just now that the Policy was very important. As to UCH's clinical incident this time around, no matter its nature, consequence and handling, including the notification and announcement, is a sentinel event that we concern very much. For that reason, HA has established an independent review panel which comprises HA's board members to conduct a comprehensive review of the current Policy. I believe the review has a significant bearing on the future improvement of the Policy, including its notification and announcement.

Certainly, on the other hand, HA has its established personnel policy. If any staff of HA (regardless of his/her rank) falls under the internal personnel management mechanism where actions are to be taken, then I believe HA will follow up after the completion of the current review.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, which part of your supplementary question has not been answered?

DR KWOK KA-KI (in Cantonese): *My last supplementary question is very clear, that is, whether or not the incident this time around shows the ineffectiveness of HA's management or governance. The Secretary has not answered this part.*

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you have raised your supplementary question. Secretary, do you have anything to add?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I wish to reiterate that the responsibilities of Food and Health Bureau—that is, the Administration, is to ensure HA to put in place an accurate reporting mechanism for sentinel event, so that staff at all levels may act in accordance with the mechanism.

DR PIERRE CHAN (in Cantonese): *President, I wish to follow up part (3) of the main question regarding the restrictions of drugs.*

In fact, HADF restricts the use of drugs by doctors and patients, which is evident in the current incident. If doctors cannot prescribe the drugs, they will put the blame on frontline health care workers. I have to point out the administrative blunders of Secretary Dr KO and the fact that he is good at weasel words, and I wish to ask him if he knows that there are hospitals and clinics which allow the prescription of oral steroids, but doctors and patients are not allowed to access special drugs for hepatitis B?

First of all, I may as well answer two questions on his behalf. The first is that all outpatient dermatology clinics of the Department of Health, the second is the Hong Kong Eye Hospital. Then, does he know if there are other facilities which allow the prescription of oral steroids but doctors and patients are not allowed to access special drugs for hepatitis B?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): As a medical professional, I believe Dr CHAN should understand that as far as the use of drugs for medical purposes is concerned, all medical service organizations or the Government are duty-bound to ensure the safety and efficacy of drugs are used in accordance with the established mechanism. Of course, that also involves the drugs registration system. Nevertheless, all medical service providers have another responsibility, in particular Hong Kong's HA or similar institutions in other countries such as the National Health Service in England where the medical expenses are borne by the public sector, that is, they are duty-bound to ensure that the use of drugs should be appropriate and at the same time cost-effective.

Under that circumstance, not only Hong Kong, all places will put in place the mechanism to specify which drugs are under the professional scope of a certain category of specialists, or only a certain level of doctors are authorized to prescribe such drugs. Nevertheless, we agree that if the clinical situation warrants, then an effective and flexible mechanism should be put in place with a view to ensuring access by individual patients to the drugs under the relevant clinical situation if such individual patients have the genuine need.

For that reason, as I have mentioned just now that HA would constantly review the policies and arrangements for prescription of drugs, so as to ensure that its clinical services and drug utilization can keep up with the latest development of medical technology and scientific evidence. As such, with the advancement of medical technologies, we have to constantly examine proven and published international or local medical research studies under such mechanism, and then follow the direction and policies introduced by these medical research studies and update our guidelines from time to time. I believe HA has put in place the mechanism or procedure in this respect.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Offshore renminbi business in Hong Kong**

7. **MR CHAN CHUN-YING** (in Chinese): *President, the Financial Secretary has indicated in his Budget Speech this year that "[a]s revealed by the Bank for International Settlements' survey findings published last September, Hong Kong continued to rank top globally in terms of the volume of RMB [renminbi] foreign exchange transactions. These are testimonies to Hong Kong's status as the global offshore RMB business hub."* However, the Society for Worldwide Interbank Financial Telecommunication announced in its special edition of *The RMB Tracker* published in April this year that London had become the largest offshore RMB foreign exchange ("FX") transaction centre globally. According to the data shown in that special edition, in the first quarter of this year, around 36.3% of the world's offshore RMB FX transactions were conducted with the United Kingdom, while Hong Kong was second with a 29.3% share. In this connection, will the Government inform this Council:

- (1) *whether it has studied why Hong Kong's global ranking, in terms of the volume of offshore RMB FX transactions, has dropped from the top ranking in the fourth quarter of last year to the second in the first quarter of this year;*
- (2) *of the measures adopted by the Government since the fourth quarter of last year to consolidate Hong Kong's top ranking; and*
- (3) *of the new measures it will adopt in the coming few months (including the third and the fourth quarters of this year) to enable Hong Kong to recapture the top ranking?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, my reply to the three parts of the question is as follows:

- (1) The Bank for International Settlements ("BIS") conducts a survey on global foreign exchange market activities triennially. A total of 52 central banks and monetary authorities (including the Hong Kong Monetary Authority ("HKMA")) have participated in the survey, which aims to collect comprehensive and internationally consistent information on the size and structure of the global foreign exchange

and over-the-counter interest rate derivatives markets. The result of the survey published by BIS last September shows that as at April 2016, Hong Kong had the highest turnover of Renminbi ("RMB") foreign exchange and derivatives trade among offshore markets, averaging US\$77 billion equivalent per day. Singapore came second, with average daily turnover of US\$43 billion equivalent. The United Kingdom (including London) ranked third, with a corresponding figure of US\$39 billion. The statistics of the Society for Worldwide Interbank Financial Telecommunication ("SWIFT") quoted in the question was published in a special report by SWIFT in April this year. According to our understanding, the statistics was compiled based on the value of RMB foreign exchange and derivatives trade confirmed by means of SWIFT protocol in March this year, as well as the geographical location of the SWIFT users involved.

Since the methodologies used and the nature of trading activities covered by BIS and SWIFT figures are different, the two cannot be compared directly. However, it is worth noting that when the International Monetary Fund assessed whether the RMB should be included in the Special Drawing Right currency basket in 2015, it made reference to BIS's triennial survey data in evaluating RMB's turnover in the global foreign exchange markets, which was one of the factors considered.

In fact, Hong Kong excels in many areas of offshore RMB business. Despite foreign exchange market volatilities, Hong Kong maintained the world's largest offshore RMB liquidity pool, exceeding RMB 580 billion yuan as at end-March this year. Hong Kong also has the world's largest offshore RMB bond market. As at end-March this year, the outstanding amount of RMB bonds totalled over RMB 280 billion yuan. Meanwhile, the outstanding amount of Hong Kong banks' RMB loans also stood at some RMB 260 billion yuan during the same period. Hong Kong's RMB Real Time Gross Settlement system continued to record a high level of turnover, averaging some RMB 900 billion yuan per day. As the global offshore RMB business hub, Hong Kong serves as a RMB platform supporting various offshore RMB financial activities, including foreign exchange transactions, in different parts of the world.

(2) and (3)

The National 13th Five-Year Plan pledges support for Hong Kong to consolidate and enhance its position as an international financial centre and global offshore RMB business hub. A wide range of RMB business activities are covered in this respect, including RMB foreign exchange trade, settlement, financing and asset management, etc.

To facilitate the comprehensive and diversified development of our offshore RMB business, the Government continues to closely engage the industry and relevant Mainland authorities to seek more policy headroom with a view to expanding the channels for two-way cross-border RMB fund flows and strengthening financial cooperation with the Mainland, including further refinement and expansion of cross-border investment schemes. To support a large volume of increasingly complex offshore RMB financial transactions, we will keep up the efforts to enhance market infrastructure and cross-border connectivity of financial infrastructures. The Bond Connect recently announced by HKMA and the People's Bank of China is an example which, through the connection between the financial infrastructure institutions of the Hong Kong and Mainland bond markets, facilitates efficient trading by overseas investors investing in the Mainland bond market using Hong Kong's platform.

Applications for partial refund of ad valorem stamp duty

8. **MR JAMES TO** (in Chinese): *President, the Stamp Duty (Amendment) (No. 2) Ordinance, which implements the doubled ad valorem stamp duty ("DSD") measure and has come into operation since 25 July 2014, provides for the following arrangement for stamp duty refund: a Hong Kong permanent resident may, upon production of proof that he/she has disposed of his/her single original residential property within six months after the date of executing the conveyance on sale for acquisition of a new residential property, apply for a partial refund of the ad valorem stamp duty ("AVD") within the statutory time limit ("application for stamp duty refund"). On 4 November last year, the Government announced that the raising of AVD rates to a new flat rate of 15%*

across the board, with continued adoption of the aforesaid arrangement for stamp duty refund. It is learnt that during two periods from 25 July 2014 to November 2016 and from December 2016 to February 2017, the authorities received respectively 3 042 and 206 applications for stamp duty refund, which were made more than six months after the date of executing the agreements for sale for acquisition of the new residential properties. In this connection, will the Government inform this Council:

- (1) regarding the aforesaid 3 042 and 206 applications for stamp duty refund, of the respective numbers of applications submitted by the applicants (i) within the seventh or eighth month, (ii) within the ninth or tenth month, (iii) within the eleventh or twelfth month and (iv) more than 12 months, after the date of executing the agreements for sale for acquisition of the new residential properties;*
- (2) among the aforesaid 3 042 applications for stamp duty refund, of the respective numbers of applications falling under the following circumstances: the applicant executed the agreement for sale of his/her original residential property within (i) three months, (ii) the fourth or fifth month and (iii) the sixth month after the date of executing the conveyance on sale for acquisition of the new residential property;*
- (3) among the aforesaid 206 applications for stamp duty refund, of the respective numbers of applications falling under the following circumstances: the applicant executed the agreement for sale of his/her original residential property within (i) three months, (ii) the fourth or fifth month and (iii) the sixth month after the date of executing the conveyance on sale for acquisition of the new residential property; and*
- (4) regarding all of the applications for stamp duty refund received by the authorities in the aforesaid two periods, of the respective numbers of those applications in which the new residential property purchased by the applicant was first-hand and second-hand?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government announced the New Residential Stamp Duty ("NRSD") measure on 4 November 2016 to raise the ad valorem stamp duty ("AVD") chargeable on

residential property transactions to a flat rate of 15%. For Hong Kong permanent residents ("HKPRs") who replace their only residential property, the new measure maintains the refund mechanism provided for under the doubled ad valorem stamp duty regime. Under the refund mechanism, a HKPR who acquires a new residential property to replace his only original residential property will be subject to NRSD in the first instance, but he may apply to the Inland Revenue Department ("IRD") for a partial refund of the AVD paid upon proof that his original property has been disposed of within six months from the date of executing the assignment of the new residential property. There is a general time limit for claiming refunds, which is within two years from the date of executing the agreement for sale and purchase for acquisition of the new residential property or not later than two months after the date of executing the assignment for the disposal of the original residential property, whichever is the later.

Based on the information from IRD, my reply to the question raised by the Mr James TO is as follows:

- (1) Table 1 sets out the breakdown of applications for partial refund of AVD in relation to replacement of residential properties by time of submission after executing the agreement for sale and purchase for acquisition of the new residential property.

Table 1:

<i>Time to submit refund application</i>	<i>Number of refund applications received from 25 July 2014 to November 2016</i>	<i>Number of refund applications received from December 2016 to February 2017</i>
In the 7 th or 8 th month after executing the agreement for sale and purchase of the new residential property	960	90
In the 9 th or 10 th month after executing the agreement for sale and purchase of the new residential property	650	41

<i>Time to submit refund application</i>	<i>Number of refund applications received from 25 July 2014 to November 2016</i>	<i>Number of refund applications received from December 2016 to February 2017</i>
In the 11 th or 12 th month after executing the agreement for sale and purchase of the new residential property	442	13
In the 13 th month or later after executing the agreement for sale and purchase of the new residential property	990	62
Total	3 042	206

(2) and (3)

Table 2 sets out the breakdown of refund applications above by time of executing the agreement for sale and purchase for disposal of the original residential property (in relation to the executing of assignment for the new residential property).

However, it should be noted that among refund applications received by IRD, buyers in some cases did not own any other residential property in Hong Kong at the time of acquisition of the new residential property. In other words, these are not cases where a new residential property is acquired prior to disposing of the original property, and cannot be classified by the time of disposing of the original residential property. Table 2 does not contain these cases, and hence the total number thereof is less than that of Table 1. If stamp duty paid by the buyers under these cases is of greater value than is payable, IRD will, in accordance with relevant provisions of the Stamp Duty Ordinance, make an allowance for the overpayment of stamp duty under individual circumstances.

Table 2:

<i>Time to execute the agreement for sale and purchase for disposal of the original residential property</i>	<i>Number of refund applications received from 25 July 2014 to November 2016</i>	<i>Number of refund applications received from December 2016 to February 2017</i>
Before executing the assignment of the new residential property	1 831	131
Within 3 months after executing the assignment of the new residential property	585	42
In the 4 th or 5 th month after executing the assignment of the new residential property	331	18
In the 6 th month after executing the assignment of the new residential property	153	6
More than 6 months after executing the assignment of the new residential property ^{Note}	3	1
Total	2 903	198

Note:

Since the applicants had not disposed of the original property within the six-month statutory time limit, these refund applications were rejected.

- (4) Table 3 sets out the breakdown of applications for partial refund of AVD in relation to replacement of residential properties by whether the new residential property is first-hand or second-hand property.

Table 3:

	<i>Number of refund applications received from 25 July 2014 to November 2016</i>	<i>Number of refund applications received from December 2016 to February 2017</i>
New residential property is first-hand property	2 213	270

	<i>Number of refund applications received from 25 July 2014 to November 2016</i>	<i>Number of refund applications received from December 2016 to February 2017</i>
New residential property is second-hand property	3 065	266
Total	5 278	536

Information security of government departments, public bodies and organizations involved in public works projects

9. **MR CHARLES PETER MOK** (in Chinese): *President, in March this year, the computer system of a consultancy firm engaged in a related project of the Hong Kong-Zhuhai-Macao Bridge was attacked by ransomware, causing a large number of its files being encrypted and locked. Moreover, WannaCry, a ransomware program targeting at the old versions of the Microsoft Windows operating system, caused havoc on a global scale early this month, and quite a number of users in Hong Kong were affected as well. Regarding the information security of government departments, public bodies and organizations involved in public works projects (i.e. works contractors, consultancy firms and suppliers of materials), will the Government inform this Council:*

- (1) *of the respective numbers of reports on computer system and information security incidents received last year by the authorities from (i) government departments, (ii) organizations involved in public works projects and (iii) public bodies; among such reports, the number of those involving ransomware and the resultant monetary losses (if any); the respective mechanisms whereby these three types of organizations should report incidents on computer system and information security, and the respective contingency measures to be taken by them;*
- (2) *whether it knows the contingency measures taken by the aforesaid consultancy firm after its computer system was attacked by ransomware; whether the process through which the firm reported the incident to the Government was in compliance with the existing procedure and the relevant details; of the types and quantities of the*

information contained in the locked files of the firm, and whether there were files deleted in the end; if so, of the types and quantities of the information contained in the deleted files, and whether such files had backed-up copies; whether the incident has caused any monetary losses to the Government and the firm;

- (3) whether the contract signed between the Government and the aforesaid consultancy firm has specified the requirements in respect of the firm's computer system and information security (e.g. mandatory installation and regular updating of computer security software); if so, of the details; if not, whether the Government has issued guidelines on computer system and information security to the firm after the incident, and required the firm to install or update anti-malicious code software and firewall software;*
- (4) whether the Government has drawn up standard requirements in respect of the computer and information security systems and anti-virus software to be used by organizations involved in public works projects and public bodies; if so, of the details, including (i) whether such requirements include timely updating of computer system and information security software and hardware, and (ii) whether the contracts signed between the Government and the organizations involved in public works projects and the guidelines issued to public bodies contain such requirements;*
- (5) whether the Government has, after the incident of the aforesaid consultancy firm's computer system having been attacked by ransomware, assessed the computer system and information security risks of organizations involved in public works projects, and formulated arrangements for third-party audits; if so, of the details; if not, whether it will immediately take such actions;*
- (6) of the respective numbers and percentages of computers, among the computers currently used by various government departments, that are using the following versions of the Microsoft Windows operating system: (i) Windows 10 containing the latest and free anti-virus software but the system updating function has not been activated, (ii) Windows 7 not installed with the security update patch*

KB4012215, which is available for download, (iii) other old versions (including Windows XP, Windows 8 and Windows Server 2003 (set out the details of such versions));

- (7) of the number of offline computers currently used by government departments, and the names and versions of the operating systems that such computers are using;*
- (8) whether it has drawn up internal guidelines to require various departments to regularly update their computer software and hardware, and whether it has plans to update those outdated computer operating systems; if so, of the details; if not, the reasons for that; and*
- (9) of the measures taken by the Government so far to deal with the threats posed by WannaCry ransomware, so as to prevent computer system and information security incidents; whether it will assess afresh Government's capability to deal with various types of computer system and information security incidents, and assist private enterprises and public bodies in strengthening their capability to guard against information security incidents?*

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese): President, the Office of Government Chief Information Officer ("OGCIO") has all along been closely monitoring the daily operation of government network systems to scan, detect and defend them from any potential malicious attacks. OGCIO has also formulated the "Government IT Security Policy and Guidelines" ("Policy and Guidelines") for compliance by all bureaux and departments ("B/Ds"). When necessary, OGCIO will provide B/Ds with immediate technical support and advice on preventive measures, such as updating the operating system software and strengthening the backup of computer data in order to enhance B/Ds' capabilities to guard against malicious software.

After consulting relevant bureaux, my reply to the various parts of the question is as follows:

- (1) When an information security incident occurs, B/Ds have to act in accordance with the security incident management requirements set out in the "Policy and Guidelines" and report the incident to the Government Information Security Incident Response Office

("GIRO"), as well as take appropriate responsive measures, including identifying the incident type, assessing the scope, damage and impact of the incident, containing the damage and rectifying the problem, etc. When using outsourcing services, B/Ds should, in accordance with the "Policy and Guidelines", stipulate security measures and requirements that are applicable to the outsourced service providers. If any information security incident occurs with outsourced service providers (including organizations involved in public works projects), they are required to report the incident to the B/D concerned and take appropriate response according to the relevant security measures and requirements. We have also issued the "Policy and Guidelines" to public organizations for reference, so that they can take appropriate responsive measures based on their IT security policy and business needs.

In 2016-2017, GIRO received a total of 22 information security incident reports involving government departments, 11 of which were related to ransomware. In all cases, the Government did not have any monetary losses. OGCIO does not keep such data related to organizations involved in public works projects and public organizations.

- (2) According to the information provided by the Transport and Housing Bureau, on 2 March 2017, the Highways Department ("HyD") received a notice from the Resident Site Staff ("RSS") of the Consultant employed by HyD, who supervised Contract No. HY/2011/09 (Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road-Section between HKSAR Boundary and Scenic Hill), that the computer servers at the site office were attacked by ransomware. Some files in the servers were encrypted and a ransom was demanded. The RSS immediately cut off the Internet connection of the concerned servers and approached the Hong Kong Police Force for help. According to the information submitted by the Consultant to HyD, the encrypted files were mainly related to the daily supervision work of the RSS. No confidential file or file that contained personal data was involved. The Consultant has recovered the encrypted files through regular backup data of the servers. The incident did not affect the day-to-day operation of the RSS nor the works progress of the Contract. Neither the Consultant nor the Contractor paid any ransom to the hackers.

- (3) According to the Transport and Housing Bureau, the requirements of the information security stipulated in the Hong Kong Link Road Contract No. HY/2011/09 were set out in accordance with the requirements of the Development Bureau and OGCIO, which specified that the Contractor must install and regularly update anti-virus software, and set up a firewall in the computers of RSS's office to protect the information stored in the system. After the incident, HyD has requested all RSS and contractors to immediately strengthen the network security of all computers in their offices, in order to prevent the recurrence of similar incident.
- (4) According to the information provided by Development Bureau, government departments are required to include provisions in the works contracts requiring the organizations involved in public works projects to install security softwares and hardwares, such as firewall and anti-virus software, and to keep them updated in a timely manner in accordance with the Government's information security specifications. As for public organizations, they may refer to the "Policy and Guidelines" and develop appropriate preventive measures based on their own IT security policy and business needs.
- (5) According to Development Bureau, the organizations involved in public works projects should, in accordance with the relevant government information security specification requirement as stipulated in the contracts, update the relevant information security softwares and hardwares in a timely manner to cope with emerging security threats. To ensure thorough implementation of the requirement to keep the security software and hardware properly updated, the organizations are also required to conduct security risk assessments and independent security audits by a third party on their computer and information systems at least every two years.

(6) and (7)

At present, the versions of the Microsoft Windows installed in government computers include Windows 10, Windows 8.1, Windows 7, Windows Server 2008/2012/2016, and a small number of Windows Vista, Windows XP, etc. The offline computers are mainly installed with Windows Vista and Windows XP. OGCIO

has urged B/Ds to ensure that the patch used to guard against the "WannaCry" ransomware and other updates have been installed on all Microsoft Windows computers.

- (8) The "Policy and Guidelines" stipulates that departments should apply the latest security patches and adopt other effective security measures in a timely manner to protect their information systems against known vulnerabilities. OGCIO has also published the "Reference Guide on Software Asset Management" and the "Practice Guide for Software End-of-Support Management" for reference by B/Ds in preparing upgrade or replacement plans. With regard to Microsoft Windows systems, the Government has commenced the upgrade exercise for Windows 7 with a view to completing the relevant work before Microsoft ends its support for this version in 2020.
- (9) The Government has all along been closely monitoring the trend of cyber attacks and related security threats. Within the Government, we have implemented multiple layers of security measures to safeguard cyber security, including firewalls, intrusion detection and prevention systems, spam filtering systems, anti-virus solutions, real-time monitoring tools, etc.

To guard against the threats from the "WannaCry" ransomware, OGCIO has issued several reminders to all B/Ds, including the requirements of backing up important government data immediately and ensuring that the latest security updates have been installed. The Government Computer Emergency Response Team Hong Kong also maintains close liaison with local and other regional Computer Emergency Response Teams to exchange information on cyber security threats, with a view to enhancing the alert capability.

In view of the increasing number and complexity of cyber security threats, the Government will continue to strengthen its capabilities to handle information security incidents. OGCIO reviews and updates the "Policy and Guidelines" in a timely manner, with the current version promulgated in end 2016. This version has strengthened the information security requirements in various aspects by making reference to the latest international standards and industry best practices.

As regards the general public and the public/private organizations, the Hong Kong Computer Emergency Response Team Coordination Centre ("HKCERT") will continue to disseminate information on security incidents, guidelines on preventive and responsive measures, as well as to provide support services. HKCERT will also continue its liaison with local and overseas organizations to collect and disseminate information and alerts about cyber threats. OGCIO, HKCERT and the Hong Kong Police Force will continue to work together to tackle cyber security threats.

Public dental services

10. **DR KWOK KA-KI** (in Chinese): *President, regarding public dental services, will the Government inform this Council:*

- (1) *given that under the Outreach Dental Care Programme for the Elderly, 22 outreach dental teams have been set up by 11 non-governmental organizations to provide outreach dental services for eligible elderly people, of (i) the establishment of each outreach team, (ii) the details of the dental services (e.g. oral care training and oral health assessment), and (iii) the average duration of and average number of elderly people receiving services in each service session at present;*
- (2) *given that the Pilot Project on Dental Service for Patients with Intellectual Disability is due for completion in August 2017 and the authorities are now studying the way forward to continue to provide dental service for patients with intellectual disability, of the details and latest progress of the study;*
- (3) *as the Director of Audit pointed out in his Report No. 68 published in April this year that there were a number of problems with public dental services (e.g. outdated oral health goals, low overall participation rate of eligible elderly people in the Elderly Dental Assistance Programme launched under the Community Care Fund, a number of students who made appointments through the School Dental Care Service not attending scheduled appointments, under-utilization of the emergency dental services in General Public*

Sessions), whether the authorities will conduct a review of the public dental services in the light of those problems and make improvements; if so, of the details; if not, the reasons for that;

- (4) as it was pointed out in a research report published in December last year that there were only 2.13 dentists per 1 000 elderly people in Hong Kong, and such ratio lagged behind those in advanced countries (e.g. the relevant figures in Sweden, the United States, the United Kingdom and Japan were 8.84, 4.16, 3.60 and 3.15 per 1 000 elderly people respectively), whether the Government will set a target on elderly population/dentist ratio and, based on such target, train up a sufficient number of dentists; and*
- (5) whether the Government will, in the long run, formulate policies on the provision of comprehensive public dental services; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to Dr KWOK Ka-ki's question is as follows:

- (1) The Outreach Dental Care Programme for the Elderly ("ODCP"), which was launched in October 2014, aims to provide free outreach dental care services to elders residing in residential care homes and using services of day care centres and similar facilities; promote the oral care and oral health to the elders, their family members and caregivers; and provide oral care training to caregivers in residential care homes and day care centres for the elderly to enhance their ability and knowledge in providing daily oral care services to the elders.

Currently, a total of 22 outreach dental teams from 11 non-governmental organizations ("NGOs") have been set up under ODCP. Each outreach dental team comprises at least one dentist and one dental surgery assistant. The outreach dental teams will coordinate with the residential care homes and day care centres in arranging the dates and time of providing the services.

Between October 2014 and March 2017, about 68 300 elders (involving about 115 700 attendances) received annual oral check and dental treatments under ODCP. Dental treatments received include scaling and polishing, denture cleaning, fluoride application, X-ray and other curative treatments such as fillings, extractions, dentures, etc.

- (2) The Government understands the oral health problems faced by patients with intellectual disability ("ID") and is concerned about their dental care needs. The Pilot Project on Dental Service for Patients with Intellectual Disability ("the Pilot Project") launched by the Government aims to explore a cost-effective model to provide appropriate dental services for adult patients with ID and with financial difficulties. Since the launch in August 2013, the Pilot Project has already provided dental services to over 1 800 eligible adult patients with ID.

The Government will continue to subsidize the participating organizations to provide the relevant dental service in the coming year to meet the service needs of patients with ID who are on the waiting list. The Government fully recognizes that the dental service concerned should be continued and is now following up on how the provision of appropriate dental care service for adult patients with ID after completion of the Pilot Project should be continued.

- (3) The Food and Health Bureau and the Department of Health ("DH") accept the Director of Audit's recommendations, and will, where feasible, actively implement the recommendations made by the audit report which mainly include:

Oral health goals

The Government's policy on dental care seeks to raise public awareness of oral hygiene and encourage proper oral health habits through promotion and education. Therefore, DH will formulate appropriate oral health promotion measures according to the results of the Oral Health Surveys conducted every 10 years (including the surveys conducted in 2001 and 2011 respectively).

Based on the recommendations by the Director of Audit, DH has also planned to set up an expert group comprising academics and experts of Dental Public Health specialty, as well as representatives from other relevant fields as appropriate. The expert group will, taking into account the report of Oral Health Survey 2011 and the local situation, review and formulate appropriate oral health goals for the population of Hong Kong. DH will also consider publishing the level of attainment against various oral health goals in the report of the Oral Health Survey 2021.

Student Dental Care Service ("SDCS")

Regarding the recommendation to encourage Primary Six students' attendance at scheduled dental appointments, SDCS is now exploring with the participating schools on the feasibility of providing round-trip transport for Primary Six students to attend school dental clinics for annual dental check-up. In addition, SDCS has planned to actively encourage the participating students and their parents to make use of the Student Internet Service which includes an automatic appointment reminder service by email, so that students can be reminded to attend their appointments as scheduled. We aim to implement the measures in 2017-2018 school year.

General Public Sessions ("GP Sessions")

In 2015-2016, among the 11 government dental clinics which provide GP Sessions, there were 3 dental clinics with the relatively high rates of unutilized disc quota, namely Tai O Dental Clinic (74.7%), Cheung Chau Dental Clinic (50.0%) and Kennedy Town Community Complex Dental Clinic (25.2%).

To enhance utilized rate, DH has stepped up effort to promote the service of the GP Session at Kennedy Town Community Complex Dental Clinic (including handing out clinic's information leaflet to encourage the public who are unable to obtain disc quota from other government dental clinics to visit the clinic). With the above promotional effort, and following the provision of MTR service in Kennedy Town, the percentage of unutilized disc quota had greatly dropped to 13.94% in 2016-2017. We anticipate that the percentage of unutilized disc quota will continue to decrease.

As for the rates of unutilized disc quota for GP Sessions of Tai O Dental Clinic and Cheung Chau Dental Clinic, it is quite difficult to attract cross-district clients since these two clinics mainly serve the residents of Tai O and Cheung Chau and their locations are quite remote. However, there remains a need to maintain services of these two clinics to meet the service needs of the above two districts. To utilize the existing resources in a more flexible manner, the dentists deployed to Tai O GP Sessions and Cheung Chau GP Sessions will be on duty at other government dental clinics during the period other than the above GP Sessions.

DH will closely monitor the utilization rate of the GP Sessions and review the service in a timely manner.

Community Care Fund Elderly Dental Assistance Programme ("the Programme")

The Programme provides free removable dentures and related dental services for eligible elders. The Hong Kong Dental Association ("HKDA") is the implementing agent of the Programme. Currently, 180 district service units (comprising 160 elderly centres, 5 community centres and 15 NGO dental clinics that accept direct applications) have participated in the Programme for processing applications from elders who are Old Age Living Allowance recipients. The Government will continue to work with HKDA to further promote the Programme on various fronts and encourage more elders to join the Programme. We will also invite more district service units to participate in the Programme so as to assist the eligible elders in making applications and scheduling dental appointments.

- (4) To ensure the sustainable development of our health care system, the Government is conducting a strategic review on health care manpower planning and professional development in Hong Kong ("the Strategic Review"), which aims to formulate recommendations on ways to meet the projected demand for health care manpower and foster professional development. The Strategic Review covers 13 health care disciplines which are subject to statutory regulation, including dentists.

Based on the manpower projection conducted by the University of Hong Kong, there is a shortage of dentists in the short to medium-term. To meet the anticipated demand for dentist manpower, the Government has increased the number of University Grants Committee-funded degree places in dentistry by 20 (amounting to about 40%) from 53 to 73 in the 2016-2017 school year to 2018-2019 school year triennium. It is expected that the increase will help alleviate the manpower shortage of dentists.

- (5) As mentioned above, the Government's policy on dental care mainly seeks to raise public awareness of oral hygiene and encourage proper oral health habits through promotion and education. To enhance the oral health of the public, the Oral Health Education Unit of DH has, over the years, implemented oral health promotion programmes targeted at different age groups and disseminated oral health information through different channels.

We wish to point out that only a few countries around the world can meet all the dental care needs of their citizens solely with public resources. Citizens in some countries may even have to bear higher medical insurance cost. As for Hong Kong, providing comprehensive dental care services to the public will involve substantial financial resources. In this regard, apart from promotion, education (including SDCS) and publicity, the Government has focused resources to provide emergency dental services for the public including GP Sessions, as well as accorded priority to people with special needs, especially elderly with financial difficulties. As such, in recent years, the Government has launched a series of initiatives, including the Outreach Dental Care Programme and the Programme, to provide dental care service support to low-income elders with special needs. Besides, eligible elders may also use Elderly Health Care Vouchers for private dental services.

Support provided for start-up enterprises which apply innovation and technology

11. **MR WU CHI-WAI** (in Chinese): *President, regarding the support provided for start-up enterprises which apply innovation and technology ("start-up enterprises"), will the Government inform this Council:*

- (1) *whether the various policy bureaux will, when conducting policy review or legislative work at present, assess issues relating to innovation and technology applications and consult the relevant parties of the innovation and technology industry; if so, whether the relevant consultation work is to be carried out by individual policy bureau or by the Invest Hong Kong ("InvestHK") under the Commerce and Economic Development Bureau in a consolidated manner; whether the authorities will review the existing practice in respect of consulting the relevant sector;*
- (2) *whether it has grasped the information about start-up enterprises which are not set up in the Hong Kong Science Park or the Cyberport, as well as those which are not operating at any co-work space or under various incubation and acceleration programmes; if so, how the departments concerned collected such information; if not, whether it will consider collecting the information;*
- (3) *whether the government departments concerned received in each of the past five years requests for assistance from start-up enterprises in relation to government policies or existing legislation hindering their development, and whether unlawful business activities or modes of operation were involved among them; if there are such requests, set out the information with a breakdown by the contents of the requests;*
- (4) *of the current support provided by InvestHK for start-up enterprises; whether consultation services on government policies and legislation are included in its support to help start-up enterprises to operate lawfully; if not, of the policy bureaux and government departments currently responsible for providing such support, and whether the Innovation and Technology Bureau ("ITB") and the Innovation and Technology Commission under ITB currently provide such consultation services; if so, of the details; and*
- (5) *whether ITB and relevant government departments have studied ways to prevent newly formulated government policies or newly enacted legislation from smothering the development of start-up enterprises, e.g. introducing an internal mechanism, by making reference to the requirement that a heritage impact assessment must*

be conducted for all new capital works projects, to require that an impact assessment on the development of innovation and technology must be conducted for new policies as and when necessary; if so, of the details; if not, whether they will conduct relevant studies?

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese): President, having consulted the relevant Policy Bureaux and departments ("B/Ds"), our reply to the five parts of the question is as follows.

(1) and (5)

All Policy Bureaux, when formulating policies or conducting legislative work in relation to their respective policy purview, shall consult relevant stakeholders, make a holistic consideration and balance all factors on the basis of the overall and long-term interests of the society. If matters pertaining to innovation and technology ("I&T") application are involved, the Innovation and Technology Bureau will provide advice and support to relevant B/Ds.

We note that certain I&T projects have brought about controversies around the world. As these projects often require adjustments of the existing ecosystem, involve a number of stakeholders and have extensive implications, governments and regulatory authorities worldwide are still studying these complex matters and have yet to come up with a unified solution. The relevant Policy Bureaux will make reference to the developments and experience in other regions in handling these matters and, according to the actual situation and needs of Hong Kong, consider the relevant measures. However, the rule of law is the core value of Hong Kong, and the development of any industry, including the I&T industry, must be done in a lawful manner.

To promote I&T development in Hong Kong, the government has established the Committee on Innovation, Technology and Re-industrialisation, chaired by the Financial Secretary, to discuss and put forward appropriate development strategies and work priorities to enhance cooperation and coordination among stakeholders (including the industry) through a higher-level and inter-bureau approach.

- (2) To track the growth of the start-up ecosystem, Invest Hong Kong ("InvestHK") has been conducting an annual survey since 2014 with operators of the major co-working spaces, incubators and accelerators in Hong Kong. The 2016 survey results showed that as at mid-2016, a total of 1 926 start-ups were operating at different co-working space, incubator or accelerator programmes across Hong Kong. InvestHK does not have the information on start-ups operating at locations other than the above mentioned.

Besides, the Innovation and Technology Commission has introduced the Technology Start-up Support Scheme for Universities under the Innovation and Technology Fund to support university teams to establish technology start-ups to commercialize their research and development outcomes. When applying for the relevant funding, start-ups will provide their information to the relevant university and the Innovation and Technology Commission for the purpose of handling their funding application. As at end March 2017, a total of 122 start-ups were funded.

We will continue to study with relevant B/Ds how to collect more information about technology start-ups with a view to understanding their operations in Hong Kong.

- (3) According to the records of the Innovation and Technology Bureau, Commerce and Economic Development Bureau, Financial Services and the Treasury Bureau, Home Affairs Bureau and Transport and Housing Bureau, the bureaux do not have cases requesting for assistance from start-ups in relation to existing government policies or legislation hindering their development.
- (4) According to information provided by the Commerce and Economic Development Bureau, to assist foreign start-ups which have interest in setting up in Hong Kong, InvestHK provides a wide range of professional support and practical information, including providing information on the regulatory regime for their particular business, providing guidance on visa application, signposting them to relevant Government funding schemes, providing bank contacts and introducing them to ecosystem stakeholders, etc.

If InvestHK is approached by start-ups regarding Government policies or regulations, InvestHK will, depending on the circumstances of the case, seek information from the relevant B/Ds or if necessary, help line up cross-departmental meetings with the start-up concerned so that the start-up can take into account the requirements of the relevant government policies or regulations when mapping out its business plan and implementation details. Nevertheless, it is the responsibility of the start-ups, as business operators, to ensure regulatory compliance.

The Innovation and Technology Bureau and its Innovation and Technology Commission do not have any regular mechanism to provide consultation services on government policies and legislation to start-ups. If such enquiries are received, we will refer the cases to relevant B/Ds for handling.

Regulation of taxi drivers using mobile phones and tablets while driving

12. **MR FRANKIE YICK** (in Chinese): *President, under the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G), it is an offence for a driver to use a mobile phone while holding it in his hand or between his head and shoulder if the motor vehicle being driven by him is in motion. Recently, quite a number of members of the public have relayed to me that some taxi drivers placed a tablet or several mobile phones on the dashboard of their vehicles and operated those mobile communication devices with their fingertips while they were driving, endangering the safety of passengers and other road users. However, such behaviours are not regulated by the existing legislation. In this connection, will the Government inform this Council:*

- (1) *of the numbers of traffic accidents in each of the past three years arising from drivers being distracted by using mobile communication devices such as mobile phones or tablets while driving, and the resultant casualties of such accidents;*
- (2) *as the authorities indicated in reply to my question on 29 April 2015 that the Road Safety Research Committee under the Road Safety Council had been invited to conduct a study on whether the restrictions on the use of mobile phones by drivers while driving*

should be tightened further, of the latest progress of that study, and whether any study would be conducted on tightening the restrictions on the use of tablets by drivers while driving; and

- (3) *whether it will consider enacting legislation to impose restrictions on the number of tablets and mobile phones that may be placed by a driver on the dashboard of a vehicle; if so, of the details; if not, the reasons for that; and whether it has measures in place to avoid traffic accidents arising from drivers being distracted by using such devices while driving; if there are such measures, whether it has assessed the effectiveness of such measures?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, to ensure road safety, drivers should always drive attentively and avoid being distracted. Therefore, drivers should avoid using smart phones/devices as far as possible. The Road Traffic Ordinance (Cap. 374) has set out stringent provisions on "dangerous driving" or "careless driving". If a driver uses a smart phone or other devices (including a tablet) while driving, or use such equipment in any way that affects his driving, he may have committed the "dangerous driving" or "careless driving" offence, irrespective of whether his driving has caused a traffic accident.

My reply to the various parts of Mr Frankie YICK's question is as follows:

- (1) According to the statistics of the Transport Department ("TD") and the Police for the past three years, there were two traffic accidents in 2014 involving drivers using mobile phones while driving, resulting in six injuries. There were no such accidents in 2015 and 2016. TD and the Police do not possess statistics on traffic accidents involving drivers using tablets and other smart devices while driving.

- (2) and (3)

The Government notes the concern of society about drivers placing several smart phones on the dashboard. We understand that drivers may have practical needs for using smart phones/devices, for

example, for obtaining navigational information or looking for carparks with vacant parking spaces through mobile apps, etc. TD, the Police and the Road Safety Research Committee under the Road Safety Council are currently studying this topic, including understanding relevant overseas legislation and researches, reviewing the latest development in smart phones/devices (including tablets) and their mode of use (such as voice command technology), and examining options on restricting the position and number of smart phones/devices placed by drivers inside the vehicle compartments. In studying further restrictions on drivers' use of smart phones/devices, we will take into account relevant factors such as social needs and development of technology application, etc. Once there are specific proposals, we will consult different stakeholders at an appropriate juncture.

Apart from regulating drivers' use of smart phones/devices through legislation and enforcement, the Government also attaches great importance to continuous publicity and education on road safety. Publicity campaigns undertaken by government departments and the Road Safety Council cover the theme of "Driving Attentively", which is promoted by means of announcements in the public interest, promotional flyers and carnival activities, etc. Through regular meetings with the transport trades, TD has also called on commercial drivers to drive attentively and avoid using smart phones/devices while driving.

Rehousing of residents affected by land resumption and squatter clearance programmes

13. **MR KENNETH LAU** (in Chinese): *President, on the 2nd of this month, the Government sent staff to post notices at Wing Ning Tsuen, Fung Chi Tsuen and Yeung Uk Tsuen of Wang Chau in Yuen Long for resumption of land for the implementation of the development at Wang Chau (Phase 1). Feeling very flustered, residents of these villages have made several requests through Heung Yee Kuk to the Government, including the Government's identifying sites for redevelopment of their villages, exempting them from comprehensive income and*

asset tests in allocating public rental housing ("PRH") units to them, deferring land resumption, etc.. Regarding the rehousing of residents affected by land resumption and squatter clearance programmes, will the Government inform this Council:

- (1) of the respective numbers of households, residents and squatters affected by the development at Wang Chau (Phase 1), as well as the number of households registered in the freezing survey conducted in October 2015 by the authorities;*
- (2) given that households affected by land resumption and squatter clearance programmes announced before September 1998 could be allocated PRH units without being subject to comprehensive income and asset tests but it is learnt that the authorities have revised the policy subsequently, whether such non-means-tested arrangement is no longer applicable at present; if so, of the implementation date; whether the authorities have explained the latest rehousing policy to the affected households when taking forward various programmes involving land resumption and squatter clearance; if so, of the details; if not, the reasons for that;*
- (3) whether it will consider making compassionate arrangements for households affected by land resumption and squatter clearance programmes, such as exempting such households from comprehensive income and asset tests in allocating PRH units and granting them ex-gratia cash allowances; if so, of the details and the timetable; if not, the reasons for that; and*
- (4) whether there are differences in the rehousing arrangements for households on private lands, old scheduled lands and unleased government lands; if so, of the details and the justifications for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, in consultation with the Development Bureau and the Lands Department ("LandsD"), my consolidated reply to the various parts of the question raised by Mr Kenneth LAU is as follows:

As the Government mentioned on various occasions⁽¹⁾ before, the Government deals with matters in relation to resumption of private land and clearance of Government land for public purposes, including the arrangements on rehousing and compensation for eligible owners and households in accordance with the established mechanism.

Under the prevailing mechanism, affected households who are owners or legal tenants of private land may claim compensation (commonly referred to as "statutory compensation") in accordance with the relevant laws of Hong Kong (including Lands Resumption Ordinance (Cap. 124), Roads (Works, Use and Compensation) Ordinance (Cap. 370), etc.). The entitlements to compensation, the procedures involved, as well as the basis and principles of assessing the compensation are set out in the relevant ordinances, while the authority for final determination of the compensation amounts under the ordinances rests with the Lands Tribunal. Affected parties may also claim applicable ex-gratia land compensation and ex-gratia allowance as an alternative to statutory compensation.

If affected households have no legal interest in the land or the structure thereon, the above mentioned statutory compensation mechanism and the relevant ex-gratia allowance, which are applicable to owners or legal tenants of private land, are not applicable.

According to the prevailing policy, all households affected by clearances and registered in the pre-clearance freezing survey must be occupying a structure covered by a license for domestic use (i.e. a licensed domestic structure), or a structure covered by the 1982 Squatter Control Survey ("SCS") and registered for domestic use (i.e. a surveyed domestic structure) (regardless of whether the structure is located on Government land or private agricultural land, including old scheduled lot), and must also satisfy the relevant eligibility criteria of the Hong Kong Housing Authority for public rental housing ("PRH") in order to be rehoused in PRH. From 11 September 1998, all clearerees (including residents living in the licensed and surveyed structures mentioned above) are subject to the

(1) Including the joint meetings of the Legislative Council Panel on Housing and Panel on Development on the public housing development plan at Wang Chau; discussions on block allocations under the Capital Works Reserve Fund by the Legislative Council Public Works Subcommittee and Finance Committee; as well as meetings between the Government and residents affected by the public housing development plan at Wang Chau, etc.

same eligibility criteria for rehousing as other PRH applicants, including the income test, assets test and compliance with the "No Domestic Property" rule. As PRH is a precious social resource which is heavily subsidized by public funds, people affected by Government's clearance actions and requiring rehousing are subject to the assets and income tests to ensure that limited public housing resources are used to accommodate households in genuine need but cannot afford other types of housing. Otherwise, it would be unfair to the many applicants who are waiting for PRH.

For clearerees who have continuously lived in a licensed domestic structure or a surveyed domestic structure covered by the 1982 SCS for at least 10 years immediately preceding the date of the pre-clearance freezing survey, but cannot be allocated PRH because they cannot pass the income and assets tests or due to other reasons, they may apply for the Ex-gratia Allowance for Permitted Occupiers of Licensed Domestic Structures and Surveyed Domestic Squatter Structures Affected by Clearance, the amount of which will be based on the size of the domestic structure occupied and the length of occupation, subject to a ceiling of \$600,000. Persons receiving such allowance cannot apply for PRH in two years' time.

If the household is occupying a structure covered by a license for non-domestic use (i.e. a licensed non-domestic structure) or a structure covered by the 1982 SCS and registered for non-domestic use (i.e. a surveyed non-domestic structure), the above mentioned ex-gratia allowance arrangement does not apply. If these households have continuously been occupying these structures for at least two years immediately preceding the date of the pre-clearance freezing survey for domestic use, they are eligible for Domestic Removal Allowance⁽²⁾, the amount of which depends on the household size.

The above arrangements applicable to licensed structures or squatter structures surveyed in 1982 are made having regard to the Government's consistent squatter control policy, which tolerates only those unauthorized

- (2) Domestic Removal Allowance is applicable to eligible households residing in licensed domestic structures or surveyed domestic structures covered by the 1982 SCS, or eligible households continuously occupying licensed non-domestic structures or surveyed non-domestic structures covered by the 1982 SCS for domestic use for at least two years immediately preceding the date of the pre-clearance freezing survey. Households eligible for PRH or Ex-gratia Allowance for Permitted Occupiers of Licensed Domestic Structures and Surveyed Domestic Squatter Structures Affected by Clearance may also apply for Domestic Removal Allowance at the same time.

structures covered by the 1982 territory-wide SCS. While those squatter structures surveyed in 1982 and licensed structures are allowed to exist until they phase out through natural wastage, or are subject to clearance by the Government for development, environmental improvement or safety concerns, they are not allowed to be used for purposes other than those recorded.

When conducting the pre-clearance freezing survey, LandsD will issue a pamphlet entitled "Rehousing of Occupants of Squatter Structures affected by Government Clearance Operations" to residents affected by the clearance operations, which explains in detail the prevailing clearance rehousing policies.

Furthermore, it is the Government's policy that no one will be rendered homeless as a result of the Government's enforcement actions, natural disasters, and emergency incidents. People who fail to meet the aforesaid rehousing criteria and are unable to find alternative accommodation themselves may apply through referrals by relevant government departments for admission to the Housing Department's transit centres while waiting for eligibility vetting for further rehousing or looking for alternative accommodation themselves.

Regarding Phase 1 of the public housing development plan at Wang Chau, LandsD conducted a pre-clearance freezing survey in the areas involved in the development plan concerned on 30 October 2015 in accordance with the development timetable. A total of about 180 households, involving about 400 clearances, were registered in the pre-clearance freezing survey. Based on the latest figures available, it was tentatively established that among the registered households, about 100 households are residing in licensed domestic structures or surveyed domestic structures covered by the 1982 SCS; about 50 households are residing in licensed non-domestic structures or surveyed non-domestic structures covered by the 1982 SCS; and the remaining some 30 households are residing in unlicensed structures or structures that are not registered by SCS. Since the occupants of certain structures cannot be reached yet, the comprehensive situation of affected households is pending confirmation. LandsD has been progressively establishing contacts with the registered households to explain to them the relevant ex-gratia allowance and rehousing arrangements. As at the end of April 2017, LandsD has met with 80 households.

LandsD posted land resumption notices in accordance with the relevant ordinances on 2 May 2017. The affected private lots will be reverted to the Government (i.e. ownership of the land will be reverted to the Government) three

months after affixing the notices. As to when the residents and other occupants have to vacate the structures they occupied or the Government land concerned, the current target is for the clearance to be conducted in phases and to be completed by early 2018, when the site is to be handed over to the Civil Engineering and Development Department to carry out the works. The Government will continue to closely liaise with the affected land owners and occupants to explain the clearance compensation and rehousing arrangements and assess their eligibility. Eligibility vetting of applicants for ex-gratia allowance or rehousing to PRH will be completed in batches before early 2018.

Enhancing public transportation in Tung Chung

14. **MR HOLDEN CHOW** (in Chinese): *President, reclamation works for the Tung Chung New Town Extension will commence at the end of this year. Upon completion, the project will provide 49 400 residential flats for accommodating about 144 400 residents, with the first population intake projected for 2023. To cope with the additional traffic demand, the MTR Corporation Limited ("MTRCL") is going to build the Tung Chung East ("TCE") Station along the Tung Chung Line, but it is expected that the relevant works will not be completed until 2026. During the three-year transitional period, TCE residents have to take shuttle buses to Tung Chung MTR station in order to change for the MTR Tung Chung Line. Moreover, as there are several developments (e.g. the Topside Development at the Hong Kong Boundary Crossing Facilities of the Hong Kong-Zhuhai-Macao Bridge, North Commercial District on the Airport Island and Sunny Bay development) being or soon to be undertaken in North Lantau, the working population involved will inevitably aggravate the traffic load in Tung Chung district. In this connection, will the Government inform this Council:*

- (1) *whether the authorities will ask MTRCL to expeditiously commence the relevant works on Tung Chung Line, so that the works can be completed before the first population intake in TCE;*
- (2) *whether it has studied jointly with the Airport Authority the feasibility of building an environment-friendly, efficient and quiet elevated monorail system with high carrying capacity to connect Tung Chung Town Centre with the Airport Island; if so, of the findings; and*

- (3) *given that the Airport Express is the only mass transit carrier commuting to and from the Airport Island at present, whether the Government has studied extending the Tung Chung Line to the Airport Island to cater for the increasing traffic demand; if so, of the findings?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of Mr Holden CHOW's question is as follows:

- (1) The Transport and Housing Bureau announced the Railway Development Strategy 2014 ("RDS-2014") in September 2014. Having regard to transport demand, cost-effectiveness and the development needs of New Development Areas and other new development projects, the RDS-2014 recommends that seven new railway projects be completed in the planning horizon up to 2031, including the Tung Chung West Extension. We also indicated in the RDS-2014 that the Planning Department ("PlanD") and the Civil Engineering and Development Department ("CEDD") were jointly conducting the "Planning and Engineering Study on the Remaining Development in Tung Chung—Feasibility Study" at that juncture. The relevant study, which was completed in 2016, proposed the addition of a Tung Chung East railway station to tie in with the developments of Tung Chung East.

Having regard to the indicative implementation window recommended in the RDS-2014, the Government invited the MTR Corporation Limited ("MTRCL") in early January 2017 to submit a proposal of the Tung Chung West Extension (and Tung Chung East Station) with a view to implementing the railway project. MTRCL needs time to conduct relevant technical studies. Upon receipt of the proposal submitted by MTRCL, the Transport and Housing Bureau, the Highways Department and relevant government departments will evaluate the proposal.

In line with established procedures, prior to the finalization of the railway scheme of the Tung Chung West Extension (and Tung Chung East Station), we will consult the public on the detailed alignment, locations of stations, mode of implementation, cost estimate, mode of financing and actual implementation timetable etc.

(2) and (3)

We take note of the requests from the local community for the provision of linkage by railway or other means between Tung Chung and the Airport Island. The Airport Authority Hong Kong ("AAHK") embarked on a consultancy study in June 2016 to explore the technical feasibility, financial viability and operation strategy for providing rail shuttle service between the future Tung Chung East Station and the Airport Island using the spare capacity of the existing Airport Express Line tracks. AAHK has completed the above preliminary study and just submitted a report to the Transport and Housing Bureau this month. We are reviewing the relevant preliminary study report to assess whether AAHK's recommended scheme is practically feasible, as well as how the matter should be taken forward.

Furthermore, "The Planning, Engineering and Architectural Study for Topside Development at Hong Kong Boundary Crossing Facilities ('HKBCF') Island of Hong Kong-Zhuhai-Macao Bridge" jointly commissioned by CEDD and PlanD is in progress. It will review different transport connectivity proposals for the HKBCF Island, North Lantau and the Airport Island, including the light rail system suggested by members of the Legislative Council and the public. The study will examine the technical feasibility, financial viability and operational arrangement of such proposals. It is expected to complete by the end of this year.

Manpower of the Correctional Services Department

15. **DR ELIZABETH QUAT** (in Chinese): *President, in his speech at the annual press conference held in February this year, the Commissioner of Correctional Services indicated that the Correctional Services Department ("CSD") "is still undergoing a peak period of staff wastage and the phenomenon will last for another few years". In this connection, will the Government inform this Council:*

- (1) *of the respective wastages of various ranks of staff members in CSD in the past three years, and their percentages in the total numbers of staff members in the relevant ranks;*

- (2) *given that the number of persons in custody ("PICs") being transferred to Accident and Emergency Departments for medical treatments due to acute illness or accidental injuries, or admitted to outside hospitals or sent regularly to outside clinics for specialist treatments due to illness has remained high in recent years, and the related medical escort duties have greatly strained CSD's manpower, whether the authorities will allocate additional resources to CSD for employing additional manpower to cope with such duties; if so, of the details; if not, the reasons for that;*
- (3) *as some CSD staff members have relayed to me that they are required to work in rotating shifts and as the rest periods between the first and second shifts are shorter than normal when they have to "catch up with the previous shift", they prefer to stay in the staff common rooms during such rest periods, instead of travelling a long distance to return home (given that most of the correctional institutions are located in remote areas), and yet those common rooms are small with insufficient number of beds and facilities, whether the authorities will make improvement in this respect; if so, of the details; if not, the reasons for that; and,*
- (4) *of the authorities' measures in place to mitigate the serious wastage of CSD staff; whether they will consider improving the remuneration packages for such staff members, adjusting their hours of work or adopting other measures; if so, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President,

- (1) The wastage figures and wastage rates of staff in different ranks in the Correctional Services Department ("CSD") in the past three financial years are listed as follows:

Officer rank

<i>Financial year</i>	<i>Natural wastage</i>	<i>Other wastage</i>	<i>Total</i>	<i>Wastage rate</i>
2014-2015	48	5	53	5.0%
2015-2016	50	14	64	5.9%

<i>Financial year</i>	<i>Natural wastage</i>	<i>Other wastage</i>	<i>Total</i>	<i>Wastage rate</i>
2016-2017	62	11	73	6.7%
	160	30	190	

Rank and file

<i>Financial year</i>	<i>Natural wastage</i>	<i>Other wastage</i>	<i>Total</i>	<i>Wastage rate</i>
2014-2015	155	83	238	5.0%
2015-2016	217	84	301	6.3%
2016-2017	194	113	307	6.5%
	566	280	846	

Note:

Natural wastage refers to retirement, while other wastage includes resignation, transfer, dismissal, death etc.

- (2) The Escort and Support Group ("ESG") of CSD is responsible for the daily duties of escorting persons in custody ("PICs") to public hospitals for medical consultations and admission to hospitals for medical treatment. CSD also deploys officers on duty in correctional institutions to perform the aforesaid medical escort duties when necessary. In view of the increasingly heavy workload in this area in recent years, CSD increased 27 posts in its establishment in 2016-2017 specifically for performing escort duties. Moreover, CSD reviews the staff deployment from time to time and has deployed some staff to ESG in order to lessen the impact on the manpower of individual institutions caused by deployment of internal staff to perform escort duties and to enhance the overall safety of operations.
- (3) In view of CSD's operations and the shift work arrangement of its staff, accommodation facilities are provided at all correctional institutions to enable correctional staff to perform sleep-in standby duty to meet the operational and urgent needs. CSD is required to provide accommodation and other basic facilities (such as rest rooms, messes, etc.) for correctional staff in accordance with the Accommodation Regulations. CSD reviews the level of provision

and sizes of accommodation facilities for correctional officers from time to time, with a view to ensuring that relevant facilities suit the actual operational needs of correctional staff.

- (4) In order to meet the continuous demand for manpower resources and provide quality custodial and rehabilitation services, CSD has adopted various measures in recent years to attract and retain talent. Relevant examples are as follows:
- (i) on recruitment, CSD has expedited the recruitment process of the Assistant Officer grade by shortening it from nine months to approximately five months in recent years, so that new appointees can receive induction training and assume duty as early as possible. Besides, the number of recruitment exercises for Assistant Officer II has been increased to two times a year. In the meantime, CSD has employed staff under the "Non-Civil Service Contract Staff Scheme" or the "Post-retirement Service Contract Scheme" to carry out non-core duties, with a view to alleviating the workload of correctional staff;
 - (ii) on working hours, CSD is seeking to pilot the five-day work week through changing the shift arrangement as far as practicable, with the Cape Collinson Correctional Institution designated as a pilot institution with effect from February this year. With the implementation of the five-day work week, colleagues would have more consecutive leave days, which promotes better work-life balance and reduces overall commute time, under the principle that there would be no reduction in the conditioned hours of service. Nevertheless, as the management, operation, schedules and custodial arrangements of PICs at various correctional institutions are different, CSD could only implement further flexible shift arrangements where the operation and security of correctional institutions would not be affected and relevant factors have been carefully considered; and

- (iii) on housing benefits, in addition to the staff quarters for CSD at Tin Wan and the Quarters for the Disciplined Services in Kwun Tong currently under construction, CSD has been proactively studying various options to increase the supply of quarters, including redeveloping existing married quarters and reallocating vacant quarters etc., with a view to maximizing the supply of flats while optimizing the use of resources.

CSD will continue to closely monitor the workload of staff, review the manpower situation, and deploy and bid for necessary resources according to established mechanisms in a timely manner.

Study on the development potential of sites on periphery of country parks

16. **MS TANYA CHAN** (in Chinese): *President, on the 17th of this month, the Government announced that the Hong Kong Housing Society ("HKHS") will, on invitation, undertake technical and ecological studies (including the potential for developing public housing and elderly housing) ("peripheral areas study") in respect of two sites on periphery of country parks and that HKHS would undertake the study with its internal resources. In this connection, will the Government inform this Council:*

- (1) *whether the Government commissioned HKHS in the past 10 years to conduct studies on the development of public housing projects; if so, of the dates when such studies were conducted, their nature and the amounts of expenditure incurred; the justifications and procedures for the Government's decision to commission HKHS to undertake the peripheral areas study and the commissioning process involved, including the time when it decided to commence the study, when it extended the invitation to HKHS, and when HKHS accepted the invitation;*
- (2) *whether it knows the amount of expenditure incurred by HKHS in each of the past five years in conducting project studies; the estimates of expenditure on the peripheral areas study to be undertaken by HKHS, and whether HKHS has assessed the impact of this additional expenditure on its financial position;*

- (3) *of the reasons why the Government has not conducted public consultation before commencing the peripheral areas study; whether the Government will conduct public consultation on the use of sites on periphery of country parks for subsidized housing development; if so, of the details; if not, the reasons for that;*
- (4) *as the Chief Executive ("CE") has indicated that the Government has discussed with CE-elect the conduct of the peripheral areas study, whether CE-elect has agreed and undertaken that the Government of the new term will continue to support the conduct of the study; if so, of the time when she indicated such stance to the Government;*
- (5) *whether the Government has, before inviting HKHS to undertake the peripheral areas study, consulted the Agriculture, Fisheries and Conservation Department and the Country and Marine Parks Board, and sought legal advice on whether the conduct of the study would contravene the Country Parks Ordinance (Cap. 208); if so, of the details (including the dates on which such work was undertaken and the relevant outcome); if not, the reasons for that; and*
- (6) *of the areas and expected scales of development (including the types and numbers of public housing flats to be provided) of the two sites involved in the peripheral areas study, and the plan for the follow-up work after the completion of the study?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, in the 2017 Policy Address, the Chief Executive stated that while increasing the total area of ecological conservation sites and country parks and enhancing their recreational and educational values, we should also consider allocating a small proportion of land on the periphery of country parks with relatively low ecological and public enjoyment value for purposes other than real estate development, such as public housing and non-profit-making elderly homes. In this connection, the Government has invited the Hong Kong Housing Society ("HKHS") to undertake ecological and technical studies to look into the ecological, landscape and aesthetic values, recreational and development potentials and practical constraints of two areas in Tai Lam and Shui Chuen O which fall within or lie close to Tai Lam Country Park and Ma On Shan Country Park respectively.

Our reply to the various parts of the question is as follows:

(1), (2) and (4)

Apart from continuing to provide HKHS with sites suitable, or with potential, for housing development for taking forward subsidized or other relevant housing projects, the Government has not separately commissioned HKHS to conduct any studies on public housing development in the past 10 years. As regards HKHS's housing project studies, according to the information from HKHS, HKHS has incurred a total of about \$40 million for carrying out 20 project studies in the past five years. Of these, nine were confirmed to be feasible and could be further taken forward, and the study fees will be included in the development costs of the relevant projects. The other 11 projects were confirmed to be not feasible upon study and HKHS has decided not to further take forward the projects.

Well experienced in the development of subsidized and elderly housing, HKHS has long been an important partner of the Government in housing development. The Government is glad that HKHS is willing to accept the invitation to conduct the ecological and technical studies, at its own costs, on the two areas concerned which fall within the periphery of country parks. The Government has informed the Chief Executive-elect. HKHS will carry out the studies in two phases, with its own resources. The estimated cost for the preliminary studies is about a few millions. The cost of the detailed studies can only be estimated upon commissioning of the consultant(s).

(3), (5) and (6)

HKHS studies will cover two sites on the periphery of country parks, one in Tai Lam, Yuen Long (to the west of Tai Lam Tunnel Toll Plaza, covering some 20 hectares of Tai Lam Country Park), and the other in Shui Chuen O, Sha Tin (adjacent to Shui Chuen O Estate, covering some 20 hectares of Ma On Shan Country Park). These two sites already have basic transport network and infrastructure

facilities, with various types of housing in the nearby areas, and thus have been selected for the studies. Nevertheless, whether the concerned areas in country parks are suitable for housing development will be subject to their ecological and public enjoyment values, the impact of developments on the country parks and the ecological environment, the development feasibility and social impact, etc., as well as the need to go through the various applicable statutory procedures and requirements, including the Country Parks Ordinance (Cap. 208), the Town Planning Ordinance (Cap. 131) and the Environmental Impact Assessment Ordinance (Cap. 499).

The studies by HKHS are preliminary feasibility studies, with the aims to look into the sites' ecological, landscape and recreational values, in addition to the key technical factors in developing public housing, to provide more information and an objective basis for the public to further consider and rationally discuss whether a small proportion of land on the periphery of country parks with relatively low ecological and public enjoyment value should be allocated for purposes such as public housing and non-profit-making elderly homes. HKHS will require the consultant(s) to communicate with the relevant bodies for exchanges of professional views.

The Government's invitation to HKHS for carrying out the studies does not mean that the Government has agreed to develop housing in the concerned country park areas under the studies. Upon HKHS's completion of the studies, the Government will further consider the technical feasibility of the development proposals and the relevant policy issues. If it is considered suitable to take forward the relevant development projects under an appropriate premise, the Government will seek the views of the public, Legislative Council and relevant statutory bodies including the Country and Marine Parks Board on the feasible proposals, which will also go through the various applicable statutory procedures as required. The Government has yet to come up with any concrete proposal or timetable at this stage.

Using marking schemes for tender evaluation in respect of government outsourced service contracts

17. **MR LEUNG YIU-CHUNG** (in Chinese): *President, at present, government departments normally adopt a marking scheme for evaluating tenders for outsourced services, and set the weightings of a tender's scores on technical and price aspects against the overall score to be 30% to 40% and 70% to 60% respectively. Some workers and concern groups on cleaning workers' remunerations have relayed to me that as some outsourced service contractors have cut their manpower in order to suppress wage costs, the workload of cleaning workers has increased substantially, and yet such cleaning workers are only paid meagre wages calculated on the basis of the minimum wage rate. Moreover, some contractors request their cleaning workers to work for seven days a week and refuse to let them take leave on statutory rest days. In this connection, will the Government inform this Council:*

- (1) *given that under the existing tendering system, if a government department has full justifications and has secured the consent of the relevant tender board, the department may flexibly adopt a higher weighting for the technical score, of the number of contracts awarded in the past three years under a marking scheme adopting a higher weighting for the technical score; the average extent of the upward adjustments of technical score weightings made in such contracts and the total number of workers involved in such contracts (broken down by government department);*
- (2) *whether it will consider adding, in the marking schemes, evaluation items such as staff benefits (e.g. the number of days of paid leave), occupational safety, and the number of times for which the court ruled against a tenderer in previous labour disputes; if so, of the details (including the weightings assigned to such items and the implementation timetable); if not, the reasons for that;*
- (3) *given that the Government revised the procurement guidelines in May 2016 to stipulate that when government departments use marking schemes for evaluating tenders for non-construction services contracts which involve the employment of a large number of non-skilled workers (e.g. cleaning workers), the evaluation items of the technical aspect must include "wage levels" and "working*

hours", of the number and percentage of contracts, among those outsourced service contracts awarded by government departments since the revision, that the tenderers' scores in respect of wage levels and working hours were crucial for their success in the bidding, and the number of workers involved in such contracts (broken down by government department); and

- (4) *whether the Government will revise the procurement guidelines further to stipulate that the evaluation items, adopted by government departments for evaluating tenders for non-construction services contracts that do not involve the employment of a large number of non-skilled workers, must also include wage levels and working hours; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, currently, there is no policy requiring government departments to outsource public services, or mandating outsourcing as the primary mode for delivering public services. Departments have the discretion to consider according to their operational needs whether or how services should be outsourced, and determine appropriate assessment criteria and propose their relative weightings for consideration by the relevant tender boards.

After consulting the relevant departments, our reply to each part of the question is as follows:

- (1) Under the principle of prudent use of public funds, departments should award contracts to tenderers who comply fully with the tender specifications and offer the best prices for the Government. Having said that, for contracts where the quality of the goods or services to be provided is important, departments may consider assessing the technical and price aspects of tender proposals based on the approved assessment criteria and relative weightings, with a view to selecting quality and value-for-money proposals.

When formulating the marking scheme, departments should normally adopt a 30% to 40% weighting for the technical aspect, as against a weighting of 70% to 60% for the price aspect. Nevertheless, the existing procurement system allows flexibility for

departments to propose other suitable weightings with full justifications for consideration by the relevant tender boards in order to meet their operational needs.

Based on the information provided by the four major procuring departments (namely the Food and Environmental Hygiene Department ("FEHD"), Government Property Agency, Housing Department ("HD") and Leisure and Cultural Services Department), the four departments awarded a total of about 400 service contracts that rely heavily on the deployment of non-skilled workers, each with a contract value of over \$5 million and with marking scheme adopted in tender evaluation. Amongst these, 35 contracts awarded by HD were assessed with a technical weighting of 45%, involving a total of about 5 000 workers.

- (2) The procurement system should be flexible enough for departments to procure services and decide on the assessment criteria and the relative weightings having regard to their operational needs. In procuring service contracts that rely heavily on the deployment of non-skilled workers, currently departments have adopted different assessment criteria in the marking schemes. These criteria include: the past performance of the tenderers similar contracts, the features of the goods or services to be procured, the feasibility of the implementation and contingency plans proposed by the tenderers, etc. Based on the information provided by the four major procuring departments, FEHD has included in its marking scheme an assessment criterion on the provision of certificate relating to the occupational health and safety management system. In assessing tenders for estate management/service contracts, HD would deduct scores of a tenderer who has breached the relevant statutory requirements on occupational safety and health.

(3) and (4)

Under the revised guidelines on the use of marking scheme for government service contracts that rely heavily on the deployment of non-skilled workers promulgated by the Government in May 2016, if departments opt to adopt a marking scheme for tender evaluation, the technical evaluation should by default include assessment criteria on

both the proposed wage rates and working hours for non-skilled workers. Under this arrangement, if all the tenderers obtain the same score in other assessment criteria, a tenderer who is willing to pay higher wages to their non-skilled workers or propose the workers to work fewer hours would score higher in the technical aspect, and hence stand a better chance to win the contract. In practice, tenderers may not obtain the same score in each and every assessment criterion. Whether a tenderer could win the contract depends on a number of factors, including bidders' response to the tender exercise and the overall performance of tenderers under various assessment criteria. As such, it is difficult to determine which technical assessment criterion is crucial for winning a contract.

The revised guidelines are applicable to all service contracts that rely heavily on the deployment of non-skilled workers (except architectural services contracts). Regardless of the actual number of non-skilled workers deployed in a contract, if the number of non-skilled workers involved constitutes a majority of the total number of staff deployed in that contract, the revised guidelines will be applicable.

Electric vehicles

18. **MR HUI CHI-FUNG** (in Chinese): *President, the Government has implemented since 1994 the measure of fully exempting electric vehicles from the payment of first registration tax ("FRT"). However, from the current financial year onwards, the FRT concession for electric private cars is capped at \$97,500. In this connection, will the Government inform this Council:*

- (1) *of the respective numbers of newly-registered electric private cars and electric motor cycles in each of the past five financial years, broken down by model;*
- (2) *of the number of newly-registered electric private cars in each of the past five financial years, broken down by retail price ranges as set out in the table below; and*

<i>Retail price (HK\$)</i>	<i>Financial year</i>				
	<i>2012- 2013</i>	<i>2013- 2014</i>	<i>2014- 2015</i>	<i>2015- 2016</i>	<i>2016- 2017</i>
<i>100,000 or below</i>					
<i>100,001 to 300,000</i>					
<i>300,001 to 500,000</i>					
<i>500,001 to 700,000</i>					
<i>700,001 to 900,000</i>					
<i>900,001 to 1,100,000</i>					
<i>1,100,001 to 1,300,000</i>					
<i>1,300,001 to 1,500,000</i>					
<i>1,500,001 or above</i>					

- (3) *whether it will consider resuming the granting of full FRT exemption for electric private cars; if not, of the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (1) The number of first registered electric private cars and electric motorcycles in each of the past five financial years are set out by models in Annex 1 and Annex 2 respectively.
- (2) The number of first registered electric private cars in each of the past five financial years is set out by taxable values in Annex 3.
- (3) The Government has been proactively promoting the use of electric vehicles ("EVs") as replacements of their conventional counterparts, with measures including waiving the first registration tax ("FRT") for EVs, collaborating with the commercial sector to set up public EV charging facilities and setting up the Pilot Green Transport Fund to encourage the trial of green and innovative transport technologies which includes electric commercial vehicles. With the technological advancement of electric private cars, the number of first registered electric private cars in Hong Kong has recorded discernable growth in recent years. Electric private car manufacturers have also been making efforts to produce mass-market electric private car models whose price difference with conventional private cars is narrowing.

In view of the above latest developments and also the longstanding public transport-oriented policy with railway as the backbone, the Government has decided to cap the FRT concession for electric private cars at \$97,500 starting from 1 April this year. This helps avoid further worsening the traffic congestion problem which could offset the efforts to improve roadside air quality.

Apart from the above mentioned FRT concession, the annual vehicle licence fees for electric private cars are significantly lower than those for conventional private cars and the electricity cost for powering electric private cars is also less when compared with fuel cost for powering conventional ones. We thus consider that electric private cars, especially the more economical models, would still be attractive to environmentally conscious buyers who have genuine need for driving.

For electric commercial vehicles, their overall technological development has been slower than that of electric private cars so they still can hardly compete with the conventional ones. The Government thus continues to waive their FRT in full.

The new FRT concessions for EVs will end by the end of March next year. The Government will review the FRT concession regime for EVs in the light of the relevant factors before then, in order to ensure effective implementation of the relevant policies and prudent management of public finances.

Annex 1

The number of first registered electric private cars in each of the past five financial years by models

<i>Name of manufacturer of electric private car</i>	<i>Model of electric private car</i>	<i>Number of first registered vehicles in the financial year</i>				
		<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>
BMW	I3 (I01)	0	0	251	166	53
	I3 94AH (I01)	0	0	0	0	52
	Sub-total:	0	0	251	166	105

<i>Name of manufacturer of electric private car</i>	<i>Model of electric private car</i>	<i>Number of first registered vehicles in the financial year</i>				
		<i>2012- 2013</i>	<i>2013- 2014</i>	<i>2014- 2015</i>	<i>2015- 2016</i>	<i>2016- 2017</i>
BYD	E6	0	1	14	4	4
Mitsubishi	I-MIEV	2	2	3	0	1
Nissan	E-NV200 5-SEATS	0	0	0	1	2
	E-NV200 7-SEATS	0	0	6	8	7
	LEAF	39	21	25	32	29
	LEAF PLUS	0	0	6	4	2
	Sub-total:	39	21	37	45	40
Renault	FLUENCE Z. E.	11	3	0	0	9
	ZOE	0	0	0	2	1
	ZOE (R240)	0	0	0	13	18
	Sub-total:	11	3	0	15	28
SMART	SMART FORTWO COUPE ELECTRIC DRIVE	0	0	0	0	2
TAZZARI	EM1	0	0	1	1	0
TESLA	MODEL S 60 KWH	0	0	124	41	248
	MODEL S 60 KWH DUAL MOTOR	0	0	0	0	196
	MODEL S 70 KWH	0	0	0	261	202
	MODEL S 70 KWH DUAL MOTOR	0	0	0	693	470
	MODEL S 75 KWH	0	0	0	0	172
	MODEL S 75 KWH DUAL MOTOR	0	0	0	0	361
	MODEL S 85 KWH	0	0	402	438	10
	MODEL S 85 KWH DUAL MOTOR	0	0	0	647	58
	MODEL S 85 KWH PERFORMANCE	0	0	429	16	0
	MODEL S 85 KWH PERFORMANCE DUAL MOTOR	0	0	0	479	21

<i>Name of manufacturer of electric private car</i>	<i>Model of electric private car</i>	<i>Number of first registered vehicles in the financial year</i>				
		<i>2012- 2013</i>	<i>2013- 2014</i>	<i>2014- 2015</i>	<i>2015- 2016</i>	<i>2016- 2017</i>
	MODEL S 90 KWH	0	0	0	14	9
	MODEL S 90 KWH DUAL MOTOR	0	0	0	106	944
	MODEL S 90 KWH PERFORMANCE DUAL MOTOR	0	0	0	137	222
	MODEL S 100KWH DUAL MOTOR	0	0	0	0	1
	MODEL S 100KWH PERFORMANCE DUAL MOTOR	0	0	0	0	218
	MODEL X 60 KWH DUAL MOTOR	0	0	0	0	400
	MODEL X 75 KWH DUAL MOTOR	0	0	0	0	501
	MODEL X 90 KWH DUAL MOTOR	0	0	0	0	1 081
	MODEL X 90 KWH PERFORMANCE DUAL MOTOR	0	0	0	0	107
	MODEL X 100 KWH DUAL MOTOR	0	0	0	0	44
	MODEL X 100 KWH PERFORMANCE DUAL MOTOR	0	0	0	0	331
	ROADSTER	8	1	1	0	0
	Sub-total:	8	1	956	2 832	5 596
VOLKSWAGEN	EGOLF 85KW 24.2 KWH CL	0	0	8	55	63
	Total	60	28	1 270	3 118	5 839

Annex 2

The number of first registered electric motorcycle models in each of the past five financial years by models

<i>Name of manufacturer of electric motorcycle</i>	<i>Model of electric motorcycle</i>	<i>Number of first registered vehicles in the financial year</i>				
		<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>
BRAMMO	ENERTIA	3	0	0	0	0
	EMPULSE	0	1	0	0	0
	EMPULSE R	0	4	11	0	0
	Sub-total:	3	5	11	0	0
E-MAX	120LD PLUS	0	0	8	0	0
GMI	PROTON 850	7	12	0	0	0
ZERO	ZERO SR ZF11.4	0	0	1	0	0
	ZERO S ZF13.0	0	0	0	0	2
	Sub-total:	0	0	1	0	2
	Total	10	17	20	0	2

Annex 3

The number of first registered electric private cars in each of the past five financial years by taxable values

<i>Taxable value (HK\$)</i>	<i>Number of first registered vehicles in the financial year</i>				
	<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>
100,000 or below	0	0	0	0	0
100,001 to 300,000	0	0	1	3	6
300,001 to 500,000	52	27	312	282	234
500,001 to 700,000	0	0	129	777	949
700,001 to 900,000	0	0	515	1 436	2 864
900,001 to 1,100,000	2	1	313	550	1 087
1,100,001 to 1,300,000	3	0	0	70	602
1,300,001 to 1,500,000	3	0	0	0	96
1,500,001 or above	0	0	0	0	1

Marketing of formula milk by distributors and the promotion of breastfeeding by the Government

19. **DR PIERRE CHAN** (in Chinese): *President, the Government has indicated that it has a long-standing commitment to protect, promote and support the optimal feeding of infants and young children, and that the exceedingly aggressive marketing of formula milk in Hong Kong is considered one of the contributing factors of the low exclusive breastfeeding rates in Hong Kong. Regarding the marketing of formula milk by distributors and the promotion of breastfeeding by the Government, will the Government inform this Council:*

- (1) of the quantity of formula milk imported into Hong Kong in each of the past five years;*
- (2) as the Under Secretary for Food and Health indicated at the meeting of the Panel on Health Services of this Council on 10 April this year that the amount of advertising expenditure on milk powder in 2015 was as high as \$3.14 billion, and such amount ranked the third largest among the various categories of advertising expenditures that year, whether the authorities know the amount and ranking of advertising expenditure on milk powder in each of the years from 2012 to 2014 and in 2016; and*
- (3) of the details (including the expenditure incurred) of the activities conducted by the authorities to promote breastfeeding in each of the past five years, in particular the respective production costs of Announcements in the Public Interest ("APIs") for broadcasting on television and other media and APIs for broadcasting on radio as well as the respective numbers of times that such APIs were broadcast?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Government has all along endeavoured to protect, promote and support breastfeeding, and plans to promulgate the voluntary "Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children" ("HK Code") in mid-2017 to protect breastfeeding and support the optimal feeding of infants and young children below 36 months old. My reply to the various parts of the question is as follows:

- (1) The quantity of formula milk powder imported into Hong Kong in each of the past five years is as follows:

<i>Year</i>	<i>Quantity of imported formula milk powder (kg)</i>
2012	44 355 486
2013	48 790 646
2014	55 811 867
2015	54 477 777
2016	59 041 791

- (2) According to admanGo, a local advertising database, the advertising expenditure on "formula milk powder for infants and children" was \$3.14 billion in 2015, ranked the third highest. Of which, the advertising expenditure on formula milk products targeting at infants and young children aged below 3 was \$2.87 billion. The amount and ranking of advertising expenditure relating to formula milk powder in Hong Kong in each of the past five years are as follows:

<i>Year</i>	<i>Amount of advertising expenditure on formula milk products targeting at infants and young children aged below 3 (\$ billion)</i>	<i>Ranking of advertising expenditure on formula milk products for infants and children*</i>
2012	2.19	4
2013	2.71	4
2014	2.51	4
2015	2.87	3
2016	2.34	4

Note:

- * Includes advertising expenditure on formula milk products targeting at infants and young children aged below 3 and formula milk products for children aged 3 or above.

- (3) The Committee on Promotion of Breastfeeding ("the Committee"), chaired by the Under Secretary for Food and Health, was set up in 2014 to enhance the sustainability of breastfeeding and further strengthen community support for breastfeeding. Members include

representatives from relevant professional health care bodies, academia as well as representatives of the organizations that have been participating in the promotion of breastfeeding. The Committee provides specific recommendations on strategies and action plans to strengthen the protection, promotion and support for breastfeeding. Its objective is to promote breastfeeding as the norm for baby care widely accepted by the community and translate public support into action, thereby creating a breastfeeding-friendly environment conducive to boosting the rate and sustainability of breastfeeding.

Through implementing the initiatives recommended by the Committee, the Government has been promoting breastfeeding with a multi-pronged approach. The initiatives include strengthening publicity and education on breastfeeding; strengthening support for breastfeeding in health care institutions and the community; encouraging adoption of the "Breastfeeding Friendly Workplace Policy" to support working mothers to continue breastfeeding after returning to work; encouraging public places to become "Breastfeeding Friendly Premises and to provide baby care facilities; implementing the HK Code; and strengthening the surveillance on local breastfeeding situation.

The Department of Health ("DH") has been promoting breastfeeding through different channels, including (i) providing health information on breastfeeding for parents through organizing workshops, producing and distributing educational materials such as booklets and videos, and offering advice on the web page of DH's Family Health Service ("FHS") ; (ii) providing guidance and skill support for breastfeeding mothers through its maternal and child health centres and the breastfeeding hotline; and (iii) organizing publicity activities (e.g. broadcasting promotional videos on television and buses and in MTR, advertising on bus bodies and arranging for officials to give media interviews) to enhance public awareness of the benefits of breastfeeding. Furthermore, DH has produced a number of related guidelines such as "Guide to Establishing Breastfeeding Friendly Premises", "Employers' Guide to Establishing Breastfeeding Friendly Workplace" and "An

Employee's Guide to Combining Breastfeeding with Work", and uploaded them to its FHS web page for reference by members of public as well as organizations and public premises interested in implementing breastfeeding-friendly measures. The "Info for Nursing Mum App" launched by DH in February 2016 provides relevant online information, including policy and news on breastfeeding, FAQs on breastfeeding and available community resources.

During the period from 1 April 2012 to 31 March 2017, five television Announcements in the Public Interest ("APIs") and five corresponding radio APIs produced by DH to promote breastfeeding had been broadcast for 16 468 times on television and 8 974 times on radio, total broadcasting time amounted to 8 234 minutes and 4 487 minutes respectively.

The actual expenditures on promoting breastfeeding for the financial years 2012-2013, 2013-2014 and 2014-2015 were absorbed by FHS of DH, hence no breakdown is available. An additional funding of \$5 million per annum was provided for FHS in the financial years 2015-2016 and 2016-2017 to further strengthen promotional efforts and to implement the Committee's recommendations. The Government has also set aside a sum of \$6 million in the financial year 2017-2018 to further step up publicity on breastfeeding. In financial years 2015-2016 and 2016-2017, the expenditures on producing television and radio APIs were \$1.17 million and \$0.57 million respectively.

Promoting a water-friendly culture

20. **DR YIU CHUNG-YIM** (in Chinese): *President, recently, some members of the public and urban planning experts have relayed to me that pier and related ancillary facilities are lacking in quite a number of places along the shore in Hong Kong, rendering people from the local communities unable to take advantage of a waterfront location. In this connection, will the Government inform this Council:*

- (1) *of the definition of "water-friendly" used by the authorities and the policy bureau currently in charge of the water-friendly policy;*
- (2) *of the water-friendly facilities currently available and under planning; the policies in place to promote a water-friendly culture, and set out the relevant information one by one; the measures that the authorities have put in place to facilitate local communities' participation in the public engagement exercises when they construct water-friendly facilities and promote relevant policies;*
- (3) *whether the authorities made reference to the experience of overseas countries or regions in the past three years in designing local water-friendly facilities and formulating relevant policies, and whether they have assessed the effectiveness of such facilities and policies; and*
- (4) *whether the authorities will, in their studies of the construction of piers and related facilities, consider local communities' demands for water-friendly facilities, apart from taking public transport demands into consideration; of the other policies and measures in place to address local communities' demands for water-friendly facilities so as to promote a water-friendly culture?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, having consulted the Environment Bureau, the Home Affairs Bureau, the Transport and Housing Bureau, the Civil Engineering and Development Department, the Drainage Services Department ("DSD"), the Leisure and Cultural Services Department ("LCSD"), the Marine Department ("MD"), the Planning Department ("PlanD") and the Transport Department, replies to different parts of the question are as follows:

(1) to (3)

As promulgated in the 2015 Policy Address, the Administration would promote a water-friendly culture and activities, including exploring the feasibility of organizing water sports activities in Victoria Harbour; promoting water recreational and sports activities and a water-friendly culture in Hong Kong waters beyond Victoria

Harbour; continuing to identify desirable locations to build new water sports centres; as well as adopting the concept of revitalization of water bodies in large-scale drainage improvement works and planning drainage networks for new development areas. The initiative involves a wide range of subjects under the portfolio of different bureaux and departments.

Water Quality of Victoria Harbour and Marine Safety

Stage 2A of the Harbour Area Treatment Scheme ("HATS") has come into operation in December 2015 and the water quality in Victoria Harbour has shown marked improvement. Environment Bureau and DSD are monitoring water quality improvements upon the commissioning of HATS Stage 2A and the implementation of HATS Stage 2B will be kept under review taking into account the water quality situation and the latest technological development in biological treatment. To further improve the environment of our popular waterfront areas, the Environmental Protection Department has commissioned a consultancy study to work on practical options and a programme for tackling near-shore pollution. With the continuous improvement in the water quality of Victoria Harbour, the annual cross-harbour swim race that was suspended for years has been resumed since 2011.

To further enhance the water quality and overall environment, the Government has commenced a consultancy study in 2016 to further explore pragmatic and practical measures to ameliorate the odour and water pollution problems along some harbourfront areas of Victoria Harbour. The whole study is expected to be completed in 2018. During the course of the study, where practical solutions are available and resources permit, we will address these problems as soon as possible, rather than waiting until the completion of the study to take actions.

On individual areas, subsequent to the implementation of mitigation measures as proposed in the Approved Environmental Impact report, we have seen significant improvements with regards to the water quality and odour issues of the waterbodies of the Kai Tak Approach Channel and that between Kai Tak Runway Tip and Kwun Tong

Typhoon Shelter. To further improve the water quality, relevant departments will continue to review the situation with a view to rectifying existing pollution sources, and the stormwater drainage and sewage facilities in Kai Tak Development and its vicinity.

When vessel or marine facility is involved in the promotion of water-friendly culture and activities, MD will provide technical advice on the vessel or marine facility as well as their related operations to ensure marine safety.

Water Recreational and Sports Activities

In realizing water-friendly culture, Home Affairs Bureau is mainly responsible for the promotion of water sports. Apart from the construction of water sports facilities, Home Affairs Bureau also encourages and assists in the organization of water sports activities. LCSD currently manages five water sports centres, which offer a wide range of water sports programmes, public fun days and craft rental services for recreational and training purposes all year round. In addition, LCSD has been providing subvention to four sea activities centres run by non-governmental organizations. A list of water sports centres mentioned above is attached at Annex.

The Chief Executive has announced in the 2017 Policy Address that the Government would conduct technical feasibility study for the Water Sports Centre in Area 77, Tseung Kwan O in order to prepare for its future construction. If individual "national sports association" requires assistance in organizing water-based competitions and activities, Home Affairs Bureau and relevant government departments will also provide assistance.

Home Affairs Bureau will also provide funding as well as logistic support to "national sports associations" in organizing major international water sports activities in Hong Kong. These include the revival of the annual signature local swimming event, the Harbour Race, since 2011; the Hong Kong International Dragon Boat Races that moved its event location to the Central Harbourfront in 2015; and the Volvo Ocean Race to be staged in the vicinity of Kai Tak Runway Park in 2018. The Volvo Ocean Race is the

second biggest event in world of sailing and Hong Kong is set to host its first ever stopover of the Race. The holding of the above activities not only helps to promote water recreational and sports activities and a water-friendly culture, but also showcases the beauty of Hong Kong's Harbour.

On the other hand, LCSD started to implement a pilot scheme on angling zone in 2016. After consultation with the Harbourfront Commission ("HC") and District Council concerned in 2016, a pilot scheme on angling zone was launched in the Central and Western District Promenade (Central Section) where ancillary facilities to angling was provided. Subsequently, another pilot was launched at the public pier towards the end of Tai Po Waterfront Park Promenade. Relevant angling ancillary facilities have already been opened for public use. LCSD will monitor the usage, collect users' feedback and review its effectiveness during the pilot period.

Planning and Development

The Development Bureau and HC strive to strengthen the policy on harbourfront planning and implementation of harbourfront enhancement initiatives within Victoria Harbour with a view to creating a vibrant, green, accessible and sustainable harbourfront. Development Bureau, PlanD and relevant departments are exploring the feasibility of providing water-friendly facilities through short-, medium- and long-term planning studies and projects.

In the short run, for instance, the disused pier adjacent to the ex-fire station at the former runway (the Runway Park Pier) has been refurbished and reopened to the public with a view to improving the connectivity of harbourfront areas in the East Kowloon. In the medium term, for instance, as reported to HC earlier, the West Kowloon Cultural District Authority is carrying out feasibility study and assessment on marine access within the District.

With regards to long-term harbourfront planning study, PlanD has put forward a two-staged Urban Design Study for the Wan Chai North and North Point Harbourfront Areas ("the UDS"). The UDS aims to examine how the harbourfront areas concerned could be

redefined to promote accessibility, diversity, identity and vibrancy on the land and the water, to reconnect people to the water edge. The study area encompasses about 19 hectares of land area and about 22 hectares of water area. Design concepts have been developed for the five proposed character precincts. The "Water Sports & Recreation Precinct" therein is recommended to be used to bring in water sports and recreational activities on the water basin previously occupied by the ex-public cargo working area for the enjoyment of the general public. The precinct will showcase new water play concept and feature various water-related activities, as well as adopting a flexible design to allow for the hosting of water sports events.

Apart from that, the proposed boardwalk of 2 km underneath the Island Eastern Corridor from Oil Street in North Point to Hoi Yu Street in Quarry Bay includes four activity nodes at Oil Street, Tong Shui Road, North Point Vehicular Ferry Pier and Hoi Yu Street. In addition to a new fishing platform, the Tong Shui Road activity node would retain and refine the existing pier structure. Furthermore, a water playground is proposed at the activity node at Hoi Yu Street which would serve as one of the entrances of the boardwalk so that the public could enjoy a variety of water-friendly activities there.

Waters beyond Victor Harbour

Beyond the waters in Victoria Harbour, the Government has conducted pilot schemes to adopt the concept of revitalizing water bodies by incorporating elements of greening and ecological conservation into our completed or ongoing improvement works for nullahs and river channels. These have not only achieved environmental beautification, but also enhanced river biodiversity with satisfactory outcomes. DSD will apply the concept of revitalizing water bodies during the implementation of large-scale drainage improvement works and drainage planning for new development areas in addition to enhancing the drainage capacity of nullahs and river channels, with a view to promoting greening, biodiversity, beautification and water-friendly activities.

- (4) As announced in the 2017 Policy Agenda, the Government plans to carry out renovation projects for existing ferry piers to keep up the exterior design and facilities of the piers with the times so as to provide the public with a better waiting environment. Our preliminary plan is to renovate one ferry pier on a pilot basis, through which we may explore enhancements such as installation of facilities for passengers' convenience, exterior refurbishment and brighter lighting. Upon completion of the pilot project, we will consider renovating more ferry piers in the light of the project outcome and passengers' feedback. We will also examine applying such new standards to newly-built ferry piers in future.

Beyond Victoria Harbour, with a view to enhancing accessibility of some remote scenic and natural heritage attractions and responding to local requests, Development Bureau is implementing a "Pier Improvement Programme ("PIP")" to upgrade the structural and facility standards of a number of existing public piers at remote rural areas in phases so as to facilitate public to make outing to rural areas and meet the needs of local villagers relying on boats as their main transport mode or fishermen's operation. The first phase of the PIP will cover about 10 public piers in Sai Kung, Tai Po, Tsuen Wan, North and Island Districts.

Annex

List of Leisure and Cultural Services Department ("LCSD") Water Sports Centres
and Non-governmental Organization ("NGO") Sea Activities Centres
with LCSD Subvention

I. LCSD Water Sports Centres

- (1) Chong Hing Water Sports Centre
- (2) Stanley Main Beach Water Sports Centre
- (3) St. Stephen's Beach Water Sports Centre
- (4) Tai Mei Tuk Water Sports Centre
- (5) The Jockey Club Wong Shek Water Sports Centre

II. NGO Sea Activities Centres

- (1) Hong Kong Federation of Youth Groups Stanley Outdoor Activities Centre
- (2) Hong Kong Federation of Youth Groups Tai Mei Tuk Outdoor Activities Centre
- (3) Scout Association of Hong Kong Pak Sha Wan Tam Wah Ching Sea Activity Centre
- (4) Hong Kong Girl Guides Association Leung Sing Tak Sea Activities Training Centre

Preventing detainees in police stations from injuring themselves or others

21. **MR KENNETH LEUNG** (in Chinese): *President, regarding an incident in which a man committed suicide and died in a detention cell of a police station, the 2015 Coroners' Report recommended to the Police that (i) the number of close-circuit television ("CCTV") cameras be increased or the angles of CCTV cameras be adjusted to monitor the situation in various detention cells, (ii) contractors be arranged to conduct regular checks on the video systems and recording functions of CCTV cameras, and (iii) more monitors be installed to display the footages captured by various CCTV cameras throughout to facilitate the monitoring of the situation in various detention cells and to ensure the normal operation of CCTV cameras. On preventing detainees in police stations from injuring themselves or others, will the Government inform this Council:*

- (1) *of the number of cases in which detainees in police stations attempted to commit suicide in each of the past 10 years;*
- (2) *of the number of cases in which detainees died in police stations in each of the past 10 years, and set out by year (i) the causes of their deaths, (ii) the names of the police stations concerned and (iii) the reasons for which the deceased persons were detained before death;*
- (3) *of the details of the body searches which a detainee is currently required to undergo before entering a detention cell; whether the Police have taken measures other than body searches to prevent detainees from injuring themselves or others;*

- (4) *of the respective numbers of police stations which currently have (i) detention cells and (ii) CCTV cameras installed in the corridors outside detention cells; whether the Police have assigned dedicated police officers to monitor the CCTV screens; the reasons why no CCTV cameras have been installed in the corridors outside some detention cells; and*
- (5) *whether the Police have assessed if the recommendations put forward in the aforesaid report are feasible; whether the Police have implemented the recommendations; if they have implemented the recommendations, of the expenses incurred and the manpower deployed so far, and the latest progress of the relevant work; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, the Hong Kong Police Force ("the Police") have all along fulfilled its duty of care to persons remanded by the Police, ensuring that their rights and safety are safeguarded. With respect to the questions raised by Mr Kenneth LEUNG, my response is as follows:

- (1) and (2)

Figures of detainees who "harmd themselves/attempted to commit suicide" and those who "died" in police stations in the past five years are provided in Annex. The Police do not maintain such figures before 2012.

- (3) To respect the rights of detainees and prevent unnecessary body searches, the Police classify the scope of search into three levels: Level 1 (non-removal of clothing); Level 2 (removal of clothing) and Level 3 (removal of underwear).

When a person is arrested by the Police, he/she will be brought before the Duty Officer in charge of the police detention facilities of the police station concerned, who will then decide on the level of search to be conducted. The Duty Officer will take into consideration a series of factors relating to the detainee, such as the offence suspected to have been committed, criminal record, the level of violence exhibited when committing the suspected offence and upon arrest, suicidal tendency, previous record of self-harm (if known), etc.

The scope of a custody search on each occasion is to be determined having regard to the prevailing circumstances and shall be proportionate to such circumstances and justifiable. After determining the scope of the custody search in view of the above factors, the Duty Officer will explain the reasons to the detainee. If a detainee has any concerns/objections regarding the search, he/she may raise them to the Duty Officer who will reconsider his decision. To ensure that officers concerned comply with the search procedures, supervisory officers will conduct periodic reviews of custody search records in the system and take actions on any non-compliance cases.

In addition, police officers can only conduct a search involving the removal of underwear with strong justification and it should not be conducted on a routine basis. In conducting such searches, regard should be given to the privacy and dignity of the detainee. For example, such searches can only be conducted in an area with privacy protection, and it must be ensured that they are not seen by any persons other than the officers required to carry out, witness or supervise the searches.

If a detainee has special conditions, such as a previous record of serious and violent offences or offences involving firearms or explosives; is being suspected of, or charged with such offences; having previously escaped from custody or thought to have a high risk of escape, or having an expressed or known suicidal tendency, he/she will be under "Special Watch". In such circumstances, the officer in charge of the case is required to inform the Divisional Commander and the Duty Officer so as to make special arrangements, which include allocating to the detainee a separate cell from other detainees, and restraining the detainee in a handcuff transport belt when he/she is being moved.

Apart from the above, to ensure the safety of detainees and other persons who might be in contact with them, the Police have already introduced the use of hand-carry metal detectors. A Duty Officer will be assigned to every detention facility to be responsible for the reception, safety, security and welfare of the detainees, as well as the regular inspection of the detention facility concerned during his shift. Supervisory officers at all ranks will also regularly inspect the

detention facility concerned. The Police will follow the principle of single-cell occupancy as far as there is enough space in the detention facility.

Furthermore, the Police have all along been striving to enhance the detention facilities in existing, newly constructed and future police stations. The Police conducted a comprehensive review of its detention management policy in 2008, and has implemented various improvement measures in all detention cells by 2012, such as installing hot shower facilities, enhancing the protection of privacy, and putting up notice boards in the passage outside detention cells to display notices on the rights of detainees.

At the same time, since 2010, the Police have been improving the environment of report rooms with suitable conditions and enhancing the safety of detention facilities, with relevant works completed in Central Police Station, Tsuen Wan Police Station, and Wong Tai Sin Police Station. The relevant improvement measures include retrofitting temporary holding areas and detention cells with reinforced fibre glass walls or metal meshes and altering all wall edges to smooth rounded ones. As for the newly constructed police stations (such as Yau Ma Tei Police Station), the Police have also increased the floor-to-ceiling height of detention cells to prevent detainees from reaching a secure spot for tying a knot on the ceiling. The Police will, where practicable, continue to improve existing detention facilities at police stations and look into the designs for future detention facilities, with a view to affording better protection to detainees. The upgrading works of the relevant police stations are still in progress.

- (4) At present, a total of 33 out of the 42 police stations of the Police have detention cells. These 33 police stations have closed-circuit televisions ("CCTV") for monitoring the passage and exits/entrances of detention cells. Officers on duty in report rooms monitor the situation via CCTV on shifts.
- (5) The Police attach great importance to the recommendations made by the Coroner's Court in 2015 and has forthwith implemented such recommendations with effect from April 2015, such as arranging contractors to regularly inspect the imaging system and video-recording function of CCTV, and ensuring the availability of

designated screens for continuous display of the passage and exits/entrances of detention cells. The Police have also been studying the feasibility of installing CCTV in detention facilities, which include the implications of the recommendations on detainees' privacy, security arrangements, etc. The Police have also been discussing with the Department of Justice on ways to follow up the recommendations of the Coroner's Court. The relevant work is currently underway.

Annex

Figures of detainees who harmed themselves/attempted to commit suicide and those who died in police stations in the past five years

	<i>Self-harm/attempted suicide⁽¹⁾</i>	<i>Death⁽²⁾</i>
2012	27	0
2013	36	0
2014	31	2
2015	33	0
2016	33	1
2017 (As at 24 May)	17	1

Notes:

- (1) The figures do not include death cases.
- (2) Four detainees died by hanging themselves in Western Police Station, Yau Ma Tei Police Station, North Point Police Station and Sau Mau Ping Police Station respectively. The reasons for their detention include involvement in cases of assault occasioning actual bodily harm, possession of dangerous drugs and misleading police officers, attempted indecent assault, rape and robbery.

Enhancing the capabilities of countering terrorist attacks

22. **MR JIMMY NG** (in Chinese): *President, given Hong Kong's dense population, it will be too ghastly to contemplate the consequences in the event that Hong Kong falls victim to terrorist attacks. Regarding the enhancement of capabilities of countering terrorist attacks, will the Government inform this Council:*

- (1) *of (i) the number of counter-terrorism exercises conducted by the authorities in each of the past five years, (ii) the contents of such exercises, (iii) the government departments and related organizations that took part in the exercises, and (iv) the number of personnel who took part in the exercises;*
- (2) *whether the authorities will invite public participation in future counter-terrorism exercises to allow members of the public to grasp directly the ways to counter terrorist attacks; if so, of the details; if not, the reasons for that;*
- (3) *how the authorities will heighten public preparedness in countering terrorist attacks, including reminding members of the public to stay vigilant and the ways to safeguard personal safety during terrorist attacks; of the current manpower and expenses required for such efforts each year;*
- (4) *in the past five years, (i) of the number of visitors who were suspected terrorists refused entry into Hong Kong by the authorities each year, and (ii) whether the authorities encountered any difficulty in intercepting terrorists from entering Hong Kong (if so, of the details and ways of handling); whether the authorities have reviewed the existing immigration procedure to see if there are any loopholes (if there are loopholes, of the measures to plug such loopholes); and*
- (5) *given that in recent years terrorist attacks have occurred in a number of European and South Asian countries which are frequently visited by Hong Kong people for sight-seeing, of (i) the number of Hong Kong people who sought, while they were travelling abroad, assistance from the authorities in the past five years due to local occurrence of terrorist attacks, and (ii) the details of the assistance offered by the authorities, including the manpower and expenses involved; whether the authorities will allocate additional resources to strengthen the assistance offered to such Hong Kong people; if so, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, in recent years, terrorist activities have gone rampant around the globe while their modi operandi have become more diversified. Hong Kong has a robust legal framework and adequate enforcement capability to guard against and tackle terrorist activities.

We must also keep a close watch on the international trends of terrorist activities, stay vigilant and step up preventive measures. Our reply to the various parts of the question is as follows:

(1) and (2)

The HKSAR Government, in particular the Police, conducts regular exercises against major incidents and terrorist attacks to test the counter-terrorism ("CT") response capabilities and plans of various departments and relevant organizations. In the past five years (2012 to 2016), the Police conducted a total of 259 CT and major incident contingency exercises, most of which are joint exercises participated by different government departments and public organizations. In response to the changing CT landscape in recent years, the Police conducts CT exercises in various forms and on different themes. Nine regular CT exercises have been conducted in the first five months of 2017. The most recent one was the large-scale CT exercise codenamed "Hardshield" which was conducted in May 2017. In addition to the Police, other participating departments include the Fire Services Department, Customs and Excise Department, Government Flying Service, Civil Aid Service and St. John Ambulance Brigade, involving more than 900 people.

(3) To enable the public in knowing the necessary measures and first aid methods in case of emergency, the Security Bureau has produced booklets teaching the public how to handle suspicious or emergency incidents, such as ways to handle suspicious objects, suspected bombs and mails containing suspicious powders/substances; as well as emergencies in public areas or transport. The information has been uploaded to Security Bureau's website <www.sb.gov.hk/eng/emergency/advice/advice.html>. Besides, Security Bureau's mobile application "Safeguard HK" disseminates realtime information to the public from time to time, such as updates on major emergencies and Outbound Travel Alerts, and provides the public with practical information on security in daily lives and during travels.

Through various different social media such as "Hong Kong Police Mobile Application", "Hong Kong Police YouTube", "Hong Kong Police Facebook" and "Hong Kong Police Instagram", the Police

continues to instill among the public safety knowledge and anti-crime awareness, thereby enhancing their alertness and responsiveness to major dangerous incidents.

The above public education initiatives are part of the routine duties. The manpower and expenditure involved are not calculated and quantified separately.

- (4) The Immigration Department ("ImmD") exercises effective immigration control in accordance with the law at boundary control points to prevent entry of persons who may pose a threat to the law and order of Hong Kong. In the light of terrorist threat assessments and actual circumstances, ImmD also takes appropriate control measures and steps up interception and examination of suspected persons at various boundary control points. Meanwhile, ImmD also includes information of visitors suspected of being linked to terrorist activities in a watch list so as to prevent such persons from attempting to enter Hong Kong. Any such persons found at boundary control points will be refused permission to land and referred to the relevant law enforcement agencies for follow-up.

ImmD will continue to strengthen intelligence exchange with the law enforcement agencies in Hong Kong as well as those in other places through different channels. It will also enhance the training on terrorist detection and handling for frontline staff with a view to strengthening their capability in dealing with terrorists and enforcement of law.

ImmD does not maintain the figures mentioned in the question.

- (5) The HKSAR Government endeavours to provide assistance to Hong Kong residents in distress outside Hong Kong. Upon receipt of requests for assistance from Hong Kong residents in distress outside Hong Kong, the Assistance to Hong Kong Residents Unit ("AHU") of ImmD will immediately seek to understand the situation through various channels including the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR, the Chinese Diplomatic and Consular Missions, offices of the HKSAR Government in the Mainland or overseas or relevant government departments. The AHU will provide practicable

assistance to the subjects having regard to the actual circumstances of the cases and the requests of the assistance seekers, such as contacting the family members of the Hong Kong residents in distress, assisting the persons concerned in applying for/replacing their travel documents, coordinating with the relevant units for corpse handling arrangement of the deceased or medical transfer of the casualties with a view to helping them return to Hong Kong as early as possible, etc. The AHU will send officers to the place of incidents to provide immediate assistance to the subjects and their family members when necessary, including visiting the casualties, meeting with the local officers concerned to understand the situation of the affected Hong Kong residents, urging the local hospitals to provide appropriate treatment, etc.

ImmD does not maintain a breakdown of the number of Hong Kong residents who sought, while travelling abroad, assistance from the AHU due to local occurrence of terrorist attacks. The numbers of requests for assistance received by ImmD in the past five years and the nature of the cases are set out in the table at the Annex.

As it is part of the routine of the AHU to provide assistance to Hong Kong residents outside Hong Kong, the manpower and expenditure involved in handling cases of a particular nature are not calculated and quantified separately.

Annex

The numbers of requests for assistance received by ImmD in the past five years and the nature of cases are tabulated below:

<i>Case Nature</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Loss of travel document	861	1 115	1 220	1 598	1 711
Traffic accident	141	65	40	69	51
Hospitalization, illness and death	406	420	405	468	543
Others (such as missing, being detained, etc.)	383	381	403	394	503
Total number of cases	1 791	1 981	2 068	2 529	2 808

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. This Council now continues with the debate on the motion under the Legislative Council (Powers and Privileges) Ordinance.

Stand over item: Member's motion on "Motion under the Legislative Council (Powers and Privileges) Ordinance" (since the meeting of 17 May 2017)

MOTION UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE

Continuation of debate on motion which was moved on 25 May 2017

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

(No Member indicated a wish to speak)

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I would like to provide an integrated reply with regard to Members' speeches made last Wednesday.

First of all, I would like to emphasize that the Special Administrative Region ("SAR") Government attaches great importance to individual privacy of the electors. We are also fully aware of the severity of the suspected theft of notebook computers this time and understand the necessary follow-up actions that should be taken. In his speech made last week, the Acting Secretary indicated that we considered the incident a revelation of the deficiencies in the internal administrative arrangement of the Registration and Electoral Office ("REO"). Therefore, it is necessary to conduct a thorough investigation along with a rigorous review of the incident, and to carry out a major overhaul to prevent similar incidents from happening in future.

With regard to the inconvenience and distress this incident caused to the public and the electors, I have sincerely apologized to affected electors throughout the territory repeatedly on behalf of REO. However, I cannot agree with the allegations made by some Members last week which accused the SAR

Government of concealing the facts or failing to provide a proper account of the incident. Quite the contrary, after the suspected theft of the notebook computers, the Bureau and REO have immediately taken up a series of follow-up work. Right in that evening, press release was sent out to announce our follow-up actions and the latest development. Following that, the public was updated on the status of the incident on a daily basis. I also took the initiative to contact the Chairman of the Legislative Council Panel on Constitutional Affairs, asking for a special meeting to be convened so as to let the relevant departments inform the public on the incident as soon as possible. President, the incident may involve criminal elements and Members understand that details that may be involved in criminal investigation should not be disclosed at the present stage. But in the special meeting of the Legislative Council Panel on Constitutional Affairs held on 11 April, we did fully reveal to Members all the information available to us and the follow-up work that would subsequently be launched.

President, I announced in the special meeting held in mid-April the setting up of a Task Force which would be led by a Deputy Secretary of this Bureau, with membership consisting of relevant colleagues from the Security Bureau and the Office of the Government Chief Information Officer. These colleagues have been working incessantly since the Task Force's inauguration in mid-April. As these member colleagues come from different departments, their participation and the comments they make help ensure the Task Force performs in a fair, impartial and professional manner. On top of helping us gain an in depth understanding of the underlying causes of the incident, their contributions also aid further examination of various aspects, such as the internal procedures adopted by REO, enable us to identify deficiencies, and thereby formulating recommendations for improvement.

President, the Panel on Constitutional Affairs have been informed that we will further provide Members with an account of the content and recommendations of the report produced by the Task Force on the Panel meeting to be held on 19 June.

President, I reiterate once again that apart from the review now conducted full steam ahead by the Task Force, other investigations are also underway, especially the criminal investigation by the Police and the formal investigation by the Privacy Commissioner for Personal Data. Separately, REO is going to submit an election report to the Chief Executive in three months, that is before mid-June, in accordance with the law. Before the completion of these tasks and the release of reports, the SAR Government considers it unnecessary and

inappropriate for the Legislative Council to set up a select committee to handle the incident. Therefore, I once again appeal to Honourable Members to oppose Dr CHENG Chung-tai's motion.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Deputy President, I so submit.

DEPUTY PRESIDENT (in Cantonese): I now call upon Dr CHENG Chung-tai to reply. The debate will come to a close after that.

DR CHENG CHUNG-TAI (in Cantonese): Deputy President, that the loss of the personal data of all registered electors in Hong Kong by the Registration and Electoral Office is not purely about endangering individual electors' privacy being prejudiced. In fact, the entire electoral system of Hong Kong have also been undermined as a result. As I have also mentioned in my speech delivered last week, the significance of the incident lies not only in its impacts, but also in the mutual trust between the Government and every person in society as a whole, especially when Hong Kong does rely on the voter registration system for voter identity authentication. The Government simply showed its disrespect for Hong Kong people's voter identity by handling the personal data of registered electors in such a reckless manner. This will definitely undermine the mutual trust between the Government and its citizens.

Given the seriousness of this matter, I think it is necessary to inquire into the matter with a higher degree of clarity, transparency, fairness and impartiality, particularly with focus on whether there is any misconduct on the part of government officials. Hence, I do hope that there will be numerous Members who support my proposal of invoking the Legislative Council (Powers and Privileges) Ordinance to appoint a select committee to inquire into the incident of the loss of the personal data of all registered electors in Hong Kong by the Registration and Electoral Office.

My speech ends here, thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr CHENG Chung-tai be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Dr Helena WONG rose to claim a division.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, THE PRESIDENT resumed the Chair)

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 James TO, Mr Charles Peter MOK, Mr IP Kin-yuen, Mr SHIU Ka-chun, Dr Pierre CHAN and Dr YIU Chung-yim voted for the motion.

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG,

Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Nathan LAW and Dr LAU Siu-lai voted for the motion.

Mr CHAN Hak-kan, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr Wilson OR, Ms YUNG Hoi-yan and Mr CHEUNG Kwok-kwan voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 6 were in favour of the motion and 19 against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 15 were in favour of the motion and 11 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.

PRESIDENT (in Cantonese): Debate on motion with no legislative effect.

The motion debate on "Urging the next Chief Executive to reactivate constitutional reform".

Members who wish to speak in the motion debate will please press the "Request to speak" button.

I now call upon Dr KWOK Ka-ki to speak and move the motion.

Stand over item: Member's motion on "Urging the next Chief Executive to reactivate constitutional reform" (since the meeting of 29 March 2017)

URGING THE NEXT CHIEF EXECUTIVE TO REACTIVATE CONSTITUTIONAL REFORM

(There were noises from some Members)

PRESIDENT (in Cantonese): Will Members please keep quiet. Please speak, Dr KWOK Ka-ki.

DR KWOK KA-KI (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing, THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

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

DR KWOK KA-KI (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

Deputy President, when I initially introduced this motion, Carrie LAM was being elected the Chief Executive through a coterie election. Now it is the end of May and the situation is even worse than the time when she was elected. On the past weekend, ZHANG Dejiang, the Chairman of the Standing Committee of the National People's Congress ("NPCSC"), made some irresponsible remarks. He wanted to take away not only Hong Kong's "high degree of autonomy" but also the opportunity for Hong Kong to implement "one country, two systems" and "Hong Kong people administering Hong Kong". Besides ZHANG in his

capacity as the Chairman of NPCSC, many spokesmen of Beijing, including WANG Zhenmin, WANG Guangya and RAO Geping, made their remarks one after another. The topic of their remarks is simple: the 31 August Decision of NPCSC is unshakable and the steps of constitutional reform is unchangeable.

The most important point of my motion this time is to resolve deep-rooted conflicts in Hong Kong. I believe that after the Umbrella Movement, Hong Kong people understand and recognize that the biggest deep-rooted conflict originates from the constitutional reform. Simply due to the constitutional reform proposal under the 31 August Decision of NPCSC, the recommendation of electing the Chief Executive and all Members of the Legislative Council through universal suffrage stipulated under Article 45 and Article 68 of the Basic Law passed by the National People's Congress on 4 April 1990 completely vanished. As a result, Hong Kong remained in dissension. Millions of Hong Kong people were forced to go onto the streets and clearly expressed their reasons behind during the 79 days of the Umbrella Movement.

This year is the 20th anniversary of Hong Kong's reunification with China. It is also the 27th anniversary of the promulgation of the Basic Law. The Government goes on a spending spree to organize activities to celebrate the 20th anniversary of Hong Kong's reunification with China. However, if you ask Hong Kong people whether the 20th anniversary of Hong Kong's reunification is worth celebrating, I believe that the majority of them would reply in the negative. They think that over the past 20 years since Hong Kong's reunification, the Central Government has not respected the Basic Law, "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy".

What ZHANG Dejiang said were not casual remarks. On the contrary, he had a whole plan. What he said was about the authority to file and review the laws of Hong Kong SAR, the authority to decide the constitutional development of Hong Kong SAR, the authority of the Central Government to issue orders to the Chief Executive and the authority to hear the reports made during duty visits of the Chief Executive. That was a display of superiority to Carrie LAM before her assumption of office. It aimed to tell Hong Kong citizens that Carrie LAM would enjoy no freedom and she was just a string puppet. ZHANG Dejiang's remarks were more than a show. He obviously wanted her to remember that she was only a string puppet while the Central Government had control of all the authority in the SAR.

Not only did ZHANG Dejiang reiterate the 31 August Decision of NPCSC, his remarks on the decision of the constitutional development of the SAR posed one more checkpoint, which is "the authority to issue orders" and "the authority to decide", in addition to the "Five-step Process". He just wanted to control Hong Kong's constitutional reform. In that case, what is the difference between Hong Kong and other provinces and cities in the Mainland? How can Hong Kong be called "Asia's world city"? How can Hong Kong be regarded as an international financial centre? What is meant by "a high degree of autonomy" and "Hong Kong people administering Hong Kong"? The Sino-British Joint Declaration signed in 1984 stipulates that the Hong Kong SAR enjoys a high degree of autonomy. The Sino-British Joint Declaration is an international document and has been registered with the United Nations. It has a statutory status. However, the changes in the past several months has not only failed to relieve Hong Kong people's worries but also forecast that the dissension of the society will aggravate after July as the script of the Central Government proceeds. The new Chief Executive is no more than a major token to change the dissension of the society from "1.0" to "2.0". As long as the cause of the social dissension and a suitable remedy are not found, I honestly do not see how the society can develop.

The 31 August Decision made on 31 August 2014 by NPCSC in essence ruined Hong Kong's universal suffrage. The Decision set three barriers. The first is about the composition of the nominating committee. As you all know, the nominating committee reflects the ugliest side of a coterie election. For instance, the Agriculture and Fisheries Constituency, which constitutes merely 0.1% of the GDP and consists of 158 registered voters only, accounts for 60 seats in the nominating committee. The Financial Services Constituency has more than 120 votes and accounts for 18 seats in the committee, while the Education Constituency has around 80 000 voters with only 30 seats. The 3.8 million wage earners in Hong Kong do not have the right to vote for their representatives in the Labour Constituency. If it is not a coterie election and fake universal suffrage, what else can it be?

The second barrier is that the candidates for the Chief Executive election must have the support of more than half of all committee members and the number of contesters is restricted to two or three only. Even the Legislative Council Member Mrs Regina IP, who has always received appreciation of the Central Government, could not become a candidate, let alone Albert HO or Alan

LEONG. How could she win the support from half of all committee members? This arrangement would even deny the access of those people who are cultivated by the pro-establishment camp, such as Mrs Regina IP or Jasper TSANG.

What is the last barrier then? It is the authority of appointment from the Central Government. This is even more outrageous. Before officially participating in the Chief Executive election, Carrie LAM already expressed her biggest worry that the elected Chief Executive would not be appointed by the Central Government and a constitutional crisis would arise. What she meant was that even the most important step ... even a string puppet would tell us that we had to elect her the Chief Executive. If another person was elected, the Central Government would not appoint that person. What kind of universal suffrage was it? The last barrier lets us know that whoever is elected is just a string puppet with only the support of "the voting machine". Neither do we want a Chief Executive who only listens to Beijing on everything, nor a person who cannot represent Hong Kong people, to become the Chief Executive.

Someone says that this does not matter because this is a political issue that can be ignored. In fact, this is more than a political issue. It may even harm the livelihood of Hong Kong people. In the past, several "white elephant" construction projects exceeded their budgets one after another. For example, the Hong Kong-Zhuhai-Macao Bridge project cost \$5.4 billion more than the original budget, and the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") saw a cost overrun of nearly \$20 billion. There are also the artificial islands in the central waters and many other infrastructures which will be undertaken soon. We can see that all the construction projects serve political purposes.

Some people say that it is not a problem for Carrie LAM to be elected. However, you all should not forget that Carrie LAM did two things when she announced her intention to run for the Chief Executive election. Let me remind you all. Before conducting a real consultation, Carrie LAM already followed the will of the Central Government to plan for the Hong Kong Palace Museum in the West Kowloon Cultural District. Similarly, she planned to spend tens of billion dollars to develop the Lok Ma Chau Loop without sufficient consultation. These two projects are just minor examples. I believe that in the next five years, policies like these which violate the will and undermine the interests of Hong Kong people will be introduced one after another.

We do not want a string puppet; nor do we want to see continued dissension in Hong Kong. What we want is "one country, two systems" and "Hong Kong people administering Hong Kong" as stipulated clearly in the Basic Law. All documents and covenants related to elections and the respect for Hong Kong's separation of powers are already stipulated in the Basic Law. They are not just empty promises to meet the endless demands claimed by ZHANG Dejiang. The motion I introduce today is to urge the next Chief Executive Carrie LAM to place the withdrawal of the 31 August Decision and the reactivation of constitutional reform as her most important task so that Hong Kong will no longer be torn apart, universal suffrage will be given back to Hong Kong people, fairness will be given back to Hong Kong people and the society can move forward.

I so submit.

Dr KWOK Ka-ki moved the following motion: (Translation)

"That this Council urges the next Chief Executive to request the Central People's Government to seek the invalidation by the National People's Congress ("NPC") of the decision made by the Standing Committee of NPC on 31 August 2014 on Hong Kong's constitutional development, and reactivate the statutory process for constitutional reform to allow Hong Kong people to, by way of nomination with no screening, including civil nomination, elect the Chief Executive on a 'one person, one vote' basis; and to abolish the functional constituencies in the Legislative Council to allow Hong Kong people to elect all Legislative Council Members by direct elections, so as to implement genuine dual universal suffrage under the principles of universality and equality, thereby manifesting 'one country, two systems', 'Hong Kong people administering Hong Kong' and 'a high degree of autonomy', and hence eliminating deep-rooted social conflicts."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr KWOK Ka-ki be passed.

DEPUTY PRESIDENT (in Cantonese): Two Members will move amendments to this motion. Council will now proceed to a joint debate on the motion and the two amendments.

I will call upon Members who move the amendments to speak in the following order: Mr LEUNG Che-cheung and Dr Helena WONG; but they may not move the amendments at this stage.

MR LEUNG CHE-CHEUNG (in Cantonese): Deputy President, actually the debate on this motion today should have taken place back on 30 March, but since Dr KWOK Ka-ki could not make it to the Council meeting that day, it was postponed to the meeting today. It is a belated motion indeed.

Deputy President, Members of the opposition camp hold double standards of being harsh to others but lenient to themselves and keep dealing blows to the SAR Government all along, in particular the LEUNG Chun-ying Administration, by means of escalating everything to the political plane. Take, for instance, the recent act of those Members of the opposition camp who jointly signed a motion to impeach the Chief Executive is obviously another attempt of political assault. The opposition camp has been crazily launching attacks on the incumbent Chief Executive, targeting at the Chief Executive himself instead of matters concerned, and members of the public have grown sick of their such acts. Will the opposition camp suspend their usual practice when dealing with the Chief Executive of the new-term Government? Or will they act more aggressively in launching political attacks on her? Well, all we can do is to, just like the general public, keep an eye on their behaviours and words.

Today's motion is moved to request that the next Chief Executive reactivates constitutional reform. The Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") very much supports the reactivation of constitutional reform, which being the very core of the political bone of contention in Hong Kong. Unless the issue of constitutional reform is duly settled, the contention will never end, thus giving rise to continuous internal attrition, and our society will remain being torn apart. Therefore, it is necessary for the new-term Government to create favourable conditions for the reactivation of constitutional reform, just as the next Chief Executive Carrie LAM has mentioned in her election platform that she will do her best "to work towards creating a favourable atmosphere to take forward constitutional reform within the framework of the 31 August Decision.

Reactivating constitutional reform is also the common wish of the majority of the public, especially after they have gone through the experience of being mere onlookers who did not have any right to vote in the Chief Executive election with three contenders. They might think then: We could be well able to vote for our preferred candidates now had the opposition camp not vetoed the constitutional reform package of electing the Chief Executive by universal suffrage on a "one person, one vote" basis back then.

Now that the opposition camp once again raises the issue of reactivating constitutional reform against this backdrop, I really do hope that they would have, after learning a lesson from their last experience, moved a motion within Hong Kong's legal framework with a view to allowing people the chance of enjoying the right to vote in Chief Executive elections.

Regrettably, civil nomination, which violates the Basic Law, is included in today's motion as a necessary condition of reactivating constitutional reform. Moreover, the invalidation of the decision made by NPCSC on 31 August 2014 is made a must for reactivating constitutional reform. In a word, they just keep on playing the old tunes, insisting on acting against both the Basic Law and the stance held by NPCSC, making it utterly impossible for us to support the motion.

We ought to reactivate constitutional reform not for reactivation's sake but in answer to the public's call. Given that they are pragmatic and the right to vote is precisely an intense yearning of theirs, we must first fulfil the prerequisite requirement of putting forth a reform package likely to be passed by the Legislative Council. Only by doing so can we make it possible for people to have the right to vote and elect the Chief Executive on a "one person, one vote" basis.

Upon reflecting on the entire course during which the constitutional reform package was vetoed back in 2015, I was so deeply impressed and realized that the presence of several bases are necessary for a constitutional reform package to be approved for the implementation of Chief Executive elections by universal suffrage. These include, among other things, a common perception of the legal and political bases concerned, namely any constitutional reforms must be taken forward progressively in accordance with the Basic Law and within the framework of the decision made by NPCSC on 31 August 2014. The stance of insisting on the invalidation of the 31 August Decision and putting forth a civil nomination proposal in breach of the Basic Law can never help materialize constitutional reform in Hong Kong.

Besides, all parties (including the Central Government, the SAR Government and the various social groups in society) should have a good sense of communication and are willing to open up with sincerity for mutual communication by listening and showing respect to one another's viewpoints. The opposition camp must, throughout the course, acknowledge and understand the fact the Central Government does have the powers to determine Hong Kong's constitutional reform. In turn, the Central Government will respect and understand the opposition camp's hot pursuit of universal suffrage.

Lastly, all parties involved must try to build up a foundation of mutual trust, which largely relies on the SAR Government's efforts in proactively facilitating communications and exchanges among Members of this Council and the Central Government as well as Mainland authorities to enhance mutual understanding and trust. On the other hand, it is indeed desirable that officials of the Central Government visit Hong Kong or Shenzhen more frequently to foster communications and exchanges with Hong Kong people.

Having regard for the actual situation of Hong Kong, the Central Government has been, since the handover, taking forward constitutional reform with the utmost sincerity on this premise: The fact that the Central Government has constitutional powers to determine the constitutional development of Hong Kong should not be ignored. In fact, during the constitutional reform consultation in 2015, LI Fei, the Deputy Secretary General of the Standing Committee of the National People's Congress ("NPCSC"), had made it clear that the decision made on 31 August 2014 implies an authoritative interpretation of the Basic Law by NPCSC which carries legal effect that cannot be challenged. It is also a prudent decision of NPCSC that allows no changes before its execution. He also reminded those people with the intention of overturning the decision made on 31 August 2014 and reactivating the "Five-step Process" of constitutional development not to hold any unrealistic expectations. The meaning of "no changes before its execution" is clear enough. Given that the decision made on 31 August 2014 has not been executed so far, insisting on seeking invalidation of the decision made on 31 August 2014 and civil nomination without making any concession will only obstruct the way towards universal suffrage.

On the other hand, every Member of this Council should move motions and vote in accordance with our beliefs, principles and commitments made to the public. Hence, it is not advisable to hold double standards towards different

candidates running for the Chief Executive election, and this cannot help realize the hope of electing the Chief Executive by universal suffrage anyway. Do not forget this: All Members belonging to the Democratic Party voted for John TSANG while members of the Civic Party also went "all in" for John TSANG. Yet, John TSANG, the candidate whom they supported, had clearly stated that he would take forward constitutional reforms within the 31 August framework. Besides, he had already disapproved of the constitutional reform package containing civil nomination. Therefore, it is unfair for both the original motion and Dr Helena WONG's amendment to propose that the next Chief Executive seeks the invalidation by NPC of the decision made by NPCSC on 31 August 2014 because such a proposal is against their stance of electing the Chief Executive by voting.

Lastly, I wish that Members of the opposition camp are aware of the fundamental fact: The Central Government has both powers and obligations over Hong Kong's constitutional development, where it holds a clear stance of looking forward to the implementation of universal suffrage in Hong Kong for both Chief Executive elections and Legislative Council elections. Here, I would like to offer the opposition camp my advice: Given that the constitutional reform activated last time had already cost our society so much energy, they should advocate no more the demand for electing the Chief Executive by Hong Kong people on a "one person, one vote" basis and use it as political bargaining chips for resisting against the Central Government if reactivation of constitutional reform is their sincere hope. Instead, they ought to, in accordance with the Basic Law and the decision made by NPCSC, pursue constitutional reform in a pragmatic for the implementation of Chief Executive election by universal suffrage.

I so submit.

DR HELENA WONG (in Cantonese): Deputy President, I have mentioned in the Chamber that it has been 20 years since Hong Kong reunified with China, but I, just as the same as many Hong Kong people, do not have the mood to wantonly celebrate the unification. However, it is a pity that this remark has been discredited and distorted by some Members.

Why do I not have the mood to celebrate? In fact I expressed clearly last time that "one country, two systems" has been distorted, warped and deformed. Although the Central Government is unwilling to admit, the facts are in front of

us. Democratic universal suffrage has been promised in the Basic Law, but where is it now? Secretary Raymond TAM is about to leave his post, but how will the provisions of Article 45 and Article 68 of the Basic Law be materialized? None of them have been carried out. The post of the Secretary will soon be assumed by another person, but we still do not know how the next Government will materialize and implement the Basic Law. We indeed have sworn the oath to uphold the Basic Law in the Chamber, but where is the universal suffrage, which is stipulated in the Basic Law? There is no trace of it at all.

We all understand that the return of sovereignty of Hong Kong to China is a fait accompli. But why have the people's heart not reunified with China after these 20 years? Why are there an increasing number of young people rejecting China? Why has their hostility against the Central Government started to grow? Have we tried to understand this? Some Members of the pro-establishment camp simply discredit those Chinese people who do not want to celebrate wantonly the reunification, and say that these people are shameless and contemptible. Someone has also asked us in reply, "Haven't you seen the prosperity and advancement of China, and the results gained after the past 20 to 30 years of reform and opening up? China has become a superpower and the largest economy in the world. In addition, promotion of the Belt and Road Initiative and the Asian Infrastructure Investment Bank help China's strength in economy, military and diplomacy thrive. Can you not see all these?" As a matter of fact, we see all these very clearly. We also see that there is an advancement in the economic development of China. However, all these are seen from the perspective of the Mainland and the Central Government when dealing various issues.

Of course, being a Hongkonger and a Chinese, we should applaud at China's improvements and this should be regarded a good thing. However, what we want to say is that when we see things from Hong Kong's perspective, it is natural and reasonable to ask for "settlement of the account" based on the Basic Law because this is the Legislative Council of Hong Kong. Twenty years ago, the Democratic Party or its predecessor the United Democrats of Hong Kong supported the reunification. What they supported at that time was the reunification of a democratic Hong Kong to China and the Basic Law also stipulates that Hong Kong should implement universal suffrage of the Chief Executive and the Legislative Council. However, all these are nowhere to be seen now.

To make things worse, ZHANG Dejiang, the Chairman of NPCSC, recently gave another speech about the 20 years of Hong Kong's reunification with China. It is clearly known from his speech that he wanted Hong Kong to focus all its efforts on building the economy and improving people's livelihood, but he did not mention democracy and that "one country, two systems" has gradually become "one country, one system". This is the same in Mainland China, where all people sing the praises of the Motherland's thriving economy and focus on improving people's livelihood, but they have forgotten politics and how many young people and citizens went onto the streets to fight for democracy in 1989.

I want to ask, "Can economic growth be exchanged for an undeveloped, underdeveloped and undemocratic constitutional system? Why are we allowed to choose one of them only?" I hope that Chairman ZHANG Dejiang can answer this question. Should we all think that it is not an issue to be politically backward as long as China has developed a thriving economy?

Recently, many people recommend to me the Mainland television drama *In the Name of People*. I have managed to begin watching the drama and currently I am up to the ninth episode. I will certainly go on watching it. Obviously, it has been under the Central Government's support for President XI Jinping to push forward the anti-corruption and "fighting tigers" campaigns that this kind of anti-corruption dramas can be promoted or assisted under the existing political environment and the policy support from the Central Government. After viewing the drama, I understand the bureaucratic culture of China more. However, the problem is, what is the origin of corruption? It simply is the lack of monitoring and check and balance. Officials at each level (even a petty official) can embezzle a lot of money and keep hundreds of million dollars at home as long as they have control of land resources of the country.

Although this is only a drama story, I believe that with a little thought you will know that there are many such cases in the Mainland. What exactly is the relationship between anti-corruption and democratization of a constitutional system? I myself study political science. In my opinion, the backwardness and undevelopment of the constitutional systems, the lack of monitoring and check and balance of powers in some autocratic regimes are the causes of autocratic regimes being breeding grounds for corruption.

In 1989, when students and workers in the Mainland China went onto the streets, they already put forward the call for anti-corruption. Why does it need the green light given by the State President to take anti-corruption actions and shoot *In the Name of People* to praise the action of requesting Central Commission for Discipline Inspection to send officers to local areas to arrest corrupt officials after 28 years? In other words, the economic development in the past 28 years has not given China the capability to control corruption.

Therefore, what I would like to put forward is that if it is hoped that China has a thriving economy, improved livelihood and cracked corrupt officials, an open policy must be implemented in its constitutional system. The prelude to opening up a constitutional system is the existence of democratized and open media for the public to monitor officials on how they exercise their powers. Nevertheless, everyone has to praise China's economic development one-sidedly. They just ignore the fact that the constitutional system is undeveloped and undemocratic, and the autocratic regime does not restrict its officials. Is this patriotism? I do not think so. We fight for democracy because we love our country; we do not want China to become a corrupt and autocratic regime.

As to Hong Kong's situation, if we can really implement universal suffrage to elect our Chief Executive and all Members of the Legislative Council in accordance with Article 45 and Article 68 of the Basic Law so that the Central Government can honour its promise of "Hong Kong people administering Hong Kong" and the return of a democratic Hong Kong can be realized, I believe that this can win back the citizens' support.

However, it is a pity that up to this day, after the 31 August Decision there came the remarks made by Chairman ZHANG Dejiang. All these make the citizens' hearts sink because the Mainland still hopes that we focus our efforts on economy, not politics. China is like that and Hong Kong should do so too. If things continue this way, will Hong Kong too become a breeding ground for corruption? Of course, we are now investigating LEUNG Chun-ying's UGL incident, but we also need to focus our efforts on reactivate constitutional reform.

First I would like to thank Dr KWOK Ka-ki for moving this motion. The main point of my amendment is to hope that the provisions in the International Covenant on Civil and Political Rights of the United Nation and the Basic Law can be observed regardless of the constitutional reform option to be adopted. According to Article 39 of the Basic Law, the International Covenant on Civil

and Political Rights of the United Nation is applicable to Hong Kong. It emphasizes that Hong Kong should not receive any unreasonable restrictions and we can participate in public affairs directly or through freely selected representatives. Do not accuse us of refusing to discuss. We have proposed different options, including civil nomination, party nomination and reform of the nominating committee. However, these options have not received appropriate responses. Hence I put forward this amendment today and I hope you all will support it. (*The buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Dr WONG, your speaking time is up.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the motion raised by Dr KWOK Ka-ki today should have been discussed two months ago but the discussion is somehow delayed till today. I note that the motion appeals mainly to the next Chief Executive and I have also learned from the news that the Civic Party has met the Chief Executive designate lately to express opinions on a series of topics, and including the current topic presumably. Therefore, I am actually not going to give a factual presentation on this occasion. Instead, I will provide one or two comments to facilitate our debate.

First, constitutional reform must be carried out in accordance with the law. In other words, it has to be conducted under the constitutional order and related constitutional documents of the Hong Kong Special Administrative Region ("SAR"), especially the Basic Law and the relevant decisions and interpretations of the Standing Committee of the National People's Congress. Any proposal which deviates from this legal framework can never be materialized. I do notice the term "civil nomination" or "nomination by political parties" come up in Dr KWOK's original motion and Dr Helena WONG's amendment. I have pointed out repeatedly in previous consultations on constitutional reform that proposals which seek to bypass or weaken the nominating committee as the only nomination body as stipulated in Article 45 of the Basic Law are deemed contravening the Basic Law. Therefore, it is impossible to conduct consultation or pass resolution on the basis of such proposals. As "civil nomination" or "nomination by political parties" is mentioned in the original motion and Dr WONG's amendment, the position of the current SAR Government is that

under the provisions of the Basic Law, these suggestions cannot become constitutional reform proposals in the future. I believe that the position of the next Government will probably remain the same.

The International Covenant on Civil and Political Rights ("ICCPR") is also mentioned in Dr Helena WONG's amendment. I really have to make two comments here. First, Article 39 of the Basic Law does not provide for the direct application of ICCPR to Hong Kong. This is not the case. If we take a look at the provision and the drafting background of the Basic Law, we will see that ICCPR has to be implemented through the laws of Hong Kong. In other words, it cannot be applied directly to the territory, we must implement it through Hong Kong laws, which include the Basic Law, relevant interpretations and decisions of the Standing Committee of the National People's Congress, local legislation and regulations. This is point number one.

Point number two. If Dr WONG reads the rights stated in Article 25 of ICCPR close enough, she will see that the article makes no mention of the right to make nomination, only the rights to vote and to stand for election. Therefore, "nomination methods that comply with ICCPR" as indicated in the amendment does not actually exist. This is the second point that I want to make.

Lastly, now I would like to respond to Dr WONG about a Mainland drama series that she has watched, *In the Name of the People*. She is on episode nine and I am on episode 16. There are still a lot to watch as the series is made up of more than 50 episodes. This series is quite good and I suggest Dr WONG finish watching it. Meanwhile, please do not try to understand our country only by watching drama series. Dr WONG and her party comrades should visit the Mainland more often and communicate with the Mainland more frequently. I believe these, rather than merely watching a television series, can better help us understand our own country.

Deputy President, I will stop speaking here. Later in the meeting, I will make concrete responses after listening to the debate. Thank you, Deputy President.

MR KENNETH LAU (in Cantonese): Deputy President, today's topic for debate is "Urging the next Chief Executive to reactivate constitutional reform". In fact, the election of the Chief Executive and all the Members of the Legislative Council by universal suffrage is not only the ultimate goal of the constitutional

development of the Hong Kong Special Administrative Region ("HKSAR") as stipulated by the Basic Law, but also the common aspiration of the Hong Kong people. One should remember the Chief Executive election held two months ago and the fact that members of the public asked why they played no part in the voting process and why the Legislative Council vetoed the constitutional reform package.

Two years ago, the motion concerning the selection of the Chief Executive was negated in this Chamber. Members from the pan-democratic camp dashed our hopes for the election of the Chief Executive on the basis of one-person-one-vote democracy into the gutters, which was contrary to the wishes of Hong Kong people and had stalled the pace of Hong Kong's democratic development.

Deputy President, I wish to reiterate one point, that is, it was to no avail even if they have successfully waited for "Uncle Fat" and the pro-establishment Members cast their votes in uniformity, because pan-democratic Members were still holding the one-third veto. Besides, they only cared about their political interests, and without yielding an inch of ground they asked the Government to accept the "genuine universal suffrage" in their words, or they would crumble the constitutional reform package. For that reason, even if we have successfully waited for "Uncle Fat", the motion will still be voted eventually.

Over the past few years, Hong Kong had been shrouded in an atmosphere of radical struggles. All issues were politicized. Ideological struggles had taken shape that things were either black or white and people were either friends or foes. No rational and pragmatic discussion of issues could take place. The national education dispute, the illegal occupy movement, the veto of the constitutional reform package, the vehement battles in the Legislative Council, the Mong Kok riots, and the spread of Hong Kong independence had shown that the mutual trust between Hong Kong and the Central Government was being challenged. Some people even deliberately put themselves at odds with the state. They considered that in order to defend Hong Kong's interest, they had devoted to the fight against the Central Government.

Social cleavage, internal attrition and hostility have aggravated. There is a sense of restlessness among people, which have seriously slowed down the economic development of Hong Kong. Besides, they have prevented the

effective implementation of urgent policies on public livelihood. The fact that our time is wasted and development is delayed will only undermine the interests of Hong Kong people. I believe that the majority of public feel the pains in their hearts when they are witnessing these things. People are extremely fed up with these incessant struggles. They find the infestation of violence utterly abhorrent. But we still anticipate that someday Hong Kong will set aside the political row and get back on the right track by putting the focus on the people's livelihood again. We should show tolerance and mutual understanding, we should strive for unity and harmony, as well as long-term peace and stability. These are matters of vital importance in Hong Kong.

Deputy President, before the constitutional reform package was put to vote, Mr ZHANG Dejiang, Chairman of the Standing Committee of the National People's Congress ("NPCSC"), had made it very clear that "opportunities did not wait". At present, the fact that some people insist that the next term of Government has to reactivate constitutional reform and rule out the 31 August framework has apparently contravened and violated the law. According to Annexes I and II of the Basic Law, amendments to the constitutional reform package must be made with the consent of the Chief Executive, the endorsement of a two-thirds majority of all the members of the Legislative Council and they shall be reported to NPCSC for approval or for the record. Articles 45 and 68 have also stipulated that constitutional reform shall be specified in the light of the actual situation in HKSAR and in accordance with the principle of gradual and orderly progress.

I believe that if we are to reactivate constitutional reform now, the pan-democratic camp and all sides will take the opportunity to criticize that the 31 August framework being unreasonable and demand for its amendment or repeal, while the SAR Government will only reiterate that it is a decision made by NPCSC. This will only create a vicious cycle. One should bear in mind that if we take no stock of the situation and hastily reactivate constitutional reform without having a consensus in the community, it is tantamount to reactivate the political row, resume social cleavage and repeat the same mistake that we have made over the past few years. We will even trigger another internal attrition and conflict, what good will they do to Hong Kong's unity and harmony?

Since the reunification, the Government has proposed constitutional reform for three times in 2005, 2010 and 2015 respectively, only the constitutional reform package in 2010 was successful because it was supported by the pan-democratic Members. Deputy President, what I wish to say is that politics require compromise, mutual understanding and concession. If Members from the opposition camp are not going to review the substance and technique they have been adhering to in the past, and if there is no social consensus on the constitutional reform is forged, then it would be more desirable to shelve it and concentrate our efforts on issues concerning economic development and improvement of the people's livelihood, including to find a solution for the high property prices, insufficient land supply, the lack of opportunities for upward mobility for young people, elderly care and poverty alleviation, education and health care. In so doing, we can enhance the edge of Hong Kong's industries and jump on China's bandwagon of rapid development, so that Hong Kong people can enjoy more concrete fruits of economic prosperity, which is all-gain-and-no-loss to the promotion of social harmony and the forward development of Hong Kong. It is more significant than wasting our time in some constitutional reform packages that are knowingly impassable.

Deputy President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, first of all I wish to thank Dr KWOK Ka-ki for proposing the motion debate on "Urging the next Chief Executive to reactivate constitutional reform".

After listening to Secretary Raymond TAM's response just now, I can summarize his reply into two major points. First, it is of utmost importance to proceed in accordance with, both for this Government and the next. Of course, all the businesses in the legislature should be conducted according to the law, and it will be wrong if it is not conducted according to the law. However, the question is, how can we act in accordance with the law? It is of utmost importance. We should look at two papers. One of them is the "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage".

A very importance sentence in the paper is "in accordance with the provisions of Article 45 of the Hong Kong Basic Law, in selecting the Chief Executive of the Hong Kong Special Administrative Region by the method of universal suffrage, a broadly representative nominating committee shall be formed.", and then "the nominating committee shall in accordance with democratic procedures nominate a certain number of candidates for the office of the Chief Executive".

This was mentioned in 2012, and not only this, the Standing Committee of the National People's Congress even issued a paper on the method for forming the Legislative Council in 2016. One of the requirements concerning the method for nominating and selecting the Chief Executive was that a broadly representative nominating committee should be formed.

Deputy President, but may I ask if the current term of Government or the next term of Government recognizes that the current nominating committee is broadly representative, then as far as the logic is concerned, nothing should be done in future. It is because if the current nominating committee is broadly representative, then what else should be amended? Therefore, from today onwards, it turns out that the Central Authorities have already put a full stop on Hong Kong's democratic progress. Is that the case, Secretary? Please respond to it later on.

If that is not the case, it simply means that the current nominating committee is not broadly representative, at least there is room for improvement. For that reason, it cannot be fully implemented according to the law. Speaking from that perspective, it is rather inadequate as far as the law is concerned. Therefore, I hope the Secretary will give us some explanations on this question later on.

In fact, the next Chief Executive was selected on 26 March. But to many people, it was a day of anguish and helplessness. As to the common people, in particular those who have no right to vote in this election, can do nothing but to look on 1 000-odd people to cast their votes on their behalf. It was rather undesirable and sad. Could those 1 000-odd people really be that broadly representative as the papers depicted? People already have the answer at heart. The reason is that if these 1 000-odd people, who are just elected by 100 000 to 200 000 people, are broadly representative, then what about the future? Then who will represent the 3 million-odd voters? What is the representativeness of them? As to these questions, everyone knows them clearly. Therefore, the

election held on that day was nothing but a total small-circle game of power. It does not only consider public opinions worthless, they utterly consider popular sentiments great scourges.

The most ironic thing is that on the next day after Carrie LAM was elected, nine Umbrella Movement organizers were arrested. Everyone knows that the goal of the Umbrella Movement is to fight for "genuine universal suffrage", but what is so sarcastic is that people fighting for "genuine universal suffrage" were being purged not long after a Chief Executive-elected was not selected, who was not returned by universal suffrage. I consider the approach will make people question what is going on with the Government and whether it is trying to suppress and trample on Hong Kong's democracy?

Since the latest Chief Executive election has begun, the candidate Carrie LAM has all along been emphasizing that she anticipates to mend the social cleavage. Deputy President, I do not know how sincere she is in this commitment? Nevertheless, the question is that if we are to mend the cleavage, I do not think the lip service will do the job, not to mention her meeting up with pan-democratic camp Members and deems that as mending the cleavage. In fact, the most important thing is to put words into deeds to show that she is sincere enough to mend the cleavage.

Actually, everyone knows that these polarizations and cleavages are created by the incumbent Chief Executive LEUNG Chun-ying, which is something one cannot deny. No matter he uses weasel words or lies or tries to instigate social conflicts, thereby intensifying the social issues and aggravating the social cleavage, there is nevertheless a deep-seated problem. That is, the Chief Executive election has tilted too much to the middle and upper class people in society. In so doing, these people are made members of the nominating committee which is a so-called broadly representative one. As a result, when a person becomes Chief Executive election candidate, he or she will try to secure votes and support from these people. And when he or she is elected, it is very natural for him or her to tilt towards their interests. For this reason, we have been saying from time to time that the government-business collusion is an inevitable result. Because they have cast their votes on the Chief Executive, how can the Chief Executive not listen to his or her constituencies? Everyone should think if that is the case? Therefore, if one says that we have to mend the cleavage but not to dissemble the political structure, the so-called cleavage can never be mended.

Although Carrie LAM expressed that she would concentrate on solving livelihood-related issues when she met with us, everyone knows that the question is very simple. As the incumbent Chief Executive says, as far as the people's livelihood is concerned, the top priority will be given to housing issue. However, housing issue is connected to the land issue. After he has taken office for several years, he has been emphasizing the issue of land supply shortage. But actually, do we really have no land at all? We can see that many developers are hoarding on 1 000 sq ft of farmland, but the incumbent Chief Executive has not wielded the axe at them—I am not sure if the next Chief Executive will do that?—not to wield the axe at them and then says no land supply.

Actually, instead of being a place with no land supply, the authorities in Hong Kong are simply too reluctant to resume lands from these developers and consortiums. This is where the question of interests lies. If we are reluctant to dissemble this political structure, the partiality will persist. Social polarization and social cleavage will not be mended and there will be no way to address people's livelihood issues.

Deputy President, I so submit.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, I speak on behalf of the Business and Professionals Alliance for Hong Kong ("BPA") today against the original motion moved by Dr KWOK Ka-ki and the amendment moved by Dr Helena WONG, as both movers refuse to respect the 31 August Decision nor recognize the importance of functional constituency.

Deputy President, both the original motion and its amendment are put forward by Members from the pan-democratic camp. Upon reading them, one cannot help but lament that the pan-democrats should not have vetoed the constitutional reform proposal in the first place. The Central Authorities were thoroughly sincere and determined in granting support to the implementation of universal suffrage in Hong Kong. The constitutional reform proposal formulated under the Basic Law and the 31 August Decision by the Special Administrative Region Government was compliant with the constitution and the law. Taking into account of all the findings from various opinion polls conducted throughout Hong Kong at that time, the majority of people looked forward to the eventual passage of the constitutional reform proposal by the Legislative Council. Regrettably, some people in society held a biased view on

"one country, two systems" and the Basic Law, while the pan-democratic Members all along refused to respect the constitutional right of the Standing Committee of the National People's Congress. They either dismissed the 31 August Decision or demanded the adoption of a "Civil Nomination" proposal, which was in breach of the Basic Law, as a prerequisite for communication, and some even requested a complete revamp of the constitutional reform. There were also people who went as far as initiating an illegal occupation movement which lasted for a total of 79 days, causing serious dissension and continued internal attrition to society.

On 18 June 2015, the Legislative Council debated the motion concerning the selection method of the Chief Executive in 2017. Twenty-eight pan-democratic Members refused to follow public opinion and insisted to cast their votes in bundle against the motion. As the proposal failed to secure support from a two-thirds majority of Legislative Council Members, the political system remained unchanged. Hong Kong people's dream for electing the Chief Executive by universal suffrage shattered and the general public was thus traumatized and disappointed. The pan-democratic Members definitely cannot deny their responsibility in stifling universal suffrage. At that time, some pan-democratic Members declared the constitutional reform veto a victory. However, given that all electors in Hong Kong were brutally deprived of their right to elect the Chief Executive in 2017, to say that was a "victory" defied all logic. It is certainly ridiculous and sarcastic for the pan-democratic Members to request for a reactivation of the constitutional reform now, so as to realize the election of Chief Executive by universal suffrage.

As a matter of fact, the legal status of the 31 August Decision is unquestionable. Article 7 of Annex I of the Basic Law provides that "[i]f there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval." The Central Government has its own constitutional role and function in the constitutional reform of Hong Kong. As the 31 August Decision has provided the framework for constitutional reform, the framework is now a practicable proposal. If the constitutional reform is to be reactivated in the future, we obviously cannot ignore or deviate from the 31 August Decision.

Meanwhile, BPA considers functional constituencies highly conducive to the economic development and social stability of Hong Kong. The pan-democratic Members tend to mislead the public as they very often belittle Members returned by functional constituency malevolently, saying that these Members care only about the interest of the business sector as they are returned by small circle election. These comments are obviously unfair to the relevant Members and their constituencies. Take for instance the engineering sector in which I serve, anyone who is a professional engineer registered under the Engineers Registration Ordinance, or is a member of the Hong Kong Institution of Engineers with a voting right in the Institution's general meeting can apply to register as an elector in that functional constituency. These individual electors must possess statutory registered professional qualification. They are hired either as engineers in big, medium or small enterprises in Hong Kong, or as engineering professionals among professional grade civil servants in various government departments in the Special Administrative Region to serve citizens throughout Hong Kong. Their function, contribution and status in society are therefore unquestionable. Any views that randomly play down or discredit functional constituencies are unseemly. Meanwhile, regarding the appropriate broadening of the electoral base of functional constituencies, it is an issue worthy of an objective examination.

Deputy President, the new Chief Executive has been elected successfully. My colleagues at BPA and I look forward to seeing the Chief Executive designate Mrs Carrie LAM line up the new governing team as soon as possible. We also long for their subsequent commitment to improving the relationship between the executive and the legislature, and to priority handling of pressing problems about the economy and people's livelihood, including striving to increase the supply of land and housing, promoting the development of industries, adopting a two-tier profits tax regime, strengthening support to small and medium enterprises, promoting financial and security markets, improving education and health care systems, properly handling the Mandatory Provident Fund offsetting mechanism, implementing a sustainable retirement protection system, and so on. The Chief Executive designate must aptly handle the above, develop the economy practically, improve people's livelihood, and at the same time unite various sectors in society, rebuild social harmony and create consensus, in order to lay a good foundation for reactivating the constitutional reform. In my opinion, different sectors in society should provide time and room for the Chief Executive designate so that she can materialize her election manifesto on the basis of urgency, so as to win support and trust from the people and create favourable conditions for reactivating the constitutional reform.

BPA believes that, the forward development of the political system in Hong Kong premises on the efforts made by various social sectors in consensus building, and on a thorough understanding of the constitutional status along with the political reality about Hong Kong under "one country, two systems", on top of adhering to the Basic Law and the relevant decisions made by the Standing Committee of the National People's Congress, before the legal procedures for the constitutional reform can be activated, and thereby realizing the ultimate goal of electing the Chief Executive by all eligible voters in Hong Kong on a "one person, one vote" basis and the election of all the Legislative Council Members by universal suffrage. Therefore, BPA supports Mr LEUNG Che-cheung's amendment.

Deputy President, I so submit.

MR LAU KWOK-FAN (in Cantonese): Today, Dr KWOK Ka-ki's motion asks for reactivating constitutional reform. Of course, I believe that we all want to reactivate constitutional reform, but when this can be achieved will depend on our consensus and joint efforts. Anyway, I have no idea when the constitutional reform can be reactivated, but Dr KWOK Ka-ki, you have succeeded. You have succeeded in reactivating this motion, why? It is because this motion should originally have been discussed in the meeting on 30 March, but you were late on that day. Due to the farce of "waiting for Dr KWOK Ka-ki", the Legislative Council meeting was aborted at the end, and you have succeeded in reactivating this motion today. But when you, as the mover of the motion, also arrived late, how concerned are you in regard to this motion?

Let us look at the Chamber now. Frankly speaking, how many Members are really concerned about this motion of reactivating constitutional reform? I particularly refer to pan-democratic Members who propose this motion. If I had not pressed this button to indicate my wish to speak just now when seeing that no Member was speaking, I believe that the debate on this motion would have come to an end.

I believe we are all aware of the importance of reactivating constitutional reform, but perhaps some of us feel that this may not be the right time now and thus do not want to go into an in-depth discussion of the topic at this moment, as after all, we have to take the 31 August Decision as the basis. However, it

seems that the stance of pan-democratic Members is not firm at all in regard to this point of view. I think that if constitutional reform is to be reactivated, you have to first deal with your internal consensus.

The original motion of Dr KWOK Ka-ki today asks for invalidating the 31 August Decision. Nevertheless, this Decision formed the stance and principle that they would not budge an inch as they mentioned during the discussion of the constitutional reform last time. Quite a number of pan-democratic Members, including Dr KWOK Ka-ki, claimed that for the framework based on this Decision, they would not "pocket it first", but would "pocket it forever". Can this principle which they claimed that they will not budge an inch really not be changed? Looking back at the Chief Executive Election a few months ago, pan-democratic Members, including Members from the Civic Party, taught us a lesson two months ago.

For the candidate that they have chosen in the Chief Executive Election, his stance towards constitutional reform is completely contrary to the motion proposed today. Back then apart from Justice WOO, most of the candidates said that the 31 August Decision had to be maintained, and the 31 August Decision had to be the basis for reactivating constitutional reform. Nonetheless, we learn from the choice of pan-democratic Members, including Dr KWOK Ka-ki, that the so-called principle or stance can be compromised, but for whom can it be compromised? If they had made a compromise last time, they could have helped to strive for "one person, one vote" for Hong Kong people. What can be benefited from their making a compromise this time? Is their own political interest the answer?

I really cannot understand why Dr KWOK Ka-ki from the Civic Party today can knock down Dr KWOK Ka-ki from the Civic Party who cast his vote previously in the Chief Executive Election. Why can they be so changeable in their principle and stance in just two months? They explained before casting their votes that although the election manifesto of John TSANG could not meet their expectations, they had no other alternatives but to vote for him in tears. Then what about the election manifesto of Justice WOO? In fact, the election manifesto of Justice WOO should have met their expectations better, and they could have nominated him and voted for him with smiles. It was really unnecessary for them to vote for someone else in tears.

Hence, I believe that I am not the only one feeling baffled, and I think Justice WOO will feel the same too. He thus said at that time, "The Democratic Party should not be called the 'Democratic Party' but should be called the 'Stratagem Party' instead." He also felt puzzled whether he had been made used of by others. I think this is something that we should reflect on.

Is the proposition of this motion on reactivating constitutional reform today another stratagem of the Stratagem Party? Frankly speaking, there is a social atmosphere seeking for reconciliation lately. Of course, this is not the kind of reconciliation just like exchanging hostages as described by pan-democratic Members, which we definitely do not recognize. We all want to focus our efforts on people's livelihood and can practically do something for Hong Kong citizens. We see that the Chief Executive-elect also has such an inclination. As I know, some pan-democratic Members have also raised some livelihood issues during the meeting with the Chief Executive-elect.

Therefore, is it a strategy to propose reactivating constitutional reform again during this time? Do they want to bring the atmosphere seeking for reconciliation and focusing on people's livelihood back to political bickering and mud wrestling again? We really do not understand.

However, we can really see that if constitutional reform is vetoed, pan-democratic Members can continue to play the role of spokesmen. When the public cannot cast any vote, these Members can continue to be in the capacity as fighters of democracy, and this was clearly illustrated in the Chief Executive Election just concluded. They are the ones who opposed the constitutional reform last time. They are also the ones who supported the Chief Executive candidate who agreed with the 31 August Decision. And today, they initiate a debate to turn against the 31 August Decision again. What do they really want to do?

If the proposal on constitutional reform had been passed on that day, in the Chief Executive Election two months ago, 7 million people could have selected the Chief Executive under a "one person, one vote" system, the pan-democratic Members would not have needed to cast their votes in tears, the public would have been happy to see a vote in their own hands, and it would have been unnecessary for us to discuss this topic again today. In fact, there is a "Five-step Process" for reactivating constitutional reform. I hope that we can reach a consensus before asking to reactivate constitutional reform in future. As we

could see, constitutional reform has carried our constitutional system a step forward in the past. It is however very unfortunate that after we have moved a step forward through two discussions, we remained stagnant last time. I really want to know when we can see changes to our constitutional system in an orderly and progressive manner (*The buzzer sounded*) ...

DEPUTY PRESIDENT (in Cantonese): Mr LAU, your speaking time is up. Please stop speaking.

MR LAU KWOK-FAN (in Cantonese): ... I support Mr LEUNG Che-cheung's amendment.

MR CHARLES PETER MOK (in Cantonese): Deputy President, I thank Dr KWOK Ka-ki for moving this motion, which obviously is very important. In the twinkling of an eye, Hong Kong has been returned to China for almost 20 years. Before Hong Kong was returned to China 20 years ago, our concern might be the lack of a "through train" for the Legislative Council. Anyway, Hong Kong was returned with massive political bickering. Twenty years ago, if we asked the public and even those in the political field to guess when they could have the universal suffrage they had yearned for, many people would say that we could have universal suffrage after 10 years. However, 10 years have passed after another 10 years, and it has been 20 years now. Hong Kong people still hope that we have a way to select the Chief Executive while the Legislative Council Members can be returned by direct election and universal suffrage. The younger generation is particularly concerned. For the children born 20 years ago, they are 20 years old now. For those children who did not know much at that time, they are already more than 20 years old now. This group of young people who have expectations for the future may really be more eager than their previous generations.

Nevertheless, what is the reaction of the central authorities? In regard to our discussion of universal suffrage, not only do the central authorities keep on procrastinating, but they also keep on imposing stricter requirements, with the most obvious example being the framework based on the 31 August Decision which has been frequently mentioned by many colleagues in the discussion today. During our discussion on constitutional reform a few years ago, this framework

was imposed suddenly by the Standing Committee of the National People's Congress ("NPCSC"), which has further widened the gap between Hong Kong people and the central authorities, thus leading directly to the emergence of the Umbrella Movement. This contradiction is exactly driving the two parties further apart, but we should not put all the blame on any party.

As remarked by Dr Helena WONG, ZHANG Dejiang always urges Hong Kong to improve our economy. However, is he really so concerned about Hong Kong's economic development or does he not understand that Hong Kong, this international city in particular, needs to have desirable political and democratic environment and systems to tie in with economic development, or does he merely want to procrastinate for the sake of his own political interests? Hong Kong is now facing problems in various aspects like economy, people's livelihood, land, employment, social welfare and even development of industries. Can these problems be resolved if we do not start from tackling our political and democratic systems? In accordance with our experience for the past 20 years, could these problems be resolved? They simply could not be resolved. If the Government is not returned by the people, how can it convince the public that it can identify some fair and just proposals to solve the economic, livelihood and land problems? It cannot do so. Can't we learn about it after 20 years? Do we still have to spend another 20 years learning about that?

In regard to the 31 August Decision of NPCSC—I have to repeatedly remind the public what the frequently mentioned 31 August Decision is. It comprises a kind of screening procedure, such that the number of candidates will be restricted. The most restrictive requirement is that a person needs to obtain nomination from at least half of the Members of the non-democratic nominating committee before he is qualified to be a candidate to be voted by the public. If we and the Hong Kong people had accepted the Decision back then, would we have been able to turn back now? Looking back at the Election Committee subsector elections held at the end of last year, we could see the active voting by electors for professional sectors and functional constituencies which led to the Democracy 300+, whose political manifesto is against the 31 August Decision, winning a majority seats in the respective sectors, as mentioned by Ir Dr LO Wai-kiok earlier. We can thus see what the public, especially the middle class and the professionals, ask for, and they understand what is screening.

During the Chief Executive Election early this year, we anticipated that the pro-establishment camp would attack us with our own decision of vetoing the reform package, thus rendering the public unable to vote under a "one person, one

vote" system. Anyway, it was to our surprise that John TSANG, a candidate with a popularity and support rating standing at 50% to 60%, could not obtain nomination or enough votes from the Election Committee which is dominated by the pro-establishment camp. Deputy President, this is the best demonstration for the public to know what screening and the 31 August framework are. Without explicit rules generated from the 31 August framework, those people are already acting so obediently. Will there be choices for the Hong Kong people? What function does your one vote serve? Do you think that the public know nothing about it? Hence, they did not dare to criticize us later with the above mentioned argument, because their behaviour was just too ugly. To us, it is a perfect demonstration for explaining the 31 August framework to the public. You may think that you can vote, but actually you do not have a choice, or which is only given to you after their screening.

It is very strange that today, pro-establishment Members suddenly oppose the motion of reactivating constitutional reform. The reason is very simple, as our reactivating constitutional reform is different from their version. Our version is to invalidate the 31 August framework and build up a genuine system without screening but with choices for Hong Kong people, which is different from their version. They do not object to reactivating constitutional reform, but they have to protect the 31 August framework. In this connection, I want to tell you that what they are doing is actually going against people's wish.

Looking back at the attitude of the few candidates during the election, many people felt that they were in lack of vitality. One of them even said that he would wait for the right moment to reactivate constitutional reform. Nonetheless, with the endeavours made by the Democratic Party, each one of them said that the constitutional reform had to be reactivated. Even Mrs Carrie LAM, when meeting with government officials in Beijing, has relayed the message that many Hong Kong people have issues with the 31 August Decision. She at least has done that. Members from the pro-establishment camp, you always go to Beijing, but have you ever done that? Hence, do not waste your energy to sow dissension and to mislead the public. Hong Kong is facing problems in various aspects like democracy, people's livelihood and constitutional system, and they cannot be resolved without democracy and genuine universal suffrage. Therefore, I speak today in support of Dr KWOK Ka-ki's motion.

Thank you, Deputy President.

MR ALVIN YEUNG (in Cantonese): Deputy President, before discussing the motion proposed by Dr KWOK Ka-ki, let me first quote a paragraph to facilitate our discussions. This paragraph that I am going to read out is taken from Version 2 of the draft Basic Law published in February 1989, and it goes as follows: "During the term of office of the third Chief Executive, the Legislative Council shall formulate a specific method to decide, through a referendum in the Region, whether the Chief Executive shall be selected by general election after nominations are made by a broadly representative nominating committee in accordance with democratic procedures. ... If it is decided by the above mentioned referendum that the Chief Executive shall be selected by general election, general election shall be held from the fourth term onwards". Deputy President, the "third Chief Executive" mentioned here actually refers to the term from 2007 to 2012. Although there is no "if" in history, I have to say that if it was not for the many political reasons, including the 4 June incident, and the publication of Version 3 of the draft Basic Law (that is, the Final Version published in April 1990, which is also the version currently in force), the paragraph I quoted just now could possibly be part of the stipulations of the Basic Law, no matter how unbelievable it is for us to listen to its contents with our own ears at this very moment in 2017. If this is really the case, the subject under debate today might not be that important any more, since universal suffrage might have already been implemented here in Hong Kong.

This is undoubtedly a very bold hypothesis, and there is absolutely no "if" in history. However, we need to look back at history, and have a review of some promises and undertakings made in the past.

Of course, the stipulations of Version 2 of the draft Basic Law which I read out just now have not turned into reality in the end. Let us take a look then at Version 3 of the draft Basic Law, which is the version currently in force and is binding on us all, and see what interpretations it has made on the same issue. According to Version 3 of the draft Basic Law, it would be possible to implement universal suffrage 10 years after the establishment of the Hong Kong Special Administrative Region ("HKSAR"), that is, in 2007, but this has of course turned into an uncertainty long time ago, and a lie too. Finally, although we once thought that universal suffrage could be implemented in 2017, the chance was lost again due to many reasons which our fellow colleagues have already explained clearly, including the 31 August Decision of the Standing Committee of the National People's Congress ("NPCSC").

Mr LAU Kwok-fan has spoken very eloquently just now and said that we have let the chance slip away once again, thus depriving electors of the opportunity to elect the Chief Executive by universal suffrage in 2017, and vote for the candidate they prefer on a "one person, one vote" basis. In his opinion, has the method proposed by the Government for the selection of the Chief Executive not been overthrown and negated back then, it would be possible for us to vote with a smile today. This is undoubtedly just another lie, because with candidates nominated under the 31 August framework laid down by NPCSC, Hong Kong people would not be given any real choices and would never be able to vote with a smile. It is very regrettable that Mrs Regina IP is not present, and I am sure she would definitely have her own understanding of the whole issue.

Deputy President, what we are facing today is the breaking of one promise after another, and we only hope that through the debate on this motion and our earnest requests, the new Chief Executive, Mrs Carrie LAM, would not spend all her efforts and time on livelihood issues only after she has taken office on 1 July. We believe without reservation that inevitably, there are numerous livelihood issues for us to tackle in Hong Kong. We would bear our responsibility and grant our support for proposals put forward by the next-term Government on matters we consider worth supporting, while it would only be normal for us to withdraw our support for proposals that run contrary to our principles. However, I would like to specifically remind and advise colleagues of the pro-establishment camp that if we devote all our efforts and time to handling policy issues only, we are just sweeping what WEN Jiabao, the former Premier, has described as the deep-rooted conflicts in Hong Kong under the carpet. We should not bury our head in the sand, and no matter how many livelihood issues have been resolved in a society, people's livelihood is after all closely related to politics. In the final analysis, we are talking about resource allocation when it comes to people's livelihood, and discussions have to be held on how much time and efforts should be spent on different areas. In order to obtain a solution which is convincing to all, universal suffrage has to be implemented.

Deputy President, I fail to see how the HKSAR Government can solve the social problems of Hong Kong in the days to come, if it does not have the problem concerning universal suffrage resolved. Ultimately, no matter who would become the leader of Hong Kong, the Superman or Wonder Woman, a lady surnamed LAM and CHENG or a gentleman surnamed TSANG, all our social problems will continue to exist because our deep-rooted conflicts have never been settled. These conflicts actually lie in the problem concerning

universal suffrage, a problem which has been perplexing Hong Kong for so many years. As we can all imagine, this is actually not a problem since the establishment of HKSAR, but a long-standing problem which has existed for over 30 years since the transition period.

Deputy President, can we say that the problem does not exist after we have swept it under the carpet? This is of course just a self-deceiving way to deal with the matter. Hence, I call upon colleagues of the pro-establishment camp once again to stand on the same front with us, because the deep-rooted problems of Hong Kong will not only do harm to the democratic camp, but will also prejudice the interests of the pro-establishment camp and its supporters in the end. Therefore, I hope Members of the pro-establishment camp would pluck up courage to not only support Dr KWOK Ka-ki's motion, but also take advantage of their relatively closer relationship with Beijing and the HKSAR Government to tell the truth: Hong Kong is in need of a reform of its system, and what we should do is to let public opinions and views be heard under this system of Hong Kong. I thus fail to see any reason for any Member in this Council to object to the original motion moved by Dr KWOK Ka-ki today, because our problems can only be resolved through a constitutional reform.

With the little time left, I would like to specifically point out that the 31 August framework is no golden rule, because a decision made by NPCSC can definitely be taken up by NPCSC itself on an ongoing basis. It is my belief that if the Beijing Government is liberal-minded and wise enough to listen to the views of Hong Kong people, it can surely identify the ways to deal with the 31 August Decision. I also believe that in the coming five years, if all Members present, including the President, are willing to commit themselves to serving the people of Hong Kong and resolutely settle these deep-rooted conflicts, the 31 August Decision will never be a problem. I earnestly urge all Members present (*The buzzer sounded*) ...

DEPUTY PRESIDENT (in Cantonese): Mr YEUNG, speaking time is up.

MR ALVIN YEUNG (in Cantonese): ... to support Dr KWOK Ka-ki's motion. Thank you.

MS CLAUDIA MO (in Cantonese): Someone has made the following remark: the Chairman of the Standing Committee of the National People's Congress, ZHANG Dejiang has just spoken categorically with a loud and clear voice in Beijing—though some others have described his speech as nagging—that "the high degree of autonomy" of Hong Kong was subject totally to decisions of Beijing. The degree of autonomy the city could enjoy was up to Beijing as the Central Authorities had the right to give orders to our highest leader, the so-called Chief Executive. Basically, Beijing could do whatever it thought fit. After hearing ZHANG's saying, the talk of urging Carrie LAM to reactivate constitutional reform after her assuming office is like climbing a tree to catch fish or asking a tiger for its hide? What is the use of making such a request?

If we do not bother to ask for the reactivation of constitutional reform, it will become meaningless to attend these meetings and we should simply go back home. However, we are duty-bound to fight for this for our next generation. We have to be responsible for them and we have to be responsible for history as well. If we are scared off by the sense of impossibility and do nothing at all, human civilization can no longer make progress.

Once again, they keep on pestering when the subject of reactivating constitutional reform is put into discussion. I have heard several pro-establishment Members saying loads of nonsense in their speeches. Still, none of them dare to mention what happened on the day when we voted on the constitutional reform. They dare not mention the voting result of 28:8, with 28 against and only 8 in favour of the reform. They stay mum about their wish to wait for "Uncle Fat". Instead, they point the finger at others, saying that the decision to veto the constitutional reform is a mistake that can hardly be rectified. Otherwise, this election would have been conducted by "one person, one vote". The standard of their speeches is even inferior to those of first-year undergraduate students or university students taking Politics 101.

In setting this year's final examination, I have picked a similar political topic, which I think is relatively simple. Even undergraduates know that such saying as "in case we had supported and passed the constitutional reform initially" is nothing but bullshit, for this kind of constitutional reform would be embedded with screening and hurdles. As long as Beijing has made it clear that "Uncle Pringles" is not its favourable choice, he is no longer an acceptable candidate even though he had served as the Financial Secretary. Mrs Regina IP is crowned the queen of votes in the Legislative Council election. I met her this

morning and asked if she was the queen of votes. She said she had secured the highest number of votes, so she was the queen of votes. I said she was not because Mr CHU Hoi-dick gained more votes than her. In reply, she said Mr CHU Hoi-dick was the king of votes while she was the queen of votes. How ridiculous it is that the queen of votes in the Legislative Council election could not even secure 150 nominations to stand for the Chief Executive election?

How about if the recent Chief Executive election had run under "one person, one vote"? If it were a "one person, one vote" election, both John TSANG and WOO Kwok-hing would not have been able to secure enough nominations to enter the race. Instead, Regina IP would have been able to stand for the election as she was a more secured candidate who had undergone screening by Beijing. However, she could not undergo such a screening process to enter the race this time as the recent election was still operated in the form of a small-circle election. There were small-circle Election Committee ("EC") members, though the democratic camp had struggled hard to get over 300 seats in EC. For those who cannot refute even the basic principle and concept of the Politics 101 in universities, what is the point of keeping on arguing?

On hearing ZHANG Dejiang's call for legislation on Article 23 of the Basic Law in response to the current complicated situation, those bootlickers have rushed straight to say it is our constitutional responsibility. Who does not know this argument? It is in black and white. But why the enactment of the legislation was unsuccessful over the past 20 years. It is indeed very strange. How can a society not be covered by any national security law? It is a matter of national security. Do all of us not care about national security? The problem is Hong Kong people have completely lost trust in Beijing. We fear that we will be fooled by Beijing. I am really anxious that after the legislation of Article 23, I will hesitate to go for street forums in Mong Kok, for fear that I will be arrested time and again for making subversive and secession remarks.

Even now, the rule of law has been challenged in this way. "Long Hair" can be sued by the Department of Justice for judicial conduct through the invoking of one of the provisions of the Legislative Council (Powers and Privileges) Ordinance. The Ordinance originally seeks to protect Members' right to speak freely at meetings. But now the Department of Justice targets at his behaviours, accusing him of allegedly interrupting the proceeding of the meeting, the so-called offence. For years, the democratic camp has made it very clear that a prerequisite for any discussion of the legislation of Article 23 is the

introduction of a genuine universal suffrage, a universal suffrage without screening. Obviously, the biggest test to Carrie LAM after she assumes office—she said she has to resolve dissension, but please do not pretend to be poetic—is nothing to do with dissension, peaceful resolution, or pardon. We need not talk about these. The very first thing we have to do is to go direct to her for reactivating constitutional reform.

Someone will say we should not do so lest this will lead to another round of controversy and further procrastination of livelihood issues. I beg for the understanding of members of the public of what constitutes livelihood issues. Now, I am not going to discuss politics with you. Rather I want to talk about sports. The Kai Tak Sports Park project was passed at the Public Works Subcommittee meeting this morning. It is about sports, not politics. But my goodness, one of the provisions of the project involves a large sum of money. The money is not for us. It is for tenderers who submit bids for the project because it will be rather difficult to attract bids. My estimation is that there will be three to four companies submitting their bids. Even though they fail in the tender, each unsuccessful tenderer will receive \$60 million as compensation. It is a refund or almost a donation or reward. Is it not a livelihood issue?

Next, I would talk about entertainment. The Hong Kong Disneyland project costs us \$5.4 billion. The arrangement of profits for the Disneyland and losses for us will definitely win support in the Legislative Council. It is the robbing of our money which is a livelihood issue. With so many bootlickers forming a majority here, what can we do?

We have to realize that, while Carrie LAM was elected Hong Kong's next Chief Executive, it is an ignominious victory for her. Her inglorious success was witnessed by each and every people of Hong Kong. If she really wants to restore the confidence of Hong Kong people, the very first thing she has to do is to properly consider reactivating constitutional reform. We want a genuine universal suffrage, and an integral part of genuine universal suffrage is no screening (*The buzzer sounded*) ...

DEPUTY PRESIDENT (in Cantonese): Ms MO, speaking time is up.

MR SHIU KA-CHUN (in Cantonese): Deputy President, before I start, I wish to respond to Mr LAU Kwok-fan's criticism. Mr LAU Kwok-fan says that we are the ones who objected the 31 August Decision and we are also the ones who supported the candidates standing for the Chief Executive Election conducted in accordance with the 31 August Decision. He says that we are sitting on the fence. I did not support any of the Chief Executive Election candidates who supports the 31 August Decision, so I may be in a better position to make a comment here. Mr LAU Kwok-fan said just now that we Members certainly wanted to reactivate constitutional reform so that we could vote it down, saying that we want to be democracy fighters.

I do not know if I am one of those democracy fighters by his definition, but I do remember on this day three years ago we lobbied for public support in the 22 June referendum. I remember my team and I went to Luen Wo Hui in Sheung Shui, the Kowloon Bay MTR Station and churches in Cheung Chau and Tuen Mun to tell people about the 22 June referendum. We wanted genuine universal suffrage. We hoped that if the Government would kick start a constitutional reform, we wanted it to be a proper one. We wanted genuine universal suffrage, not one with screening. At that time, we advocated that we would rather stay put than making a wrong step, and we would rather say no to the constitutional reform package. We reminded people that we should not "pocket it first", or we would have to "pocket it forever". I still vividly remember the things that we have said and done at that time. I remember many members of the public came to us and signed up to show support. They took our leaflets and asked us how to vote or download the apps.

That is the golden period of my participation in democratic movement. I regarded myself a servant, rather than a fighter, at that time. If I were considered a fighter at that time, why can't pro-establishment Members be democracy fighters? Actually, they can also be democracy fighters. Why don't they support reactivating constitutional reform? Why don't they support the motion on "Urging the next Chief Executive to reactivate constitutional reform" proposed by Dr KWOK Ka-ki? Dr KWOK Ka-ki only calls for reactivating constitutional reform, and he has not specified the kind of constitutional reform to be reactivated, but they still want to make something bad out of this motion.

Later, I learnt about a comment made by a trivial official. He says the next five years is not a good time to reactivate constitutional reform, and that Hong Kong needs to think deeply about its way forward, and if a constitutional

reform is reactivated, it will be difficult to take forward other aspects of work. This trivial official is WANG Zhenmin, the legal chief of the Liaison Office of the Central People's Government in the HKSAR. I see. Is it because of "Grandpa" who has given an order not to reactivate constitutional reform in the next five years to avoid possible chaos or another Occupy Central movement? But in response to Mr WANG, Mr Jasper TSANG, a veteran member of the pro-establishment camp and our former Legislative Council President says that not reactivating constitutional reform does not mean that peace can be restored, and that other governance-related issues cannot be solved if the subject of universal suffrage is not tackled. He does not believe that things will be fine by sweeping the constitutional reform issue under the carpet.

Yes. Social dissensions are serious. We all feel the heat and we are all tired. Social dissensions have taxed on our mind and body. We have tried our best to mend the gap, and the way to do it is not to avoid the problem, but to face it squarely. Mr TSANG, our former Legislative Council President, questions how we can restore peace if we do not reactivate constitutional reform and face the original sin of the 31 August Decision which has torn society apart.

Talking about restoring peace, let me cite an extreme example. Apartheid was an extreme policy in South Africa. How did its government deal with the aftermath of this policy, and forge reconciliation and re-establish peace in society? It established the Truth and Reconciliation Commission. In order to achieve reconciliation, the Government must tell the truth, recognize its wrongdoings, be courageous to face its people and publicly admit its past deeds. And then, there will be reconciliation. In my opinion, if we are to reactivate constitutional reform, we have to face squarely the different views voiced out during the social conflict, especially the views against the proposal the Governments asked us to "pocket it first". Those views should be put on record and documented. If we do not deal with these problems, we cannot mend social dissensions and heal the wound. Even a child would say, "Get up from where you fell down."

I will not repeat the shambles of the 28:8 voting result or the "Wait for Uncle Fat" episode, which could just be inadvertent events. People who mentioned these events may be unaware of the embarrassment of the people involved in the events. So, I will not mention these events here. What I want to say is how to face these different views through reactivating constitutional reform, especially those on genuine universal suffrage. People's views may

belong to the "deep yellow" camp, the "light yellow" camp, the "deep blue" camp, the "light blue" camp or other colours' camps. People in Hong Kong can be of different political orientation and there is no need to be afraid of reactivating constitutional reform.

Deputy President, I wish to cite a fearful example. Talking about fear, I wish to talk about the massive purge by the Czechoslovak Communist Party in 1968. The purge left many people living in fear. Many people were suppressed and deprived of food and education. But Václav HAVEL, the opposition leader at that time, wrote an open letter to Gustáv HUSÁK, the head of Czechoslovakia. In the letter, HAVEL writes about how to relieve fear among the people and how to be free from fear. He writes, "Is our society united? Let me be honest, the answer is no. There are too many risks in our society. People work quietly on their own. They don't stand united, but they are driven to it by fear." (Translation)

I think we are in the same situation. Is our society united? Certainly not. I certainly want our society to be united; but regrettably, it is not. And if it is not united, then are we satisfied with the way society is now? No, we are not, but we just do not want to face it because of fear (*The buzzer sounded*) ...

DEPUTY PRESIDENT (in Cantonese): Mr SHIU, speaking time is up.

MR SHIU KA-CHUN (in Cantonese): Thank you, Deputy President.

MR NATHAN LAW (in Cantonese): I visited Prague last week to attend a seminar on global retreat of democracy. One focus of discussion was the rise of authoritarianism worldwide as more and more people are directing their focus on powerful authoritarian states, including China and Russia. Another subject at the seminar worthy of our attention was how the authoritarian regimes legitimize their governance. In fact, the 31 August framework was exactly an attempted legitimization of the Beijing Government and the Hong Kong Government's tyranny in the city without altering the authoritarian nature of their power. Such an election merely purported to show that the candidate picked by the Communist Party of China would have legitimate authority to govern Hong Kong. However, such an legitimacy is fake indeed.

Suppose Dr CHIANG Lai-wan and Ms LEE, both present now, participate a world jogging championship, and the winner between them will be crowned champion of the world. Then, the country will claim that another world champion has emerged in China, bragging about the honour. This is in fact a culture of counterfeiting. The government screened within the 31 August framework is a government produced by a fake election, and the Chief Executive or the government elected this way will merely be a lackey who will be a yes-man of the regime. Democracy cannot take root in Hong Kong as long as the Government can manipulate the election via the nomination procedure. For example, Ms LEE, I would like to ask you a question: How would you like me to call you? You like me to call you a "villain", or a "scum"? This is a really bad question, as we could have had many choices. Probably you would like me to call you a "pretty woman". I believe this would be relatively fair to you.

Democracy means equal treatment to everyone, under a system with check and balance which manifests equality among the people and preserves the value of humanity. Let us quote a case in the Mainland as an example. I am not sure if the Deputy President has heard of the "PENG Yu case" in Nanjing. It is case in which a passer-by named PENG Yu, out of benevolence, tried to help an elderly woman who fell on the street. Yet it turned out that the elderly woman eventually sued PENG Yu for causing her to fall down, and demanded a compensation of several hundred thousand dollars. This demonstrated the difficulty of being a Samaritan in the absence of a system capable of protecting the people, and a lack of democracy and rule of law as the institutions for monitoring and balancing the power. It is because the system itself has already buried the people's humanity. The people will lose humanity if the system fails to protect it. Such a case is not an exception in China. Frankly, anyone speaking the truth, defending human rights and petitioning in the Mainland will possibly be disappeared and tortured.

A few days ago, i-CABLE News reported the release of LI Heping, one of the lawyers arrested during the "709 Crackdown". After 660 days of detention, he turned from a bright young lawyer before the arrest to an emaciated, tortured husband unrecognizable even to his own wife after the captivity. His hair was dark like Jackie CHAN at first, yet he is now a white haired man, who looks particularly thin and fragile in his face. This is utter cruelty.

These incidents happen exactly because of a lack of democratic system and the justice system's inability to protect those enduring hardship. Humanity vanishes as a result. Do Members wish that Hong Kong becomes a city like this

in the future? So, I greatly support the motion today which demands a reactivation of constitutional reform. I believe that we must reject the 31 August framework and refuse the culture of fake election. Only by comprehensively implementing universal suffrage can we project the interests, rights and humanity of Hong Kong people.

I want to quote a person's words. Members in this Chamber probably have heard of this remark, and some of you may even have deep affection towards this person. He is MAO Zedong. He said in 1944 that China had flaws, big flaws. To put it concisely, the flaw was having no democracy. The Chinese people were in dire need of democracy. Only democracy could give them the strength to fight the war ... Only democracy could continue uniting China after the war. That China lacks democracy is well known by Members in this Council. Only democracy can bring China further forward.

Behind the so-called unity, China is in fact bundled by nationalism and economic interests. However, in 1944, before MAO Zedong committed all the widely condemned crimes against humanity, he said that China needed democracy before it could move a step forward. In fact, this applies to Hong Kong too. Hong Kong can only progress with democracy; we can only protect our city with democracy. If we still have to reactivate constitutional reform and elect our government within the 31 August framework, the elected Chief Executive will not be responsible to Hong Kong people, but the Communist Party of China, as the Communist Party can completely manipulate the nomination, and the nomination result is tantamount to the final result of the election. A fake election will not bring about a true sense of responsibility, nor will it bring us any real check and balance.

Imagine, if the people had the rights to be nominated and elected, as well as the freedom to elect the Government of the current term without a nominating committee in which candidates are only chosen by pro-Beijing or Beijing-endorsed members, imagine we had a truly open and equal election, then we might not have to spend over \$100 billion public money on building the "white elephant" projects, or consuming over \$100 billion and sacrificing more than 10 human lives on showcasing the Hong Kong-Zhuhai-Macao Bridge or an artificial island troubled by drifting problems. Instead, we might have allocated the money on supporting the vulnerable groups and patients suffering from rare diseases, establishing a seed fund for universal retirement protection, so as to give the people a stable and decent live.

Many people may consider that we should work on formulating the policies, but not on promoting democracy or engaging in politics. However, I would like to state that the fundamental spirit of democracy is allocation of interests in society. Without a government responsible to the people, the deep-rooted problems in Hong Kong will never be solved no matter how many policies are implemented, as relying simply on these policies will never suffice. Therefore, I support Dr KWOK Ka-ki's motion.

I so submit.

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, on 26 March, the unwelcomed Carrie LAM who only had a popularity rating of less than 30%, was elected by 777 Election Committee members. On the contrary, John TSANG, who had been constantly having a popularity rating of above 50%, was defeated in the election with the votes of only 300-odd Election Committee members. Hong Kong has formally entered the "era of cleavage 2.0" as described by John TSANG. Nevertheless, to this day, many people have forgotten they have said such thing, and they do not want other people to remember that they have said such thing. However, does it really mean that not mentioning it anymore is tantamount to the fact that it no longer exists?

In today's motion, we demand the next Chief Executive to reactivate the constitutional reform in the absence of the 31 August framework, which would allow the "one person, one vote" and civil nomination elements in the election of the next Chief Executive. To the "three-low Government" led by 777, one may say that this motion is—just as the proverbial expression that many Members have used today—as futile as milking the bull. During the election campaign, "777" expressed that she saw no urgency in reactivating the constitutional reform. She had repeatedly mentioned in the election forums that one should talk more about the people's livelihood and less about politics. Many people considered John TSANG was thinking the same, therefore they thought that "777" would rather talk about people's livelihood more and politics less simply because of her failure in the 2014 constitutional reform, just like a person with a cleft lip would avoid a cracked bowl.

However, I consider that "777" saw no urgency in reactivating constitutional reform simply because she has her own calculations behind the scene. I believe that no matter the Chinese Communist Government or the HKSAR Government, "777" thinks highly of the PUTIN style authoritative

governance—just now Mr Nathan LAW has also mentioned that there is a study about authoritative governance—on the one hand, we may have the "one person, one vote" election, but on the other, they need to ensure that the candidate preferred by the authoritative government would win in the "one person, one vote" election. What method do they have? Everyone can see that they have set up a very stringent nomination condition, which is what we call a "screening mechanism". The mechanism can ensure that the candidate preferred by the authoritative government, or even a person with very low popularity rating, will win with high votes in the "one person, one vote" election. How can they achieve that? That is, to find some also-rans who are even worse than him or her.

"777" Carrie LAM is famous for being a control freak. Therefore I think she absolutely wants to accomplish the constitutional reform under the 31 August framework. To this day, not to mention the pan-democratic camp, even many pro-establishment who had voted for "777" Carrie LAM—let me tell you—were not convinced in heart but only convinced by word. They were even not convinced by word, but only convinced by hands. They kept scolding after casting their votes. They were all people from the pro-establishment camp. But you need not care about what they are thinking. Therefore—why you give me such a look Mr Tommy CHEUNG? I am not talking about you, you are an Executive Council Member—if there is genuine universal suffrage, needless to say that "777" will be defeated in 2017, she will also be defeated even in 2022. Why she saw no urgency in reactivating constitutional reform? The reason was that she had not enough votes, which was the reality. The pro-democracy camp was still holding over one third of the seats in the Legislative Council. She would have a very slim chance to succeed in reactivating the constitutional reform under the 31 August framework only if she continues to disqualify Members so that the pro-democracy camp will occupy less than one third of the seats in the Legislative Council. After adopting the disqualification tactics, she still needs to use the confirmation form to prevent Members from participating in the by-election and getting re-elected.

In fact, it is clear for everyone and the pro-establishment camp to see the nature of this Chief Executive Election. Even Mrs Regina IP suddenly realized why Occupy Central had taken place after meeting up with Election Committee members from the pro-democracy camp. Why a group of genuine universal suffrage supporters would resort to civil disobedience in order to fight for a "one person, one vote" genuine universal suffrage? It was because they saw ... today

some people keep saying that "the constitutional reform package was vetoed by you pro-democracy camp, otherwise Election Committee members needed not to beg 'Slow Beat' to vote for John TSANG. Because if it were passed, we could have the votes and we could cast the votes on John TSANG." I replied "go dreaming you!" If the fake universal suffrage proposal were passed, not only John TSANG could not be nominated, even Mrs Regina IP could not get the nomination. If the Chinese Communist Government wants Carrie LAM to win, the safety coefficient should be pushed to a very high point because in case Mrs Regina IP gets nominated, her nomination will affect Carrie LAM's chance of winning or the votes she will get, therefore Mrs Regina IP will not be allowed to get the nomination.

Deputy President, in that case, even your former President Mr Jasper TSANG could not get nominated. This is very clear and this is something everyone can see. In fact, it is just like playing a lute to a cow if we discuss the question of reactivating constitutional reform in the next term with the current term Government. Therefore, in fact I originally want to discuss with Secretary Raymond TAM about equal rights, but he has just left the Chamber and only the Under Secretary is in the Chamber.

Last Wednesday, the constitutional court in Taiwan announced its ruling on the interpretation of the constitution. It pointed out that it was unconstitutional for same-sex marriage not being protected under the Civil Code, and it ordered the authorities to enact laws to protect same-sex marriage in two years. I wish to quote what President TSAI Ing-wen said after the announcement of the ruling. She said that the ruling on the interpretation of the constitution was not a matter of winning or losing, but a test of the maturity of the Taiwanese democracy to address dissenting views. It was really something well-said.

In fact, "reactivating constitutional reform and implementing universal suffrage" does not mean that the pro-democracy camp wins and the pro-establishment camp loses, under the current situation, both sides are losers. Hong Kong is ungovernable if Hong Kong has no universal suffrage—regardless of who is the Chief Executive. Mr Jasper TSANG has made this view clear a long time ago. Even the "queen of votes" as mentioned by the Deputy President just now, who is the "queen of votes" depends on one's viewpoint—Deputy President is also a "queen of votes", right?—but regardless you are the "king of votes" or the "queen of votes", you will not get nominated, or not necessary get

nominated. Theoretically, you will get the nomination. However, under the distorted system at the present time, you will not necessary get the nomination. This is a choice which cannot reflect public opinions in a fair and just manner.

As a result, if Hong Kong keeps on moving, it does not matter who is the winner, no matter the pro-democracy camp wins, the "yellow ribbon" wins, the "blue ribbon" wins. What matters is that we should have genuine universal suffrage if we are to solve this problem. Of course, universal suffrage cannot solve all the problems, it is not the panacea that can cure all. But we will never achieve that if such a mechanism (*The buzzer sounded*) ... is not put in place.

DEPUTY PRESIDENT (in Cantonese): Mr CHAN, your speaking time is up.

MR KENNETH LEUNG (in Cantonese): Deputy President, on 18 March 1993, *People's Daily* quoted the then Director of Hong Kong and Macao Affairs Office Mr LU Ping on Hong Kong's democratic development: "the Basic Law has laid down clear provisions on the number of directly-elected seats in the first three Legislative Councils, and as regards how the legislature should be formed after the third Legislative Council (that is, after 2007), it is entirely up to Hong Kong to decide by itself. So long as a two-thirds majority of Legislative Council Members give their endorsement and the Chief Executive gives his consent and the decision is reported to the Standing Committee of the National People's Congress ("NPCSC") for the record, it will do and there is no need for the Central Government to give its consent. How Hong Kong will develop democracy is entirely a matter within the autonomy of Hong Kong and the Central Government will not interfere with it."

(THE PRESIDENT resumed the Chair)

In recent years, there have been a number of intense resistance movements in Hong Kong precisely due to the fact that the Central Government has repeatedly tightened the high degree of autonomy conferred to Hong Kong by the Basic Law and stepped up its control over Hong Kong. In June 2014, the State Council published the White Paper on "The Practice of the 'One Country, Two

Systems' Policy in the Hong Kong Special Administrative Region" in an attempt to tighten Hong Kong's high degree of autonomy. And NPCSC's decision on 31 August 2014 became the underlying cause of those resistance movements.

As some people in Hong Kong have completely lost confidence in the Central Government regarding the implementation of "Hong Kong people administering Hong Kong" and "a high degree of autonomy" who no longer believe that dual universal suffrage will eventually be implemented in Hong Kong under the existing system, there saw the emergence of views in the community calling for "independence of Hong Kong". Well, whether we agree or not, we really need to reflect on such a phenomenon. And so the reactivation of constitutional reform to return to Hong Kong people the right to make our own choices is an opportunity meant for healing social rifts, with which the whole society is able to turn over a new leaf in a harmonious atmosphere.

In fact, the motion moved by Dr KWOK Ka-ki's on "Urging the next Chief Executive to reactivate constitutional reform" is a very humble request in fact, who is only asking the next-term Government to reactivate constitutional reform. "Reactivate constitutional reform" means, of course, that each and every citizen in Hong Kong will be engaged in formulating the road map as well as timetables for future constitutional reform. We all know that the decision made by NPCSC on 31 August 2014 is the underlying cause of the Umbrella Movement. During these two years or so after the movement, there emerged various kinds of divisions, struggles and unpleasant incidents, all of which originated from NPCSC's Decision of 31 August 2014 based on its excessive interpretation of the Basic Law. Therefore, not only will the reactivation of constitutional reform serve to unite all groups of people to take part in rational discussions on finding our way out in pursuit of democratic development, but will also help us stay focused on social policies. In fact, democracy and social policies are inseparable. If our Government is a democratic and accountable one, then all our policies, including livelihood and economic policies, will be effected naturally. Besides, both the public and Members of the Legislative Council will certainly have a little more trust in a government or legislature elected by the people.

Last week, I was in the United Kingdom the whole week. Unfortunately, however, there was a terror attack on a concert in Manchester last Monday in which 22 people were killed by an Islamic suicide bomb. Regardless of the incident, the United Kingdom will still go ahead with the General Election to be

held on 8 June in which all 650 seats of the House of Commons will be re-elected. Actually, people in a society with genuine democratic elections, that is, a society that allows people choices, will certainly recognize more of their national identity.

Last week, members of the entire British community, regardless of race and social class, did harshly condemn the terror attack. A period of national mourning was declared and all election campaigns would be suspended during the mourning period. Despite all these, the British nationals do attach a great deal of importance to such an election that offers them genuine choices. And so the former Legislative Council Chairman Mr Jasper TSANG was right in this regard: First, no one will ever resort to advocating "independence of Hong Kong" if Hong Kong people are given genuine universal suffrage; second, people's recognition of their national identity will come naturally when there are elections that offer genuine choices to voters. This is my dream and I hope that the next-term Government will really be able to do practical work, pay heed to the voices of people from all walks of life, and put forward a proposed reform package for discussion by the public. Moreover, it is expected to continue discussions with the Central Government after putting forth the proposal. And I hope that by the end of the five-year term of the next-term Government, Hong Kong people will have a package of proposals for universal suffrage that offers genuine choices for voters.

With these remarks, Deputy President, I support Dr KWOK Ka-ki's motion.

MR IP KIN-YUEN (in Cantonese): President, I rise to speak in support of the motion moved by Dr KWOK Ka-ki today. As have been mentioned by numerous Members just now, a democratic system refers to a fair system under which the citizens are entitled to fair voting right in electing the Chief Executive and Legislative Council Members on a "one person, one vote" basis. If this is the case, then the system has achieved recognition in its decision-making and resource allocation. The higher level of recognition achieved, the more solid its foundation will be. However, it will be frequently challenged if it does not have much recognition. An undemocratic system is associated with a lot of problems which cannot be properly resolved. Still, it will be subjected to various challenges even after the Government has made its decisions. This is exactly the case of our system over the past decade or even a longer period.

We are denied a fair system. Irrespective of the fact that every Legislative Council Member is entitled to the right of "one person, one vote" in voting, some Members are backed up by huge groups of people, while some are supported by very small groups of voters. Why that different people have different voting rights? Why that there are such big discrepancies among the weights carried by different people in elections that eventually lead to tilted decision-making in favour of certain interest groups? This informs us that when our system is frequently challenged due to its unfairness, the governance problems mentioned by some Members just now will arise and upset our system. Why that a mature nation or political regime will naturally transform into a democratic political regime? Just because a democratic political regime is the key to resolving the above problem. This does not mean a democratic system is flawless, and in fact, an impeccable system has yet to come, but a democratic system is still the best in shooting problems so far.

Under Hong Kong's peculiar circumstances, what we are seeking is not a democratic system for an independent political regime, but one under "one country, two systems". Such a democratic system is founded on "one country, two systems", and the so-called "one country, two systems" and "high degree of autonomy" are the political reality of Hong Kong after the handover. Yet, are both "one country, two systems" and "high degree of autonomy" genuinely given full play in Hong Kong? People may still have all sorts of queries regarding this and so we have to reactivate constitutional reform while taking note of how it relates to "one country, two systems".

This morning, I raised at this Council the issue on the consultation mechanism for the Education Bureau of Hong Kong and the Ministry of Education of the State. This has something to do with whether "a high degree of autonomy" will genuinely be implemented in Hong Kong in strict accordance with the Basic Law under "one country, two systems". We must treat this issue seriously and solemnly. We look forward to the materialization of a democratic system with mutual respect upon the implementation of "one country, two systems". If mutual respect is still absent even under "one country, two systems", it will mean a bumpy road ahead towards democratic development.

Hence, I hope that Carrie LAM will be able to maintain the "one system" in operation here in Hong Kong after she assumes office, by that I mean we can go on leading our own way of life as before and keep upholding our core values, both of which are highly treasured by us all along. In the meantime, we hope

that she will continue to seek democratic development for Hong Kong. Actually, China had promised to grant Hong Kong a democratic system back then in May 1984 when Mr ZHAO Ziyang wrote a letter to the Hong Kong University Students' Union in his capacity as Chinese Premier, and he said in the letter: "In the future, to implement a democratic political system in the Hong Kong Special Administrative Region, that is, what you described as running Hong Kong democratically, will only be a matter of course." I have to emphasize that these words did not come as Mr ZHAO's personal remarks, but as part of the letter written by him in his capacity as Chinese Premier who talked about the issues on democratic political system and running Hong Kong democratically. I think that this promise made years ago should be honoured today. In fact, the continuous development of a democratic system in Hong Kong is, as Mr Kenneth LEUNG has mentioned just now, conducive to establishing the identity of Hong Kong people. Consider this: Shall we not take pride in "one country, two systems" if systems in different domains keep developing under "one country, two systems" after the handover? But if a lot of the systems are stagnant or even move backwards when "two systems" are in operation, it will be impossible for "one country, two systems" to give us a sense of pride. Therefore, it is imperative that "one country, two systems" can convince people of different social strata that our society will still continue to move towards a more just and advanced state which we are so proud of. The 31 August framework just cannot bring us this kind of glory. It is a kind of suppression which will only prevent us from finding a good new starting point.

I hope the Carrie LAM Administration will be able to find the way out in this regard and reactivate constitutional reform, so that we will have much more confidence in the future of Hong Kong. Thank you.

MR CHRISTOPHER CHEUNG (in Cantonese): President, I rise to speak against the original motion moved by Dr KWOK Ka-ki and the amendment proposed by Dr Helena WONG for they both have demanded the invalidation by the National People's Congress ("NPC") of the decision made by the Standing Committee of NPC ("NPCSC") on 31 August 2014, who regard NPCSC's authoritativeness as something of no significance at all. They have been taking such an unrealistic approach to demand for universal suffrage which is intended for overturning NPCSC's decision, so as to challenge the authority of the Central Government. They just failed to win universal suffrage in the end and provoked political disputes instead, tearing our society further apart.

First of all, I would like to point out that those pan-democratic Members who moved and supported the motion are extremely hypocritical. They are now demanding the reactivation of constitutional reform, claiming that they are seeking to elect the Chief Executive on a "one person, one vote" basis. But do they still remember that the electoral right on a "one person, one vote" basis had been laid right at our doorstep back in 2015, but it finally turned out that the pan-democratic Members simply ignored the mainstream public opinion then, bundling up all Members of the pan-democratic camp to veto the reform package. Their very act had caused the Hong Kong people to lose the chance of gaining the right to elect the Chief Executive on a "one person, one vote" basis. But now, what nonsense they talk when they make the claim of fighting for electing the Chief Executive on a "one person, one vote" basis? No wonder some people doubt that they want to eliminate their stigma of "universal suffrage killer" by reactivating constitutional reform.

President, apart from paying lip service, the pan-democrats have never demonstrated any sincerity and determination in their fight for universal suffrage. As we all know, as a special administrative region of China, Hong Kong can never develop democracy out of nothing. Democracy can only be implemented in accordance with the Basic Law and the decision made by NPCSC, or it will end up in a "deadly car crash". Actually, the Central Government has made it clear that even if constitutional reform is to be reactivated, it must be based on NPCSC's decision.

Yet, Members like Ms Claudia MO still keep mumbling about the so-called international standards and civil nomination. They speak of seeking universal suffrage but are actually resisting the Central Government, and even attempting to force the Central Government to compromise. Can we regard this as the proper manner in fighting for democracy? And now that they play that same old trick again, forcing upon the Central Government to invalidate the decision made on 31 August 2014 in reactivating constitutional reform. Apart from stirring up more conflicts and disputes, what is the point in doing so?

The pan-democrats' act of advocating something impossible is good enough to prove that their request for constitutional reform is purely an excuse, where their real purposes are to overturn the decision made by NPCSC on 31 August 2014, challenge the authoritativeness of the Central Government, and stir up China-Hong Kong conflicts. Meanwhile, they do not sincerely mean to eliminate the deep-rooted social conflicts even though they claim that it is their

hope. Their real intention is, in fact, to gain some political capital by means of reactivating constitutional reform, in order to set off another round of political disputes.

President, considering democracy something good, I am also in favour of taking forward democratic universal suffrage in a progressive and orderly manner in accordance with the Basic Law and the relevant decision made by NPCSC. However, as we all see, controversies have lasted for years, but the great mission of building a democratic Hong Kong still bears no fruit. On the contrary, local economic development and people's livelihood have to suffer as a result. Therefore, I support Mr LEUNG Che-cheung's amendment which suggests that only after social consensus has been achieved can constitutional reform be reactivated.

In my opinion, the most urgent task for the Government at present is to improve people's livelihood through economic development and to seize the major business opportunities brought by the Guangdong-Hong Kong-Macao Bay Area and the Belt and Road Initiative for enhancing Hong Kong's competitiveness. On the other hand, if constitutional reform is reactivated in the absence of social consensus, Hong Kong will only get stuck at political controversies once again with no way out.

President, both Dr KWOK Ka-ki and Dr Helena WONG mentioned that the functional constituencies of the Legislative Council should be abolished. Concerning this, I have to remind the pan-democratic Members that they should never dream of seeking to defame and vilify Members returned by functional constituencies through the discussions on the constitutional reform package. Although Members representing the functional constituencies have different voter bases, we are, however, of professional standards and have extensive representation in our respective industries. In recent years, the pan-democratic Members have been crazily filibustering, but thanks to Members representing the functional constituencies for playing a significant role in safeguarding the Rules of Procedure when all those major issues are being deliberated. Thus, I trust that even if universal suffrage for the Legislative Council election is implemented eventually in the future, the contribution of functional constituency Members to social stability and economic development will definitely leave a glorious page in Hong Kong's history.

I so submit, President.

MR TOMMY CHEUNG (in Cantonese): President, Mr CHAN Chi-chuen has mentioned pro-establishment Members just now. I am not going to repeat his wording because I regard the three words he said as rude and coarse, rendering it difficult for me to repeat publicly in the Legislative Council. However, as he talked about pro-establishment Members, I looked at him, yet he claimed that he was not referring to me. Did he not consider me a member of the pro-establishment camp? I of course belong to the pro-establishment camp, but I do not believe that I and everyone else voting for Carrie LAM are the kind of persons described by him.

President, no matter what, the core spirit of Articles 45 to 68 of the Basic Law concerning the political structure of Hong Kong is that any constitutional reform must be conducted in the light of the actual situation and in accordance with the principle of gradual and orderly progress, with an ultimate aim to achieve universal suffrage. The elements of actual situation and gradual and orderly progress are mutually interactive, in which the general direction is to achieve universal suffrage in a gradual and orderly manner. This is a promise given by the Central Authorities to Hong Kong. Of course, the Central Authorities have the constitutional duty and power to decide the pace of constitutional reform in Hong Kong in the light of the actual situation, so as to ensure Hong Kong's stability and prosperity. That said, rather than having the Central Authorities entirely controlling the actual situation, Hong Kong people can also influence and change the actual situation. Under different scenarios of actual situations, the pace can be steadily moving forward, having a standstill, or even temporarily stepping backward. But overall the pace cannot contradict the general direction of achieving this gradually and orderly.

The 31 August framework is a political decision made in the light of the actual situation in 2015. Members can say that the decision represents steadily forward movement, or even a standstill, but no matter what, any discussion on constitutional reform must be conducted within the framework on the Basic Law and on the basis of the decision made by the Standing Committee of the National People's Congress.

However, both I and the Liberal Party consider that there are rooms within the 31 August framework for amending local election laws. Therefore, we should try to fight for amendments in this respect in order to create the right conditions for moving forward in a gradual and orderly manner. When putting forward the proposals, we should adhere to the principle of "one country, two

systems" and the legal status of the Hong Kong Special Administrative Region, while taking into account the interests of various sectors in society, manifesting the principle of balanced participation and facilitating the economic development under the capitalists system, thereby gradually and orderly promoting a democratic system suitable for Hong Kong in the light of the actual situation. Therefore, any proposal outside the above two frameworks, such as introducing civil nomination, can be said as repeating the same error and wasting time on the same old problem without offering any help to the overall development. This will even squander our precious time.

The Liberal Party also believes that constitutional reform should only be reactivated when the atmosphere in society is fine. The Government should review and analyse the problems encountered during the last consultation on constitutional reform, and reactive constitutional reform step by step, but not mechanically duplicating the procedures of the previous constitutional reform exercise.

From another perspective, incumbent Chief Executive LEUNG Chun-ying always fails to gain popular support for any of his policies during this tenure, including policies promoting economic and technological development. Moreover, netizens constantly criticize these policies in online forums, even believing that he did everything with the motive to please the Central Authorities. On top of this, the pan-democratic camp has never ceased hindering his efforts, not only because they belong to the opposition camp themselves, but Chief Executive C Y LEUNG's recognition by the people is also a major factor.

It is undeniable that the Chief Executive receives low recognition, which creates many subjective or unfavourable impressions on many of his policies, and this in turn obstructs the implementation of his directives, blocking the passage of policies conducive to society and the people's livelihood. This will jeopardize Hong Kong's overall development in the end, as well as causing a series of problems about governance.

Though a Chief Executive candidate chosen by the nominating committee will be disapproved by the pan-democratic camp, it is indisputable that a Chief Executive elected by "one person, one vote" will really have the recognition and representation in society. After all, the elected candidate will not be entirely preordained by the Central Authorities. Although the electors in the territory may have low quality or poor cultural level, the elected candidate will then be

concretely supported by votes, thereby gaining a recognition not lower than that of a legislator returned through direct election. So, I and the Liberal Party believe that there is a pressing need to reactivate constitutional reform and implement universal suffrage, so as to improve the recognition and effectiveness of the SAR Government's governance.

President, I so submit.

MR WU CHI-WAI (in Cantonese): President, when Carrie LAM accepted her appointment in Beijing on 9 April, Premier LI Keqiang and President XI Jinping have made it her mission to unite all people in Hong Kong, so that further development can be seen in various aspects of the Hong Kong society, and a harmonious atmosphere will be created for our society to move forward and develop on a long term basis.

However, the very nature of these two requests does have something to do with the question of whether changes can be made to the political system of Hong Kong, and this is also the subject under discussion today. A number of colleagues from the pro-establishment camp have opined just now that as we had refused to offer our support to the constitutional reform proposals put forward in 2014 back then, Hong Kong people were deprived of the chance to elect the Chief Executive on a "one person, one vote" basis. However, judging from the Chief Executive Election held earlier this year, the Central Authorities are not merely trying to exercise control over the issue of "one person, one vote", but has also tried to influence the determination of who can run in the Election.

The most worrying concern of pan-democrats and the general public about the 31 August framework is that under the design of the system proposed, a determination can be made on who should be allowed to run in the election. Hence, once the proposed system is endorsed, the Central Government will have very effective control over the screening of candidates for choice and support by general electors. Just imagine, the major contestants in the Chief Executive Election held this year were John TSANG and Carrie LAM, and the former has previously been appointed as the Financial Secretary for almost 10 years. It would only be natural for all of us to consider that first of all, his appointment has rendered him a member of the establishment; and secondly, he should be a principal official who has the trust of the Central Authorities.

Yet, during the whole election process, although he has won the support of the majority of Hong Kong people and had a higher popularity rating than Carrie LAM, the final choice made by those 1 200 electors has run contrary to public opinions. The Central Government is always complacent about the fact that though a small circle election, former Chief Executives elected under the established system can still be regarded as socially acceptable, but the tradition has been broken in the Election held this year. It can thus be seen that the election system under the 31 August framework actually seeks to let the Central Government decide who can run in the election, thereby controlling the final election results.

Therefore, this is the reason why we hope the next Chief Executive would reactivate constitutional reform, and a failure to do so would only lead to endless political disputes, thus putting Hong Kong society under the atmosphere of no confidence in the Government. No matter how we wish to achieve progress in addressing livelihood issues, and even though it is possible to reach a consensus on certain matters, there will still be political contradictions since most livelihood issues involve political rights, financial authority and allocation of social resources, but the allocation cannot be made through an effective system. With hindsight, it would be fair to say that even the housing problem which tops the Government's agenda is after all a political issue.

Why do Hong Kong people attach such a great deal of importance to ensuring that we would be able to enjoy the core rights, interests and values provided under the Basic Law through the establishment of a democratic political system in Hong Kong? It is because the Basic Law has actually given the Central Government a lot of implied powers, such as the power of interpretation of the Basic Law provided under Article 158. It occurs to me that the Central Government even regards the interpretations made of the Basic Law on a few occasions in the past some attempts to assist Hong Kong to further amend and clarify the provisions of the Basic Law. Since the Central Government is free to exercise its implied powers in this way, Hong Kong people have to attach a great deal of importance to the issue.

ZHANG Dejiang has even pointed out recently in a seminar on the Basic Law that "with regard to the power to record and scrutinize legislation of the Special Administrative Region, the power to appoint the Chief Executive and principal officials, the power to interpret and amend the Basic Law, the power to make policy decisions on the constitutional development of the Special Administrative Region, the Central Government's power to issue instructions and

orders to the Chief Executive and receive work reports from the Chief Executive, further details have to be worked out on the relevant rules and regulations". In other words, with respect to some conceptual issues covered in the Basic Law, further details may be worked out and relevant rules and regulations may be formulated to turn the Central Government's implied powers into substantive powers, thereby enabling it to lay hands directly on the matters of Hong Kong.

In this case, Hong Kong people will only have the feeling that in the process, "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy" have certainly been distorted and deformed. This is also contradictory to what President XI Jinping has been advocating, that is, the provisions of the Basic Law should be genuinely implemented in Hong Kong without any distortion and deformation.

Of course, we have no idea about what the trick up their sleeve is, but in the end, it still concerns whether a reasonable political system can be established in Hong Kong to ensure effective protection of the promises of "Hong Kong people administering Hong Kong", "a high degree of autonomy" under the Basic Law, so that there will be differences between Hong Kong and other provinces and municipalities in the Mainland. As a matter of fact, the most important difference between the Hong Kong Special Administrative Region under "one country, two systems" and the Mainland is that Hong Kong enjoys protection under the Basic Law, so that the society of Hong Kong can be different from other provinces and municipalities in the Mainland. If there is no difference between Hong Kong and the Mainland, this city is no longer a Special Administrative Region, and Hong Kong can no longer align itself with international standards and serve as a window and platform for China to go global. The value of Hong Kong will then diminish.

Hence, the reactivation of constitutional reform is an important step. In this process, it is in fact not the intention of the mainstream pan-democrats to take civil nomination as the sole criterion. We only consider it worth exploring whether a mechanism without any form of unreasonable screening can be put in place under our political system, so that everyone in Hong Kong who wish to participate in the election may do so in accordance with a reasonable mechanism. Consideration should be given to abolishing the present practice, which has put in place a screening mechanism to determine who should be or should not be allowed to run in the election, (*The buzzer sounded*) ... and this is totally unacceptable. Thank you, President.

PRESIDENT (in Cantonese): Mr WU, please stop speaking.

DR YIU CHUNG-YIM (in Cantonese): First of all, we have to look back at the voting result on that day. As all of us may recall, when the motion concerning the method for the selection of the Chief Executive was put to vote on 18 June 2015, the voting result has already been recorded clearly in history, and there were only eight Members voting for the motion then. As Members of this Council, be they returned by geographical constituencies through direct elections or by functional constituencies, they must have gained the support from some electors. We can make a rough calculation to see with these eight supporting votes, how many people are in support of the method proposed under the 31 August framework back then for the selection of the Chief Executive. With only eight supporting votes, many of which actually came from Members returned by functional constituencies, it would be possible that these Members could only represent the views of a total of 10 000 or even a few thousands electors. In other words, among 3 million-odd electors in Hong Kong, only 10 000 or a few thousands of them supported the method proposed. Hence, history has already revealed to us clearly that Hong Kong people did not support the motion concerning the method proposed under the 31 August framework back then for the selection of the Chief Executive.

As it was an iron-clad truth then, this proven fact in history has already shown to us that it would not be possible for us to gain public support by acting according to this framework, and it would be necessary for us to make amendments, conduct consultation afresh and reactivate constitutional reform. This established approach for the Legislative Council of Hong Kong to deliberate on legislative proposals has already been proven effective.

We should also bear in mind that there were not enough supporting Members on that day to vote for the motion because many of them have walked out of the Chamber en masse before the motion was put to vote. Since they have walked out en masse and have not participated in voting, no one knows what exactly their actual voting intentions were. Although they were entrusted by their voters, they have let them down and failed to record in history how they would represent these voters and vote on the motion on that day. Therefore, if they consider that there were special reasons for them to walk out of the Chamber en masse and be absent in the voting that day, the current proposal to reactivate constitutional reform would give them a new opportunity for putting their voting intentions down in record.

Let me try to illustrate my point with an analogy. A group of students have left the examination centre when an examination was about to start. They stayed outside chatting with each other, paid no attention to their teacher's repeated advices that they should return to the centre and take the examination, and enjoyed their time out there. However, after the examination has started and when it was already over, they changed their mind and indicated their wish to go back and take the examination. As a teacher, I am prepared to adopt a more understanding attitude because out of ignorance, students do miss the chance to take their examination sometimes.

Therefore, the proposal put forward by Dr KWOK today to reactivate constitutional reform is a chance for us to take a make-up examination. During the process when constitutional reform is reactivated, we may review the issues involved all over again, get ourselves prepared for the examination, and then exert ourselves in the examination centre to record in history with the important vote at our hands what we have prepared on the subject over the years and what aspirations do our voters have.

Conversely, things will become quite interesting if they object to the proposal to reactivate constitutional reform. In doing so, they have admitted that they actually did not want to participate in voting on the motion back in 2015, and it is therefore best not to do the same thing all over again. Just like the group of students mentioned above, as their real aim is to avoid taking the examination, although a chance is now given for them to take a make-up examination, they will only try in every way to reject the idea and object to the proposal. In this case, are they trying to tell their voters that they were whole-heartedly and sincerely trying to avoid participating in voting back then?

I therefore consider that we should in no way miss this chance today. Some Members may argue that we should wait until a consensus on the issue has been reached, but I would like to remind them that the time in our life is really very limited. If we do not grasp the opportunity to reactivate constitutional reform while we can participate in voting in this Council today and put our voting intentions down in record, our term of office will expire very soon before we realize it. We may not be given the same opportunity again in the next term of the Legislative Council to show to our voters in this Chamber how we would actually vote on the subject.

Moreover, we have to face up squarely to the reality. As we have failed to gain any public support with the 31 August framework back then, we should hit the road again by reactivating constitutional reform today, so as to ensure that a democratic system can be established in Hong Kong and we will not go down a wrong path again. Members who were absent that day should take this opportunity to remove the blot of "ABS" (Absence) recorded in their certificate of examination, and present a new one showing the examination results they obtain. I sincerely hope that Members would not miss this chance. I so submit.

MR LAM CHEUK-TING (in Cantonese): President, I thank Dr KWOK Ka-ki for proposing this motion.

Constitutional reform should be reactivated because the crux of many social problems since our reunification with the Mainland originate from our unfair and unjust constitutional system. It is unfair because some functional constituency Members who only represent a few dozen constituents can secure a seat in this Council, but those who stand for direct election may not be able to secure a seat here despite having several tens of thousands votes. This Council completely fails to fairly represent all the people in Hong Kong.

LEUNG Chun-ying, the head of our Government, only secured 689 votes and he claims himself the representative of all Hong Kong people. Do you find him credible? Can he represent the people? We all know that the majority of the 689 votes came from business tycoons and large consortia. As the Chief Executive, can he not fawn on the Central Authorities and also these business tycoons and large consortia? Can he afford not to establish a good relationship with them?

President, let us take a look at the three Chief Executives since the reunification. TUNG Chee-hwa performed poorly and was forced to step down with the excuse of foot pain; Donald TSANG is in prison pending appeal; and LEUNG Chun-ying is suspected of corruption and is under investigation. As we can see, all these Chief Executives who are returned by a coterie election system, have been undermining the core values of Hong Kong and damaging the system that has contributed to our past success. Hong Kong people have had enough. We have put up long enough with the Government which is undemocratic and the Legislative Council which lacks representation.

President, Michael SUEN, a former senior public officer, said earlier that there was no genuine universal suffrage in the world. He is actually saying that there is no right and wrong in this world; everyone should make compromises and be cynical; and nothing matters because this is just the way the world is. Is what he said true? There is certainly truth in this world, just that some people choose not to see or hear it and refuse to admit it. There is more than one democratic system in the world. There are many different democratic systems, such as parliamentary system and presidential system.

My political science study tells me that there are ample researches conducted by many international political scientists in the past few decades. These studies show that genuine democratic systems do exist. One important element in these systems is that there should not be any unjustifiable screening of election candidates to deprive people with a high level of representation of a reasonable chance to compete in an election. The number of candidates allowed in the election, be it two, three, four or five, can be discussed, but candidates with a high level of representation should not be screened out through an unreasonable system.

But the biggest threshold in the Central Authorities' 31 August Proposal is that any potential Chief Executive candidate shall require the nomination of over half of the Election Committee members to be a valid candidate. Is this an unreasonable screening? Definitely. How is the Election Committee formed? We can all see that the majority of them are groups with vested interests. These interest groups often blindly follow the orders of Beijing. They are yes-men. Frankly, the requirement of nomination by over half of the Election Committee members means that it is up to the Central Authorities to decide the valid candidates.

Mrs Regina IP is not here now. In the eyes of pro-establishment Members, Mrs IP is dedicated and loyal in her years of work for the Country. She stepped down and took the responsibility for the legislative proposal on Article 23. Talking about being patriotic to the Country and Hong Kong, she is definitely one of the best examples. But she could not even secure 100-odd nomination votes this time. This precisely shows that the nomination system of the Election Committee is seriously affected by the Mainland. Many Election Committee members dared not vote for Mrs Regina IP under the influence of the Liaison Office of the Central People's Government in the HKSAR. She is the classic example.

President, even if the Government kicks start fake universal suffrage, Mrs Regina IP still may not become a valid candidate because the Central Authorities prefer Carrie LAM. After Carrie LAM becomes a valid Chief Executive candidate, Dr CHIANG Lai-wan or Mr WONG Ting-kwong can be the next candidate because the Central Authorities do not want the other candidates to compete with Carrie LAM to ensure her sure win. How can the democratic camp accept such an absurd situation and fake universal suffrage?

Secretary Raymond TAM, who is here now, and Carrie LAM, together with Secretary for Justice Rimsy YUEN, were the ones who promoted the fake universal suffrage proposal at that time. Sorry, Hong Kong people are not that easily deceived. Members of the democratic camp vetoed the fake proposal. The pro-establishment camp blames us for causing Hong Kong a chance to implement universal suffrage. They are very much like those gangs selling fake drugs. When their plot is exposed and they are asked not to sell fake drugs, they say that their drugs are genuine and warn people that if they have terminal illness in future, they will have to bear the price for not buying the drugs.

President, is there anything as absurd as this? We must reactivate constitutional reform to resolve the core problems in Hong Kong and make our constitutional system truly represent Hong Kong people (*The buzzer sounded*) ...

I so submit. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak? Dr Fernando CHEUNG, please speak.

DR FERNANDO CHEUNG (in Cantonese): I thank Dr KWOK Ka-ki for moving this motion about reactivating constitutional reform. This subject seems to have aroused much controversy. We notice the Chief Executive (*Sound of signal interference*) ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, is there a mobile phone in your pocket?

(Dr Fernando CHEUNG took out a mobile phone from his pocket and put it on the bench)

DR FERNANDO CHEUNG (in Cantonese): President, is it okay now? Are the sound and the picture still affected?

PRESIDENT (in Cantonese): It is okay now. Please continue with your speech.

DR FERNANDO CHEUNG (in Cantonese): President, there seems to be some controversy over reactivating constitutional reform. Even the Chief Executive Election candidates and the Chief Executive-elect have said that discussion on constitutional reform does not need to be restarted now and it probably will not be restarted. However, President, although improving people's wellbeing has been my main concern as a Legislative Council Member, I firmly believe that without democracy, people's wellbeing cannot be improved.

Many people say that politics are not related to them and constitutional reform too distant to them, and they are contented as long as their livelihood is properly taken care of. But politics will come to them. We have handled many livelihood issues in the past, including villagers and business operators whose land or home in some new development areas was taken away; and in some other cases, residents, tenants, property owners, shop operators and their staff members became victims of urban renewal projects. They all concur that their assets, daily lives, means of living or even their home have been taken away in broad daylight. We can trace the problem back to the political system, to the way our precious resources, including land and public wealth, are planned, and to the way wealth is distributed among different social groups. Politics cover health care, education, housing and social welfare, etc. We are deceiving ourselves and other people if we say that we only need to address livelihood issues and we do not need to pay attention to politics.

The political framework now is unfair. The Legislative Council is supposed to be vested with considerable power under the Basic Law to counterbalance the Government. The Government has to submit its budgets and bills to this Council for scrutiny and approval. But when we do so, many of us, who are supposed to be representatives of the people, do not stand on the side of the people. And the minority Members who do represent the people always lose in voting. This is caused by the political structure.

It is definitely impossible to reactivate constitutional reform in a relatively harmonious social atmosphere. The unfair political system makes it impossible to establish harmony among us or build up a pleasant atmosphere. The Government says that there is harmony, but it is only a kind of harmony created to make a show of happiness and prosperity. It is fake. Thus, I have been considering social development from the perspectives of the vulnerable and social justice. If our political system cannot reflect the aspirations of the people and make people the decision makers, our livelihood can never progress forward. And constitutional reform is destined to be reactivated.

Mr Jasper TSANG, our past "class representative" or former Legislative Council President, responded to WANG Zhenmin's dismissal of the need to reactivate constitutional reform discussion in the next five years with Articles of the Basic Law. He says that Article 45 stipulates that the Chief Executive shall ultimately be selected by universal suffrage, and Article 68 stipulates that all Members of the Legislative Council shall ultimately be elected by universal suffrage. Of course, there can be a lot of argument over what universal suffrage is and over the existence of genuine universal suffrage in the world, saying that it is only a matter of the extent. Thus we were asked to "pocket" the proposal last proposed by the Government. Since we did not "pocket it first", we are now called the sinner of democracy. They can say whatever they want.

But what I want the public to know is that Hong Kong is now in a very difficult position. Being ruled under the framework of "one country, two systems" by a totalitarian country, you can imagine how difficult it is for us to find a system that truly allows its people to be the decision-makers. Clashes are inevitable. Although this place is blessed with an unprecedented arrangement of "one country, two systems", how could a totalitarian country possibly allow this place under its rule to have democracy? It is certainly impossible; people will revolt. In the eyes of the Central Authorities, Hong Kong is a problem under its totalitarian regime because young people in Hong Kong have been badly influenced by western ideas. They have thus voiced out such demands. They are all bad boys. But Hong Kong still has its values. It can continue to be a place for the Central Authorities to spend and collect money. We can be an economic and political gateway for it to achieve its aims. Thus, it continues to put up with us.

President, sometimes, I feel that we are like Sisyphus in Greek mythology who has been punished to roll up a big rock uphill only to have it roll down again as it reaches the top, and then we start all over again, again and again. But still,

we continue to do so. Sometimes, in this process we will discover the true meaning of life among the conflicting ideas in the world. Hong Kong people have to face this absurdity and contradiction if they are to fight for democracy under this totalitarian country. But in this inherent absurdity and contradiction, we may be able to live out the meaning of life. Our lives will be meaningful as long as we do not give up fighting and hope.

Thank you, President.

MS TANYA CHAN (in Cantonese): President, first, I would like to thank Dr KWOK Ka-ki for proposing today's motion. The fifth Chief Executive was elected on 26 March. It is most amazing and bizarre that she won the election with 777 votes. Thanks to this voting result, she has got a new nickname. However, according to the results of the civil referendum in society, the vote share or approval rate of this Chief Executive-elect is only 1.5% while the disapproval rate is as high as 96.1%. It appears that the existing election system is incapable of fully reflecting public opinions. There is an urgent need to reform the political system. I do hope that the Secretary and the general public, irrespective of their positions, can work together on this.

Nevertheless, Hong Kong people can still recall that it was also the Chief Executive-elect who was responsible for the promotion of the latest constitutional reform proposals. She, together with Secretary Raymond TAM present today and the Secretary for Justice, formed the "constitutional reform trio". The mottos include "Let's talk and achieve universal suffrage" and "Your Vote. Don't cast it away." But the truth is that the final decision had already been made. Will all of us have the votes? The fact is only the nominating committee ("NC") will have the votes. The general public can only choose among NC-screened candidates. No wonder the 2015 constitutional reform package was vetoed. President should definitely remember that the reform package came to such a disgraceful end: being negated by a majority vote with 8 in favour of and 28 against it.

The Chief Executive-elect has indeed mentioned constitutional reform in her Manifesto. In paragraph 2.10 of the Manifesto, it was said that: "I absolutely understand Hong Kong people's, particularly our young people's desire for universal suffrage. I also appreciate the importance of 'One Person One Vote' in an election to garner greater recognition of the Chief Executive and his

Administration, as well as the credibility of the Legislative Council." It was further said in paragraph 2.11 that: "If elected, I will do my best to work towards creating a favourable atmosphere to take forward political reform within the framework of the '831 Decision'."

So, what actually she is going to do? Indeed, universal suffrage comprises the indispensable rights of people to vote, nominate and stand for elections. Hence, I notice that this Chief Executive-elect dare not write in her Manifesto that universal suffrage amounts to "one person, one vote". However, if she persists in promoting constitutional reform within the framework of the "831 Decision", what she promotes is definitely not a universal suffrage. It is for sure.

I do not know if Members can still remember what the framework of the 31 August Decision is. Yes, "one person, one vote" is provided for in the framework. But a body called NC, a resemblance to the Election Committee with the same composition, will also be formed. NC has the exclusive authority to elect candidates for the Chief Executive election. To make full display of institutional nomination, each candidate must have the endorsement of more than half of all the members of NC in order to enter the race. This threshold is way higher than the current arrangement which requires nominations by one eighth of the membership.

Some pro-establishment Members even regard this as quality democracy. My pronunciation is very correct. I do not read it as "tacky democracy". This is obviously a cheat. It is true that Hong Kong people would have had the right to vote if the 2015 constitutional reform package were passed, but then they could only choose among the completely screened candidates. Do members of the public really accept his kind of proposal? This "one person, one vote" proposal simply cannot reform Hong Kong's election system. Rather, it is a regression, indisputably.

If "one person, one vote" amounts to universal suffrage, all countries over the world are actually democracies. It is because Iran and North Korea also run "one person, one vote" elections and their turnout rates are way higher than that in Hong Kong. For example, the voter turnover rate in North Korea is 100%. Despite these, no one will regard the pair as democratic countries. Hong Kong is a world-class metropolis and an international financial centre, with per capita income comparable to that of other developed countries ... President, what I

mean is the advanced democratic countries. But the biggest problem is when it comes to political system, Hong Kong has to take reference from Iran and North Korea. It is most ridiculous.

With reference to last year's annual Democracy Index published by the *Economist* which compares the state of democracy worldwide, Hong Kong ranks 68th in the Index. Actually, the rankings of most advanced countries are higher than that of Hong Kong. In Asia, quite a number of countries, such as Japan, Malaysia, and the Philippines enjoy higher rankings than Hong Kong's. One exception is Singapore which ranks 70th, two places below Hong Kong. China has a really remarkable ranking, which is at the 136th place. It is hard to believe that a country with a ranking of 136th in the Democratic Index can teach a city ranked 68th what are democracy and universal suffrage. Do all of you find that acceptable?

May I also briefly explain to Members how Iran and North Korea conduct their elections? Iran's ranking is 154th in the Index. Do you want to know which country has the lowest ranking? It is undoubtedly North Korea which ranks 167th. China, which democracy ranking is 136th, is just 30 places higher than that of North Korea. But it does not matter. In Iran, the Guardian Council of the Constitution has the authority to screen candidacy for the presidential election, meaning that Iranian can only elect their president among the screened candidates. Voting for the next Iranian president has recently been conducted in the country. The 12-member Council is rested with the exclusive power to interpret Islamic values and laws. It can also "DQ" or disqualify reform-minded candidates. So, does Iranian have choices in its election? In comparison, Hong Kong's NC, which is also responsible for the screening of candidate, is 1 200 strong. After calculation, is our election system not 100 times more democratic than Iran's? Of course not. An election with screening cannot be regarded as the universal suffrage.

How does North Korea run its election? With the democracy ranking of 167th, North Korea is the most undemocratic country in the world. Still, there is a "one person, one vote" element in its election as all North Korean at the age of 17 or above can cast their votes and stand for election under the country's constitution. North Korean can choose to cast their supporting or opposing votes, but there is only one candidate in each constituency. There is no need to have more than one candidate in each constituency because the Workers' Party of Korea can fully represent the interest of North Korea. Under the framework of

the 31 August Decision, Hong Kong can have two to four candidates for the Chief Executive election. President, in comparison, Hong Kong is way more democratic than North Korea.

President, the Chief Executive-elect's version of "one person, one vote" under the framework of the 31 August Decision and a genuine universal suffrage are entirely two separate issues. Hong Kong should side with the world democracies, instead of regressive to the Iranian or North Korean way of election. I support the original motion and the amendment moved by Dr Helena WONG, and I oppose Mr LEUNG Che-cheung's amendment. I so submit.

MR DENNIS KWOK (in Cantonese): President, I am most grateful to Dr KWOK Ka-ki for proposing today's motion.

Ms Tanya CHAN has introduced the situation in Iran and North Korea just now. Unlike Tanya CHAN who had been to Iran and thus has a better understanding of the customs and traditions as well as the political and economic realities there, I have never been to that country. This also explains why she kept on mentioning Iran in her speech just now. However, I hope that Ms CHAN will not travel to North Korea as it will be quite dangerous to do so. I hope Ms CHAN will not need to go to North Korea for the time being.

Actually, there is no need for us to refer to places far away in the discussion of constitutional reform in Hong Kong. If we simply look back on the recent Chief Executive Election, we can understand why the 31 August proposals are absolutely unacceptable, and why we had to veto the proposals at that time. I trust most of the people will agree that our decision made at that time is correct, especially having witnessed some incidents happened in the course of the Chief Executive Election.

Some Members have said just now that the biggest change 31 August proposals has brought about is that it is a retrogressive proposal, contrary to the principle of gradual and orderly progress as enshrined in the Basic Law. Why did they say so? A critical factor is the nomination threshold, which will be raised from one eighth of the membership of the nominating committee ("NC") to half of it. As I recalled, the Director of Bureau and two Secretaries of Departments have remarked that there was no need to pay much attention to this. As long as people could vote in the election, it would go all right anyway. What

was of most importance was the election of the Chief Executive by "one person, one vote". No one would pay any regard to the nominating right which was too abstract for them.

In terms of public opinion, I remembered that eventually about 40% of Hong Kong people were in favour of the proposals, 40% against them, and 20% did not comment. In other words, despite the ear-pleasing remarks made by the Government that the Chief Executive election would be conducted in "one person, one vote", the general public just did not buy the idea. Why did they have reservation about the proposal? We can simply find the answer from the recent Chief Executive election. How did the screening factor work in the election? It was very powerful. I think no one will say Mrs Regina IP is not trusted by the Central Authorities, neither will they say Mrs Regina IP is not a pro-establishment candidate. Surprisingly, even she could not secure enough nominations to stand for the election. The shortfall of votes was so substantial that there was hardly any change for her to obtain a minimum of 150 nominations.

Let me talk about another candidate John TSANG. Despite his previous career as the Financial Secretary for 10 years, he was also unable to secure enough nominations. Only through borrowing 130 votes from "Democrats 300+" could he barely secure the required nominations to enter the race. President, for Members who had taken part in coordinating the nominations for "Democrats 300+", they would surly felt the tenseness at that time because just a slight hiccup would very likely make John TSANG fail to obtain 150 nominations, rendering him unable to stand for the election.

The two are veteran members of the pro-establishment camp. Former Financial Secretary John TSANG, in particular, can be said to be appointed by the Central Authorities to take up such an important position in the Government for so many years. However, under orders from the pro-establishment camp or "Western District", he was denied of nominations and votes. What he needed was only 150 nominating votes. President, it was so hard even for the pro-establishment candidate to secure enough nominations. He was almost screened out of the race.

Please bear in mind that since the start of the race, the popularity of John TSANG had been leading his competitors by 20% to 30%, with the lead further widening at the final stage of the election. John TSANG had been appointed

and reappointed by Beijing to hold the senior position of the Financial Secretary, showing the continuous support from Beijing. The former Financial Secretary is also a veteran member of the pro-establishment camp earning immense popularity. If a person with such advantages could not secure enough nominations, may I ask what would have been the situation if we had accepted the 31 August proposals?

To stand for the election, aspiring candidates are required to secure votes from half of the membership of NC. The Secretary may argue that we are unclear of the Government's proposals. Under the then proposals, NC could nominate two to three candidates. Hence, perhaps John TSANG could be nominated by them. Perhaps, John TSANG could not only enter the race, but he could also win in the race. I am sorry to tell the Secretary that his argument is far from convincing. Hong Kong people can see a clear picture this time. Would NC members follow public opinions? No, they would not. Did they have the guts to nominate candidates other than the one preferred by "Western District"? No, they did not. Did they dare to openly support candidates other than the "Western District" preferred one? No, they did not. Did they give their nominations? Of course, they did not have guts to do so. This is a political reality in today's Hong Kong.

Therefore, I think many Hong Kong people could see the point at that time: once the nomination threshold was raised from one eighth to half of the total membership of NC, the eligibility of aspiring candidates would essentially be at the hands of "Western District" or the Central Authorities, which would decide to let its preferred candidate or a particular candidate enter the race. Basically, one of the vital elements of universal suffrage, the ability to let electors manifest or express their choices freely, is utterly not manifested. Basically, there is no freedom of choices. What is there to talk about freedom of choices? What is there to talk about universal suffrage? What is there to talk about the will of electors? The entire design of the proposals primarily seeks to block the way of unfavourable candidates to enter the race. If we are in favour of John TSANG, no nominations will be given to him; if we are in favour of Justice WOO but "Western District" or the Central Authorities thinks otherwise, no nominations will be given to him either. Hence, the endorsement of the 31 August proposals would basically stifle the entire universal suffrage.

Having said that, I think this motion is very important. As long as the constitutional reform issue has not been solved, Hong Kong will still be caught in a trap, affecting its development in social, political, and economic aspects.

President, if we are unwilling to face up to the issues of the Chief Executive election and the abolition of functional constituencies, we will not be able to see a healthy constitutional development in Hong Kong.

I so submit.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, do you wish to speak?

MR LEUNG KWOK-HUNG (in Cantonese): President, first of all, I thank Dr KWOK for moving this motion. However, he has been wronged by Mr LAU Kwok-fan. I thank Dr KWOK for his help and thus have to explain for him.

First of all, on 26 March during the Chief Executive Election, I said that if I was able to obtain nomination from 1% of qualified electors, I would strive for nomination votes from those Election Committee members belonging to the democratic camp in order to run for the Chief Executive Election. At that time, Dr KWOK Ka-ki was in support of me. He has personally spared a lot of efforts canvassing votes for me, because he thinks that manipulation of the nomination right, even 1% of the nomination right, is not reasonable. Hence, I believe that Mr LAU Kwok-fan has not properly done his preparation work. The stance of Dr KWOK Ka-ki has not changed at all. He always thinks that the 31 August Decision is wrong and he has not said that he would recommend John TSANG back then. What Mr LAU Kwok-fan said is all balderdash.

In fact, pro-establishment Members have impressive power in talking balderdash. They say that if the package based on the 31 August Decision made by the Standing Committee of the National People's Congress ("NPC") had been passed at that time, we would have implemented universal suffrage by now, and thus we are the ones not giving the chance to Hong Kong people to elect the Chief Executive under a "one person, one vote" system. I can serve as a good example. In accordance with the requirements under the 31 August package, a person can only run for the Chief Executive election if he can obtain nomination from at least half of the Members of the nominating committee. Under the circumstances, I definitely have no chance to stand in the election. Neither Mrs Regina IP nor I can stand in the election, as we need to obtain nomination from at least half of its Members. Pro-establishment Members, so what are you talking about? Are you ill? If you are ill, you will need to consult a doctor, right?

Let me reiterate. In this manipulation of nomination, the purpose is to disallow certain persons to stand in the election. Even for Justice WOO, he also needs to obtain nomination votes from the pan-democratic camp first. My friends, if the 31 August package had been passed, would it have been possible for us to stand in the election? Justice WOO could not have run for the election. Mrs Carrie LAM might have the chance to run for the election. John TSANG might not have the chance, but Dr CHIANG Lai-wan might have the chance as the nominating committee would be the stronghold of her political party. Therefore, pro-establishment Members are talking balderdash.

I reiterate that any screening of candidates is precisely running against the most basic principle of universal suffrage, because from the perspective of electors, they should have the freedom to choose the candidates whom they support. This is where the crux of the matter is, right?

It is very simple, and let me explain further. Under the 31 August framework, our Alliance for True Democracy has already made a concession. You have to remember that we have listed out three channels for nomination and claimed that we will run for the election with others even if we have to go through a dog hole. Firstly, a person can stand in the election if he is chosen by anyone among those 1 200 Members, regardless of whether nomination from half of them is obtained. Secondly, it is political party nomination which surely is feasible. Proportionally speaking, there will definitely be one candidate from the Democratic Alliance for the Betterment and Progress of Hong Kong. In regard to nomination by individuals, this is also feasible. When I have to work hard to obtain nomination from 50 000 electors, you just directly walk next to me in the capacity of a candidate. Will you be afraid of me? If you can really get popular support, will you restrict me from competing with you in the election? In the present situation, we are the ones who have to work hard. In terms of the channel of political party nomination, your political party will nominate candidates according to the number of seats won by the party in the Legislative Council and the District Councils, or simply the proportion of party members in these Councils. It is more toilsome if I need to seek nomination myself. I have used three weeks in order to obtain nomination from 20 000-odd electors. However, frankly speaking, if not because of the failure of Benny TAI's computer nominating system, I might be able to obtain nomination from 30 000-odd electors. Merely in New Territories East, I have already obtained nomination from 30 000-odd electors, right? Hence, you are now restricting other people to

compete with your camp in the election. If you have already chosen Mrs Carrie LAM, Mrs Carrie LAM will be elected. If a certain person is being chosen, he will be elected in the end.

Nevertheless, as openly remarked by ZHANG Dejiang, it is not the case. He says that we are different from other countries, as our country is running a unitary system, and this is not the practice under a unitary system which contrasts with a federal system. What is he talking about? France is a country running a unitary system. After a President has been elected, can the French President abolish the Paris municipal elections? After the Mayor of London has been elected, can the Prime Minister of the United Kingdom refuse to recognize him? We shall see who will step down at the end. I can illustrate with a very simple example. Kenneth LIVINGSTONE did not get along well with the Prime Minister who was from the Labour Party. He always reproved Tony BLAIR. When he was elected as the Mayor of London, could Tony BLAIR refuse to recognize him? Is it not a country running a unitary system? ZHANG Dejiang has also mentioned "one country, two systems" and said that Hong Kong was a very special place. Then he should respect our choice.

I have to ask Raymond TAM. In a democratic unitary state, can the president or prime minister wantonly decide that the election of a provincial governor or a city mayor is inappropriate? This will only happen in the Communist Party, which has adopted a system of power authorization at various levels. A person will be entrusted with a matching amount of power in his official capacity according to his amount of power in the Party. Dr CHIANG Lai-wan, have you heard of a country with the position of party secretary? With the exception of Iraq in which there was a Party Secretary previously, which country will require you to meet with the party secretary during your official visit? Can the party secretary be in power? Can the leaders be chosen by political parties? Under the 31 August Decision at present, leaders will be chosen by the Communist Party which will manipulate powers through NPC Members who are also chosen by the Party. How can ZHANG Dejiang be so shameless as to fool us by making irresponsible remarks and switching concepts?

Raymond TAM, please make a response in due course. In a unitary state, can a president change the provincial governor at will? Can a secretary of a provincial party committee also (*The buzzer sounded*) ... change the provincial governor at will?

PRESIDENT (in Cantonese): Mr LEUNG, please stop speaking. Does any other Member wish to speak? Dr CHIANG Lai-wan, please speak.

DR CHIANG LAI-WAN (in Cantonese): President, "Long Hair" has spoken with a loud voice but that does not mean that he is right. I understand why he is so furious, because as all of us may recall, there were people who would like to run in the election, but were eliminated since they could not secure enough nominations. When the constitutional reform proposals were last discussed here, Ms Claudia MO said that she would like to have a proposal under which even "Long Hair" could secure enough nominations and run in the Chief Executive Election. "Long Hair" was of course delighted to hear about this, and he then came up with many fancy ideas. Knowing that a Chief Executive Election would be held this year, he simply could not wait and decided to participate even before the passage of the 31 August proposals and the constitutional reform proposals, although he has once said that he would not participate in a small circle election. Yet unexpectedly, he was eliminated in the first round, and it is most pathetic that he could only secure seven nominations. Worse still, Ms MO reminded him to "watch out for ruining his reputation in his later years"—Where are they? They have left the Chamber—with these remarks made to remind him to "watch out for ruining his reputation in his later years", "Long Hair" was abandoned.

Mr Dennis KWOK stated just now that Democrats 300+ sought to distribute their votes among different candidates, but they refused to support Mr LEUNG Kwok-hung, and this is the reason behind Mr LEUNG Kwok-hung's mental imbalance. Is this democracy? This is merely their democracy.

President, I thank Dr KWOK Ka-ki for moving this motion on "Urging the next Chief Executive to reactivate constitutional reform" today. Dr KWOK should remember that he, together with a group of Members of the opposition camp, has voted against the constitutional reform proposals for electing the Chief Executive by universal suffrage back then, thus depriving Hong Kong of the opportunity to elect the Chief Executive on a "one person, one vote" basis, and bringing disappointment to many people in Hong Kong. If Dr KWOK does not feel ashamed to bring up the issue of constitutional reform again today, I of course welcome the attempt since it gives me the chance to rake over the mistakes of the past with him on behalf of the people of Hong Kong.

President, Dr KWOK Ka-ki once said that he would not support the constitutional reform proposals and the 31 August proposals, because they would lose their position if the future Chief Executive is not elected by over 600 people, but by over 600 000 or even over 1 million people. Alan LEONG, his fellow party member, has even said openly that if 689 votes turn into 1 609 000 votes in the future, the Chief Executive thus elected would be highly representative, and would this be disastrous for the opposition camp? Hence, there is really something wrong with these people. What is wrong with them? They have this phobia of politics, because people from the opposition camp do not engage themselves in district affairs and livelihood concerns, and they will have nothing to do once a subject for fighting against the Government is resolved. This is the reason why Ronny TONG, who was once their fellow party member, could not help but criticize them for merely playing the game of power struggle on the excuse of fighting for democracy.

President, as you and I may recall, we were only in the process of discussing various proposals then, and the 31 August proposals have not yet been formally introduced, but some people have already jumped out and organized the Occupy Central movement. They initiated a class boycott of students, challenged the Government, created obstructions to civil servants who were going to work, blocked the entrances and exits of Mass Transit Railway stations, blocked vehicular access to various places and refused access by even ambulances, and police officers were even forced to kneel down to beg for mercy. What sort of a world is this? Worst still, no one knew exactly what they were trying to do! Buddy, it is most saddening to see that the reputation of Hong Kong has been totally tarnished, and it is a pity that prosecutions have been gradually initiated against a group of young people. How can they bear to see this? Thanks to their instigation, some participants are still serving their sentence today. As elected representatives, how can they face their voters?

President, some friends of mine have told me that it is the Central Authorities' earnest hope to implement universal suffrage in Hong Kong, but we must proceed in a gradual manner. However, what happened last time has really aroused great worry among many people, and would it be too much trouble to activate constitutional reform and cause such huge controversies? Therefore, I really have no confidence in reactivating constitutional reform, and neither do I know when this could be realized. I have repeatedly discussed with them the proposals put forward last time before they were put to vote, and urged them to support such good proposals which would lead us to the right direction, but they insisted on bundling up their votes together and objecting to the proposals.

President, what should be the most suitable constitutional reform package for Hong Kong? People will have different views and demands, and I believe persons who enjoy certain political rights will tend to engage themselves in frequent political struggles. I hope all of us can give the matter some serious considerations, and if you insist that no consideration should be given to the 31 August proposals, please provide us with another proposal. As pointed out by Dr Helena WONG, she will not wear a pair of shoes that does not fit her, but where can we find a pair of shoes that fit her, Mr Dennis KWOK and Dr KWOK Ka-ki? If you could not get what you have asked for last time, why do you think you can get what you want this time (*The buzzer sounded*)?

PRESIDENT (in Cantonese): Dr CHIANG, please stop speaking.

DR CHIANG LAI-WAN (in Cantonese): I hope all of us will think twice about it. Thank you, President.

MR YIU SI-WING (in Cantonese): President, Hong Kong people should have had the chance to elect the Chief Executive of their choice by "one person, one vote" in March this year. Regrettably, owing to the rejection by pan-democratic Members the year before, the Legislative Council was unable to pass the constitutional reform proposal, depriving the people of their rights to vote. The original motion today was proposed by Dr KWOK Ka-ki, yet he should know that, without any breakthrough in Hong Kong's political environment within this short period of less than two years, we simply do not have the conditions for reactivating constitutional reform. I believe the Chief Executive can only consider reactivating constitutional reform on the basis of not affecting the SAR Government's policy implementation and arousing social conflicts. Otherwise, this will just be a waste of time and effort.

The Basic Law is the supreme constitutional document in Hong Kong, and is the highest set of law in Hong Kong, therefore no political reform proposal can surpass the framework set by the Basic Law. It is explicitly stipulated in Article 45 of the Basic Law that: "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by

universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." The Basic Law stipulates two explicit principles concerning the election of the Chief Executive by universal suffrage, namely in the light of the actual situation and in accordance with the principle of gradual and orderly progress. After Hong Kong's return to China, political reforms in Hong Kong have always been conducted in the light of socio-political environment and edged towards dual universal suffrage in accordance with the principle of gradual and orderly progress.

The constitutional reform package passed in the Legislative Council in 2007 confirmed that Hong Kong might implement universal suffrage for the Chief Executive in 2017, while the number of members of the Election Committee would increase from the original 800 to 1 200 and the number of seats in the Legislative Council would increase from 60 to 70, in which 5 "super District Council seats" would be elected by 3 million voters in the territory on a "one person, one vote" basis.

According to the provisions of the Basic Law and the Interpretation by the Standing Committee of the National People's Congress of the Basic Law in 2004, political reforms in Hong Kong must adhere to the "Five-step Process". The 31 August Decision is the second step of the constitutional reform, a legitimate step and procedure within the framework of the Basic Law with a purpose to allow Hong Kong people to elect the Chief Executive by "one person, one vote". As it has already been stipulated in the Basic Law that universal suffrage must be implemented upon nomination by a broadly representative nominating committee in accordance with democratic procedures. By rejecting the 31 August Decision and proposing civil nomination as a means of nominating candidates, the pan-democrats have attempted to circumvent the nominating committee, thereby violating the requirements of the Basic Law. There is no reason to rescind the 31 August Decision which complies with the Basic Law's requirements.

President, every democratic electoral system has its merit. Of course, there is room for improvement too. Take the United States of America as an example. Presidential candidates are nominated by their respective political parties, and the President is in fact elected by electors from different states, while the electors themselves are returned by universal suffrage. The President is not elected directly. Therefore, the presidential candidate securing the highest number of popular votes does not necessarily get elected, such as Hillary

CLINTON who lost the election despite winning more votes from the people. This electoral system has been in place for over 200 years. According to Prof Heather GERKEN, Professor of Law, Yale University, the founding fathers of America were concerned that, except for a minor portion of people from the upper class, there was a lack of general understanding about the background of the presidential candidates at that time. The writers of the Constitution also worried that, without an institution as a buffer, the people might elect an inappropriate candidate as the President. Therefore, they set up a system in which the Electoral College (that is, electors) acts as middlemen who are first elected by the people, before these electors further elect the President. This demonstrates that the design of an electoral system must conform with the history, culture and development of the political system of a place. Even if we look at the case of the United States of America, which is a leading democratic country, the electoral system there is widely criticized. So, as the pan-democrats are still insisting on rescinding the 31 August Decision and skipping all the steps to implement civil nomination, I believe we will achieve nothing even if constitutional reform is really reactivated.

President, the key to reactivating constitutional reform is the establishment of mutual trust between the Central Authorities and Hong Kong, especially the pan-democratic camp. After Hong Kong's return to China, the Central Authorities have formulated many policies inclined towards Hong Kong in the hope of maintaining Hong Kong's prosperity and stability, yet the situation today is less than favourable. Against the current political backdrop, it is no surprise that the Central Authorities are cautious. Imagine, should Hong Kong elects a Chief Executive who confronts the Central Authorities, the city will certainly lapse into endless conflicts which is highly undesirable.

President, if the constitutional reform package was passed in 2015, and that the Chief Executive elected directly was able to properly deal with issues concerning the people's livelihood and the economy, as well as aptly handling the relationship with the Central Authorities, then we would have had the basis for enhancing the 31 August Decision. On the contrary, if we disregard the political reality and hurriedly kick start constitutional reform without the Central Authorities' support, it will just be a waste of time that will tear society apart, or even causing another Occupy Central incident. This is not what Hong Kong people wish to see.

As regards the abolition of functional constituencies, it is expressly written in the Basic Law that we can only consider this after electing the Chief Executive by universal suffrage. At this stage, it is more pragmatic for us to focus on whether the situation is right for conditionally enhancing the method for selecting the Chief Executive by universal suffrage. Therefore, I do not support Dr KWOK Ka-ki's motion.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you may now speak on the two amendments. The speaking time limit is five minutes.

DR KWOK KA-KI (in Cantonese): President, I support Dr Helena WONG's amendment. It is because what she has proposed in the amendment, including nomination by political parties, nominating committee in compliance with the provisions of the International Covenant on Civil and Political Rights ("ICCPR") and the Basic Law, are also the aspirations proposed by the pan-democratic camp and members of the public in 2014. That is, to elect the Chief Executive on the basis of "one person, one vote", civil nomination and so on.

Mr LEUNG Che-cheung's amendment is nothing but a load of nonsense. Because Mr LEUNG Che-cheung proposes to delete the most important part, namely the part concerning the invalidation of 31 August Decision made by the Standing Committee of National People's Congress ("NPCSC") and reactivating the constitutional reform. That is to say, "making futile efforts which is tantamount to doing nothing at all". I understand this point. Because at the beginning, the Democratic Alliance for Betterment of Hong Kong ("DAB")—everyone should remember that—supported the dual universal suffrage in 2007 and 2008. Afterwards, the Central Authorities denied it, then DAB corrected itself by supporting the 2017 and 2018 dual universal suffrage. It was also denied by the Central Government later. Now DAB continues to

dance to Beijing's tune. Actually, Mr LEUNG Che-cheung should have asked for a clear instruction before making a move. However, I am not going to blame him because people from DAB are more or less like that.

Nevertheless, this is very different from some former DAB Members (*buzzing interference sound*) ...

PRESIDENT (in Cantonese): Dr KWOK, do you have your mobile phone with you?

DR KWOK KA-KI (in Cantonese): I do not have the mobile phone with me.

PRESIDENT (in Cantonese): Please continue with your speech.

DR KWOK KA-KI (in Cantonese): Okay. Mr Jasper TSANG, the founding chairman of DAB, has recently responded to the remarks made by Prof WANG Zhenmin. He said that if "one country, two systems" failed unfortunately, would the state merely lose its face alone? Quoting DENG Xiaoping, he said that "one country, two systems" was an important constituent of the national policy on the reform and opening of China, and "one country, two systems" was not just the veneer but also the lining. For that reason, I respect someone from the pro-establishment camp and DAB who are still speaking out the truth. But I do not find it necessary to respond to Mr LAU Kwok-fan and the like.

Nevertheless, I wish to speak on one point and that is, many Members have quoted the Constitution of the People's Republic of China ("PRC"). In fact, the Constitution of PRC has made clear stipulations. It was stipulated in Articles 86 and 87 of the Constitution of PRC, which was published in 1954, that citizens of PRC enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession and freedom of demonstration; and they also have the right to vote and stand for election. However, as to Beijing, they always think that words spoken are actions taken, and they do hope that these rights, which have been explicitly laid down but will never be implemented, to be implemented in Hong Kong. Hong Kong people will not accept that.

Is it true that what NPCSC has said are that impregnable at all times? Of course not. It is because according to the responsibilities of NPCSC, no matter what has been discussed or even whatever decisions have been made by NPCSC, NPCSC may overrule them according to the actual situation. This is also the most important purpose in the design of NPCSC. However, of course if one looks back on today's Communist Party of China ("CPC"), all of these stipulations in black and white are not real.

Some people said that we should not copy the practice of foreign countries (that is, the West). But action speaks louder than words. Most of the leaders of China—including a lot of corrupted officials, have sent their children abroad to study in western countries, or they have even made their relatives and siblings—such as XI Jinping's kin and brothers, become foreign citizens. They even transferred money—in particular a large amount of bribe money to foreign countries because it would be safer to do so. As to examples of copying things from foreign countries, they are nothing new, too. Actually, a lot of buildings in PRC, including many structures of CPC's facilities, were copied from those structures of the former Soviet Union, as they would do whatever the Soviet advisers told them to do.

For that reason, what I consider the most important part is that today's motion moved by me will hopefully give Hong Kong people a fair deal. It is because all the stipulations written in the Basic Law, including the pledges of giving Hong Kong people the dual universal suffrage, should not be taken away in a shameful fashion. We should not accept a fake universal suffrage. As the motion is amended by Mr LEUNG Che-cheung and the like, it is very simple, they try to convince Hong Kong people to accept a fake "one person, one vote" universal suffrage. (*The buzzer sounded*) ... if we are able to select, we will not select a fake universal suffrage.

PRESIDENT (in Cantonese): Dr KWOK, please stop.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, as with many of our policies, the policies for our constitutional development must also have their objectives. In my opinion, the constitutional development must follow two guiding objectives: firstly, to uphold the sovereignty, security, and interests of the State; secondly, to maintain the

prosperity and stability of Hong Kong. As such, when we discuss the constitutional development in this Council and in the society to shape our proposal on constitutional reform, we must bear in mind these two guiding objectives. In particular, any proposal on constitutional reform must be constitutional, lawful, reasonable, and sensible.

About being constitutional, Hong Kong is a Special Administrative Region and part of China. Just now, Mr LEUNG Kwok-hung has also mentioned the framework of a unitary state, which is indeed different from a federal state in terms of its source and delegation of power. In a unitary state, the central government is the source of power and it delegates its power to local governments. In a federal state, it is the local governments which delegate their powers to the central government. The main difference lies in the residual power and delegation of power, which has been explained in detail in previous constitutional reform discussions, and I am not going to give further explanation here. The point is that our constitutional arrangements, changes in our political system, as well as the appointment of the Chief Executive are all carried out under the powers delegated by the Central Government. Our powers are delegated by the State. You may refer to Article 31 of the Constitution of the People's Republic of China ("PRC"), pursuant to which the State may establish special administrative regions when necessary, and the Hong Kong Special Administrative Region has been established in this manner. According to the Constitution of PRC, the systems to be instituted in special administrative regions, including their political systems, are to be determined by the Central Government. As a result, to be constitutional or from the perspective of the Constitution of PRC, any proposal on our constitutional reform must respect national sovereignty and its power to determine our political system.

President, to be lawful means compliance with the requirements of the Basic Law and the interpretation of it by the Standing Committee of the National People's Congress ("NPCSC") as well as the relevant decisions made by NPCSC at the time of the commencement of the constitutional reform. As mentioned at the beginning of my speech, one of the requirements of being lawful means complying with the design laid down in the Basic Law, as shown in Articles 45 and 68, especially Article 45. As I have said, our power is delegated by the Central Government, and the method for selecting the Chief Executive comprises three parts, namely, nomination, election, and appointment. In accordance with the power delegated by the State, the right to nomination will be given to the nominating committee, not any other entities. That means any method of

nomination which deviates from the nominating committee will not be in compliance with the requirements of the Constitution of PRC and the laws. As for the right to election, the Chief Executive will be elected by all eligible voters on the basis of universal suffrage of "one person, one vote". As for the right to appointment, the Central Government has the power to make relevant appointments.

In respect of being reasonable, President, it is known that the Chief Executive is a double chief, that is, he or she is both the head of SAR Government and of SAR. The Chief Executive has double responsibilities, being accountable both to SAR and to the Central Government. Considering the importance of the identity, power, and responsibilities of the Chief Executive, and that the political system of Hong Kong is an executive-led system, it is reasonable that the method for selecting the Chief Executive should comply with more stringent requirements.

Lastly, our proposal should be sensible in several aspects. Firstly, it has to take into consideration the situation of the State. According to the General Comment of Article 25 of the International Covenant on Civil and Political Rights ("the Covenant"), the Covenant does not impose one single political system on all countries or regions around the world. The adoption of a political system should depend on historical, cultural, and social conditions, taking into consideration the prevailing circumstances of different regions. Hence, being sensible means that we should not blindly pursue one single system. Instead, we have to consider the circumstances of the State and SAR, especially the requirements laid down by the Constitution and the laws as mentioned earlier on.

President, being sensible also means taking into consideration the opinion of the general public. Certainly, the public, including myself, eagerly hope that the universal suffrage of "one person, one vote" will be implemented as soon as possible. Unfortunately, the proposal was vetoed by the legislature two years ago. However, other than implementing "one person, one vote", I believe that the prevailing public opinion is to maintain the prosperity and stability of the society, which is one of the guiding objectives I mentioned. Furthermore, in the process of realizing universal suffrage in the election of the Chief Executive, I believe the public are expecting arrangements that are lawful, gradual and orderly, practical and realistic. They do not want to stay put but to make progress. Therefore, I hope the legislature will consider the opinion of the general public when designing the constitutional reform proposals in the future.

Lastly, the social circumstances have to be considered. Just now, a Member raised the question whether the Hong Kong Government, especially the Government of the next term, should focus on economic development and improve the livelihood of the people, and whether the constitutional development should be postponed because it is politically sensitive and will arouse much controversy. It will certainly be the decision of the next-term Government and the next Chief Executive. In the past few years, the controversy of the constitutional reform caused a lot of disputes and conflicts in society. Maybe it is time for us to pause and reflect on our experience. It seems that it will be more effective and beneficial if we calm down and learn from the past before considering whether we should reactivate the statutory process for constitutional reform.

It is good to see that the atmosphere of reconciliation and communication has been spreading in our society recently. I hope such atmosphere of reconciliation will continue and prosper.

Thank you, President.

PRESIDENT (in Cantonese): I now call upon Mr LEUNG Che-cheung to move his amendment to the motion.

MR LEUNG CHE-CHEUNG (in Cantonese): President, I move that Dr KWOK Ka-ki's motion be amended.

Mr LEUNG Che-cheung moved the following amendment: (Translation)

"To add "in order to expeditiously implement the election of the Chief Executive by universal suffrage," after "That"; to delete "request the Central People's Government to seek the invalidation by the National People's Congress ('NPC') of the decision made by the Standing Committee of NPC on 31 August 2014 on Hong Kong's constitutional development, and" after "Chief Executive to" and substitute with "actively create conditions, including strengthening mutual trust and communication among various social sectors to build social consensus, and in accordance with the Basic Law and the relevant decisions of the Standing Committee of the National People's Congress,"; to delete "Hong Kong people to, by way of nomination with no screening, including civil

nomination," after "constitutional reform to allow" and substitute with "all eligible electors of Hong Kong to"; to delete ";" after "basis" and substitute with ","; and to delete "abolish the functional constituencies in the Legislative Council to allow Hong Kong people to elect all Legislative Council Members by direct elections, so as to implement genuine dual universal suffrage under the principles of universality and equality, thereby manifesting 'one country, two systems', 'Hong Kong people administering Hong Kong' and 'a high degree of autonomy', and hence eliminating deep-rooted social conflicts" immediately before the full stop and substitute with "make preparation for the subsequent implementation of universal suffrage for the election of all Members of the Legislative Council".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEUNG Che-cheung to Dr KWOK Ka-ki's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. 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)

Dr KWOK Ka-ki rose to claim a division.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, Mr LEUNG Kwok-hung and Dr CHIANG Lai-wan entered the Chamber at the same time. They quarrelled with each other while returning to their respective seats)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung and Dr CHIANG Lai-wan, this is not your speaking time, please do not quarrel.

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 Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted for the amendment.

Mr James TO, Mr LEUNG Yiu-chung, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun, Dr Pierre CHAN, Mr KWONG Chun-yu and Dr YIU Chung-yim voted against the amendment.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan and Mr CHEUNG Kwok-kwan voted for the amendment.

Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Nathan LAW and Dr LAU Siu-lai voted against the amendment.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 19 were in favour of the amendment and 10 against it; while among the Members returned by geographical constituencies through direct elections, 32 were present, 15 were in favour of the amendment and 17 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 amendment was negatived.

MS STARRY LEE (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Urging the next Chief Executive to reactivate constitutional reform" or the amendment thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Starry LEE be passed.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. 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)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Urging the next Chief Executive to reactivate constitutional reform" or the amendment thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Dr Helena WONG, you may move your amendment.

DR HELENA WONG (in Cantonese): President, I move that Dr KWOK Ka-ki's motion be amended.

Dr Helena WONG moved the following amendment: (Translation)

"To add "in compliance with the provisions of the International Covenant on Civil and Political Rights ('ICCPR') and the Basic Law and" after "Hong Kong people to,"; and to delete "elect" after "nomination," and substitute with "nomination by political parties, nomination by members of a nominating committee and/or other nomination methods that comply with ICCPR and the Basic Law, nominate people with different political views to stand for the election of the Chief Executive, and elect"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Helena WONG to Dr KWOK Ka-ki's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. 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)

Ir Dr LO Wai-kwok rose to claim a division.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok has claimed a division. The division bell will ring for one minute.

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 James TO, Mr LEUNG Yiu-chung, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun, Mr KWONG Chun-yu and Dr YIU Chung-yim voted for the amendment.

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Dr Pierre CHAN, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted against the amendment.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Mr Jeremy TAM and Dr LAU Siu-lai voted for the amendment.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan and Mr CHEUNG Kwok-kwan voted against the amendment.

Mr CHU Hoi-dick and Mr Nathan LAW abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 9 were in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections, 32 were present, 14 were in favour of the amendment, 16 against it and 2 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you still have four minutes six seconds to reply. The debate will come to a close after Dr KWOK Ka-ki has replied.

DR KWOK KA-KI (in Cantonese): President, when Carrie LAM was elected Chief Executive returned in the coterie election, she indicated her strong wish of bringing social harmony. I think Hong Kong people find her remark that she

would resign if the mainstream opinion of Hong Kong people made her no longer able to continue the job as chief executive most unforgettable. I have no idea when this will become a reality, but it is for sure that our society will not be a more harmonious one even after "777" takes the place of "689". Instead, it will transform from "Division 1.0" to "Division 2.0".

Many people are of the view that we need only focus on livelihood issues and put aside matters concerning democracy and politics. That way, all the problems can be resolved supposedly. However, all the livelihood issues facing Hong Kong today are, paradoxically, related to politics. So far, the Government has neither put in place a universal retirement protection scheme nor introduced standard working hours. On the contrary, huge sums of money have been injected into certain meaningless "white-elephant" projects. For example, the Palace Museum project in the West Kowloon Cultural District is taken forward against the public opinion, while tens of billions of dollars are spent for unknown purposes. Besides, the Government still presses ahead with the construction of an artificial island in the central waters amid public opposition. How can we resolve the problems without tracing their root causes? Does a Chief Executive elected by only 777 voters in lack of people's mandate deserve our trust? How can we count on her for healing the social rifts in Hong Kong after she takes office? The problems of social rifts and deep-rooted social conflicts are the fundamental problems of Hong Kong's governance, and how we elect the Chief Executive and all Members of the Legislative Council is a fundamental issue.

Secretary Raymond TAM said that it was impractical to refer to the decision made by NPCSC on 31 August 2014. Now I understand why he made such a remark. It was because he will certainly not stay in office for another term and this issue will simply be out of his sight and thus out of his mind by the time he leaves the Government. And of course, it is totally meaningless to discuss matters about constitutional reform with an outgoing Bureau Director. Perhaps he knows too well that it is meaningless to be a follower of the Chief Executive "Division 2.0" and would rather opt for early retirement. He also mentioned the meaning of "delegation", but I trust that even someone who knows nothing about politics can tell that power is conferred by the people. A Government without people's mandate is nothing more than a pseudo-regime. Elections conducted under the wings of a pseudo-regime is not what the Hong Kong people want. We want our Chief Executive and all Members of the Legislative Council to be returned by genuine elections conducted on a "one person, one vote" basis. There is absolutely no compromise regarding this.

Some people suggest that we should "pocket it first", but when you, for example, have swallowed poison and died afterwards, you will never come to life again. By the same token, once the decision made by NPCSC on 31 August 2014 is executed putting in place three "gates", tell me how this can be undone then? The Election Committee will transform into a nominating committee later. Most of its committee members have been elected by some 200 people and similar to the case of NPCSC, a majority of them got equal numbers of votes. How are we supposed to accept such a trashy election method? This is no different from telling us that whatever kinds of elections by universal suffrage we ask for will be granted, but on one single condition, namely the candidate(s) to be elected is/are predetermined. No wonder, as in the case of "689" (LEUNG Chun-ying), it was already known that "777" (Carrie LAM) would be elected before the election took place. If this is what will be granted to us, please take it back for we do not want it. The Hong Kong people are asking for elections conducted on a "one person, one vote" basis as stipulated in the Basic Law, including the dual universal suffrage by civil nomination without screening. This is our bottom line and no compromise can be made for this. Any compromise will only lead us to nowhere but a dead-end. Thus, I do hope that all Members will support my motion for the very sake of Hong Kong.

I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr KWOK Ka-ki 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)

Dr KWOK Ka-ki rose to claim a division.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki has claimed a division. The division bell will ring for one minute.

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 James TO, Mr LEUNG Yiu-chung, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun, Dr Pierre CHAN, Mr KWONG Chun-yu and Dr YIU Chung-yim voted for the motion.

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Mr Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Mr Jeremy TAM, Mr Nathan LAW and Dr LAU Siu-lai voted for the motion.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan and Mr CHEUNG Kwok-kwan voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 10 were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections, 32 were present, 16 were in favour of the motion and 16 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.

PRESIDENT (in Cantonese): Debate on motion with no legislative effect.

The motion debate on "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources".

Members who wish to speak will please press the "Request to speak" button.

I call upon Ms Claudia MO to speak and move the motion.

Stand over item: Member's motion on "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources" (since the meeting of 10 May 2017)

PROMOTING "HONG KONG PEOPLE USING HONG KONG WATER" AND PROTECTING LOCAL RESOURCES

MS CLAUDIA MO (in Cantonese): When we talk about "Hong Kong people using Hong Kong water", there is a political significance in it. Back in the 1990s, young people already asked me, "The older generation of the preceding decade often talked about the democratic return of Hong Kong, have they ever considered the option of Hong Kong independence?" I broke into laughter then and replied to the young people, "As Hong Kong does not have water and over

80% of our fresh water comes from the Dongjiang River, how can we talk about Hong Kong independence?" For us, therefore, water has a significant reference to localism.

You may have heard Mainland officials say that Dongjiang water is the lifeline of Hong Kong people, and should there be no Dongjiang water with no Mainland to take care of Hong Kong people, Hong Kong is just a dead end. Nonetheless, we are paying hard cash to buy our water. It is very, very expensive indeed. Until now, not many people, including me, understand why Hong Kong has to pay a price several times higher than those of Shenzhen and Dongguan, which are also buying Dongjiang water. Is it because the Dongjiang water sold to Hong Kong has undergone special treatment to meet Hong Kong's higher sanitary requirements? I hope the Government will answer this question later.

Recently, a very exhaustive report shows that the water problem in Hong Kong is getting worse. The Water Supplies Department, and even the Development Bureau, may find the figures projected in the report being exaggerated. Yet you will be worried when you unexpectedly learn about the contents of this report. It says that 30% of our water is lost through water mains leakage while 10% is used for toilet flush. We are talking about fresh water, of which 40% is wasted.

Of course, I have asked the Water Supplies Department in private about the problem of 30% water being loss because of water mains leakage. It is really beyond my imagination. Every day, the Government asks us to use less water. Our water bill also urges us to save water, 10 litres per person. The Water Supplies Department says that water mains leakage is inevitable, but certainly it should not be as much as 30%. Probably it should be 15%, about half of 30%. So, I did some calculations based on the price of Dongjiang water. If water mains leakage is causing 15% of water loss, can you estimate such loss in money terms? Buddy, it is over \$800 million. This is really very disturbing because we often say we must have access to clean water. Having clean potable water is a human right.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

However, the price of Dongjiang water bought by Hong Kong is getting more expensive every year. Besides, the quantity of purchase is fixed and there is no return policy for excess amounts. It is really regrettable. Have the Mainland authorities provided us with any excess amount? I hope not. However, while we do not exhaust this water quota, the situation of reservoir overflow is also very alarming.

I have made enquiries to the Environment Bureau. According to the latest figures given to me, the average annual overflow from our reservoirs is about 27 million cu m. That is really bad. The reply provided by the former Development Bureau was terrible. They said no costs were required for discharging overflow from reservoirs into the sea, meaning that there was no cause for concern as money was not involved. This is a disappointing statement to the Earth. Clean water is the key to the survival of mankind. Later, the then Secretary for Development, Paul CHAN, somehow accepted that this statement could be put in a nicer way.

We say Dongjiang water is very expensive and Dongjiang water is not hygienic, etc. But they say otherwise and never listen to us. As there is no way for us to test, what else can we do? However, in the past two decades, and now we always say 20 years is the minimum, from 1997 to the present, a rough estimate would show that we have spent a total of more than \$60 billion on purchasing Dongjiang water. A large quantity of water has not even been imported because we do not need it. Overflow from reservoirs would just be discharged into the sea. That is no big deal. Nonetheless, we have actually spent more than \$60 billion on purchasing water. At the same time, reservoir overflow adds up to something around \$1.5 billion. Would you agree that it is pretty alarming? Why has the water problem in Hong Kong degenerated so badly?

The political organization that I am affiliated to is called "HK First". Gary FAN is a member of it. He and I had bombarded on the issue of water, especially about Dongjiang water, in the last term of the Legislative Council. We moved Members' motions and amendments, raised oral or written questions, and asked relevant questions in Panel meetings and during the annual budget debate. At the beginning, the Government dismissed our idea. In the end, they finally expressed reluctantly that they would go for desalination. For Hong Kong, desalination is not something new. We had it before. The Plover Cove project was scrapped later due to various reasons, including political problems.

Some people say that we are now buying Dongjiang water and our counterpart has not protested against us for buying too much, so we should pay for it while we have the money. Let us talk about the political significance of water supply. Dr CHIANG Lai-wan of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") has once said, "Your counterpart provides you with water, so you should be grateful." Her statement will only aggravate the tension between China and Hong Kong and widen the gap. We are using hard cash to buy Dongjiang water.

A few years ago, I took part in an open forum hosted by RTHK. Some people deliberately came to protest against our "support" for RTHK and asked me what water I drank. I immediately held up the bottle of water in front of me, which I had bought for myself.

The question is, environmental problems in Mainland China are getting worse. That is something well known to all. They are in acute shortage of clean water. On the other hand, if we insist on buying that much of water, the Mainland would have to reserve the corresponding quantity. Even if we say later that we do not need so much, it is our own business. They have already got the money. Besides, their charge is very high and they are happy with the money income. The question is whether this is fair to other neighbouring areas, especially other Chinese cities that need new water sources? What will happen if these cities have a drought? What are they going to do? Still, the Mainland authorities may consider that the water has to be reserved for Hong Kong because although the quantity of water to be supplied is obviously more than the demand, when Hong Kong asks for it, such quantity has to be supplied to Hong Kong as we have already paid for it. This practice is undesirable.

Now the Government says they would continue with desalination. Yet it is very expensive, at almost \$12 per cubic metre. Why is it so costly? It is just about \$4 to \$5 in Singapore. Why is the cost exceptionally high for us? I am not sure about the Government's way of calculation. But according to the wording in the reply of the then Secretary Paul CHAN, this price covers everything from desalination to the consumer supply network. However, the costs on these facilities should be one time expenditure once they are completed. My question put to him was the cost for desalination of each cubic metre of water, rather than that includes even the construction price of a desalination plant. I was asking about the cost of desalinated water in general. Of course, there is also recycled water but we do not need to discuss the matter here in the manner of having a biology lesson.

Reducing our dependence on Dongjiang water will not only do good to Hong Kong but also help providing Guangdong Province with clean water. Of course, we can talk about money too. The listed company that provides us with water, the name of which I am not sure, has more than half of their annual turnover coming from Hong Kong, just because Hong Kong is buying water from it. We are their VIP customer and surely they will hold us tightly.

The most important thing is that when we deliberated in the last term of the Legislative Council the issue of obligatory purchase of a large and fixed quantity of Dongjiang water, I told the then Secretary for Development, Mr Paul CHAN that we had to discuss this when signing a new Dongjiang water supply agreement. We have to be good to ourselves and to others. We have to do justice to the Earth. Can we make our calculations more accurate? Of course, he can say that no one can tell how much rainfalls we would have and hence this cannot be done. Nonetheless, Hong Kong is located in the subtropical region. There is an approximate amount of rainfall that does not change abruptly except for abnormal weather patterns like El Nino. For climate conditions in just three years, five years, how can the Administration say the average rainfall cannot be gauged at all?

Of course, there may be many occasions of overflow from reservoirs, such as the black rainstorm that occurred about a week ago. The advent of deluges and flooding are drainage problems. However, if this happens to the reservoirs as well, should we—I have no idea about the underground structure of Hong Kong—designate more catchment areas between reservoirs so as to avoid wasting fresh water? The continued use of fresh water for toilet flush is equally unethical.

I make it clear that the topic of my motion is "Hong Kong people using Hong Kong water". This is my topic. I regret very much that Mr LAU Kwok-fan and Mr Kenneth LEUNG have deleted the phrase "Hong Kong people using Hong Kong water". I do not know about the intention of Mr LAU Kwok-fan, but I understand Mr Kenneth LEUNG. He is saying that the option of "Hong Kong people using Hong Kong water" is impractical. Is it possible for every raindrop of Hong Kong be used by Hong Kong people? I certainly do not mean that. You can take a look at the wording of my motion. I just say, "Expedite the promotion of 'Hong Kong people using Hong Kong water'". If the phrase "Hong Kong people using Hong Kong water" that I propose is deleted, it is tantamount to taking out the "core" of my motion. This is totally inconceivable. As to the amendment made by Mr LAU Kwok-fan, I will definitely object to it.

Besides, I move in the motion "That this Council urges the next-term Government to expedite the promotion of 'Hong Kong people using Hong Kong water'". Yet Dr Helena WONG has deleted the phrase "next-term". What she means is any term of Government can do so. Of course this can be done. But just now you have seen, Mr KWOK Ka-ki has also stated that the next-term Government is the Government of "Carrie LAM". He requested the "777" Government to relaunch the political reform. This, of course, is a request for the next-term Government. If we say any term of Government can do so, are we referring to the next term of Government after "Carrie LAM", the next after that, until 2047? I find this most baffling as well as undesirable. But never mind, it is no big deal. The spirit of the general direction still exists. I will stop here for the time being.

DEPUTY PRESIDENT (in Cantonese): Ms Claudia MO, please move your motion.

MS CLAUDIA MO (in Cantonese): Oh Yes, I forgot to say this sentence. I move that the motion, as printed on the Agenda, be passed.

Ms Claudia MO moved the following motion: (Translation)

"That this Council urges the next-term Government to expedite the promotion of 'Hong Kong people using Hong Kong water' by increasing the application of desalination technology in Hong Kong, so as to reduce reliance on Dongjiang water; besides, since frequent occurrence of reservoir overflow wastes a huge amount of local water resources, the next-term Government should revise the approach of purchasing Dongjiang water, switching from the 'package deal lump sum' approach to a 'quantity-based charging' approach."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Claudia MO be passed.

DEPUTY PRESIDENT (in Cantonese): Three Members will move amendments to this motion. This Council will conduct a joint debate on the motion and the amendments.

Dr Helena WONG, please speak.

DR HELENA WONG (in Cantonese): Deputy President, I would like to thank Ms Claudia MO for moving this motion. I believe that the most important spirit of "Hong Kong people using Hong Kong water" is to vigorously develop local water resources and minimize our dependence on Dongjiang water. However, Ms MO has just asked why I have to delete the phrase "next-term". This is because, as far as I know, the current term Government is actually busily negotiating a new deal on the three-year purchase agreement of Dongjiang water. Therefore, if "next-term" is stated, does it mean that the current term Government can ignore the "package deal lump sum" approach? As such, I propose deleting the phrase "next-term", meaning that regarding the agreement negotiated by the current term Government, or even the next-term Government, attention should be paid to developing local water resources and fighting for Hong Kong the most favourable, reasonable and transparent Dongjiang water pricing mechanism.

Looking back at the local situation, 80% of Hong Kong's fresh water at present relies on Dongjiang water, which means buying Dongjiang water from Guangdong Province and pumping it to Hong Kong. Hong Kong has been buying Dongjiang water from the Guangdong Province since 1965. At the beginning, the quantity-based charging approach was adopted. For 332 days in a year, water was supplied to Hong Kong. On a few days, there was no water supply. For 332 days, a fixed quantity of 1.1 billion cu m of Dongjiang water was evenly pumped to Hong Kong every day. However, in the late 1990s, due to the decline in demand for industrial water in Hong Kong, the supply of Dongjiang water in Hong Kong exceeded the demand, leading to unused portion of Dongjiang water being discharged into the sea. Precious water was wasted and money of Hong Kong was also lost. Therefore, since 2006, the SAR Government has switched to the "package deal lump sum" model instead. On the one hand, the total quantity of water supply was reduced from 1.1 billion cu m per year to 820 million cu m per year. Moreover, water was flexibly supplied on a monthly basis according to actual demand. In this way, no more unused portion of supplied Dongjiang water is discharged into the sea.

However, the "package deal lump sum" approach has also given rise to new problems. Hong Kong has set its demand of 820 million cu m of Dongjiang water each year. If we cannot consume all the water purchased, they would not pump it to Hong Kong to avoid wastage. The problem, however, is that the Government has not negotiated the price with its counterpart in this regard. For the unused portion of Dongjiang water that has not been delivered to Hong Kong,

should the payment be waived or should the price be cut? It actually turns out the other way. Under the "package deal lump sum" model, no matter how much Dongjiang water we have used, we have to pay the price for 820 million cu m of water. Under the "package deal lump sum" approach, the situation is that even water saving is achieved, money payment remains the same.

After digging into some information, we find that over the past decade, only in 2011 did Hong Kong consume an amount of water which was closest to the supply ceiling. In 2011, a total of 818 million cu m of Dongjiang water was pumped in, very close to the ceiling of 820 million cu m. That was the only year so far, where the ratio of consumption was 99.7%. Still we paid an extra \$8 million for that year. Let us take an overview of the past 10 years. Based on the total amount of water consumption in Hong Kong within a span of 10 years, the average quantity of water supply reached only 84.7% of the ceiling under the "package deal lump sum". For last year, 2016, Hong Kong only consumed 76.7% of the overall quantity of Dongjiang water purchased from the Mainland. We had to pay for the remaining some 25% as well. Even though we had not used it, we were still charged for it. In 2016, Hong Kong spent about \$4.5 billion on purchasing Dongjiang water. If the charges were quantity-based, meaning we paid for what we had consumed, we could have saved \$1.04 billion. Since the "package deal lump sum" approach is not quantity-based, as a matter of fact, we paid an extra of \$1.04 billion last year. And this is just the extra amount paid in one year.

Here in Hong Kong, we find it difficult to understand why we have to pay for the unused portion of water. We are not talking about a small amount. Last year, just in a single year, we already paid an extra of \$1.04 billion. Although I have heard explanations by some officials who say that if a higher water supply threshold is not set, at times of once-in-a-century drought, Guangdong may not be able to supply sufficient water to Hong Kong. Therefore, the package can be seen as an insurance coverage. If the Government is viewing the issue from the perspective of so-called insurance coverage, I consider this premium extremely expensive. At present, the annual premium is \$1 billion.

Moreover, the price paid by Hong Kong for Dongjiang water is much higher than those paid by Shenzhen and Dongguan. For them, the average unit price of water is less than \$1 while we are paying \$5. Therefore, the price of water of Hong Kong is more than 5 times higher than that of Shenzhen. There is

actually a strong incentive for the water supply company in Guangdong to provide water to Hong Kong. Regarding this issue, I still think that the Government should negotiate with the Guangdong provincial government again on how to revise the unit purchase price of Dongjiang water.

Does Hong Kong need 820 million cu m of water? We certainly hope that more scientific approaches will be in place for calculating the volume of water Hong Kong requires. As for water not delivered to Hong Kong, the water supply company in Guangdong would save a lot on their electricity bill. At present, Hong Kong is using about some 70% of the Dongjiang water we purchase. Some 20% of water is never pumped to Hong Kong. How much can this be translated into electricity costs? I wonder if the Development Bureau has asked the Guangdong Province about the amount of electricity needed to pump each cubic metre of Dongjiang water to Hong Kong. If the 820 million cu m of Dongjiang water is not fully pumped to Hong Kong, how much electricity can be saved? Can that money be refunded to Hong Kong to offset our loss?

If you compare the prices Hong Kong has been paying for Dongjiang water, you can see that there has been a sharp rise in the purchasing price of Dongjiang water paid by us. Hence, the water bills paid by Hong Kong people have also gone up. During our recent visit to the Mainland, we had the opportunity to relay our concern to the officials of the Water Resources Department of Guangdong Province. How can we make the Government fight for a more reasonable price negotiation mechanism on Dongjiang water from the perspective of Hong Kong people? We do understand that negotiation, bargaining is nothing easy, but it is true that the Guangdong Province has never told us how the price is calculated in terms of an explicit formula.

We can see that the water price has been rising very rapidly. In 2006, we spent HK\$2.5 billion to buy 820 million cu m of Dongjiang water. In 2017, the purchase price for the same quantity of Dongjiang water has gone up from HK\$2.5 billion to HK\$4.8 billion. Unknowingly, the price of water has almost doubled in a decade, from \$2.5 billion to \$4.8 billion. The rate of increase is as high as 92%. Of course, we generally understand that the so-called negotiation covers a number of factors, including the consumer price index of both areas, the exchange rate of RMB against HKD, operational costs, etc. It may also include the electricity charge that I have just mentioned. In fact, we need to know why

the price of water has almost doubled in a decade. We do understand that with the substantial appreciation of RMB, Hong Kong has to bear the risk of a stronger RMB. This is one side of the problem; the other is about actual operation.

We hope the Government can strive for the most favourable, reasonable and transparent negotiation mechanism from the perspective of Hong Kong people. Indeed, I agree strongly that in the long run, we should step up our efforts to develop local water resources, including the promotion of rainwater recycling and reuse, addition of reservoirs, higher storage capacity of existing reservoirs and more desalination plants. We do not know how tight the supply of Dongjiang water would be in Guangdong area, but in the long run, we should take preventive measures instead of ignoring the situation just like what we did in the past few decades without exploring local water resources. I hope you would support my amendment to prepare Hong Kong with water resources in the long term and reduce our reliance on Dongjiang water.

DEPUTY PRESIDENT (in Cantonese): Just now Dr Helena WONG has already spoken. I will then call upon Mr LAU Kwok-fan and Mr Kenneth LEUNG to speak respectively; but they may not move the amendments at this stage.

MR LAU KWOK-FAN (in Cantonese): Fresh water is a valuable resource for many places, and it is even related to an important issue—national safety. In Hong Kong, although we lack water resources, water rationing has become history of the past for us after Dongjiang water has been supplied to Hong Kong. Hence, the questions of water resources management or emergency response were seldom debated in the past. However, as we know that a new agreement on the purchase of Dongjiang water will be signed between Hong Kong and the Mainland by the end of this year, it is opportune to bring up the relevant issues for discussion.

I wish to adopt a practical attitude in the debate and convince you to support my amendment by using data and reasons. I hope that after I speak on my amendment, my Honourable colleagues, Ms Claudia MO, Dr Helena WONG and Mr Kenneth LEUNG, will support the motion as amended by me. Ms Claudia MO asked earlier why I had deleted the phrase "Hong Kong people using Hong Kong water". As regards the motion on "Hong Kong people using Hong Kong water" moved by Ms Claudia MO today, the meaning of "Hong Kong people using Hong Kong water" is, in fact, somewhat ambiguous literally. In

addition, the phrase "protecting local resources" is incomprehensible. Since almost all local water resources are used in Hong Kong, "Hong Kong people using Hong Kong water" is always true. At present, even the water resources in the Mainland are also supplied to Hong Kong for local use pursuant to the water supply agreement. The local water resources, instead of flowing out, have a net gain. As our resources are neither put under strain nor snatched, why do we have to protect them? We are very clear about Ms Claudia MO's stance on the relation between Hong Kong and the Mainland. I am sorry that I cannot agree with those provocative expressions.

As mentioned in the original motion, reservoir overflow occurs. We are also very concerned about this problem. However, the solution proposed by Ms Claudia MO is to revise the "package deal lump sum" approach used for purchasing Dongjiang water. In vulgar terms, it is bull shit. Reservoir overflow occurs due to difference in reservoir capacities. Small reservoirs have to discharge flood water during rainy days. Even if the "quantity-based charging" approach is adopted for purchasing Dongjiang water, the situation remains the same. On the contrary, if she had been really concerned about the problem of reservoir overflow, she should have requested the Government to implement the Inter-reservoirs Transfer Scheme or increase the reservoir capacities in order to prevent wastage of water resources. All these reflect that the original motion may not really aim to raise concern for reservoir overflow or protection of local water resources, and the subtext of the motion is that drinking water in Hong Kong is wasted due to adoption of the "package deal lump sum" approach. However, Ms MO seems to have neglected one point. She does not know that Dongjiang water has been supplied to Hong Kong based on the quantities required since 2006. In short, the quantities to be supplied depends on the capacities and storage of reservoirs in Hong Kong. Therefore, as mentioned by a Member earlier, Hong Kong has not used up the Dongjiang water quota, which is 820 million cu m per year. Sometimes, only 700 million cu m of water are consumed. Thus, there is no wastage.

In fact, Dongjiang water has been the most important source of drinking water in Hong Kong over the past few decades. About 70% of water consumed in Hong Kong is sourced from Dongjiang currently. The development of Dongjiang water supply system has spared Hong Kong from the constraint and anxiety of having water famine over the past few decades. In the foreseeable future, Dongjiang water should continue to be the most reliable water resource for Hong Kong.

Deputy President, let us take a look at the data of the past decade. Except for 2004 and 2011, Hong Kong did not use up the water quota under the "package deal lump sum" approach for most of the time. It may give an impression to the public that water has been wasted, which has been mentioned by Ms Claudia MO. Some have said that the supply of Dongjiang water should be based on the "quantity-based charging" approach. Some Members, including Ms Claudia MO and Dr Helena WONG, have also pointed out that it seems to be somewhat unfair as Hong Kong purchases Dongjiang water at a price several times higher than those paid by Shenzhen and Dongguan. However, such comments are biased and irresponsible. I will now tell you the truth.

First of all, water supplied to Hong Kong is extracted from Dongjiang at a point some 60 km away from Hong Kong. A "closed" water supply system is used for transferring water via many counties and municipalities, including Shenzhen and Dongguan, in Guangdong Province. The local authorities in the Mainland know that they have to protect freshwater resources. In fact, they have to make investment for this purpose. They have to put in resources for constructing, operating and maintaining the system, and even provide land resources—a large piece of land—such as Wanlu Lake. These land resources should be included into the calculation of water prices, and the sites should also be designated as specially-protected conservation areas in order to safeguard the quality of Dongjiang water supplied to Hong Kong. However, Hong Kong, as the consumer of Dongjiang water, need not put in such resources. From this perspective, it is understandable that the water prices paid by Dongguan and Shenzhen are lower. More importantly, the Central Government and municipal governments have collected revenues and taxes from provinces and municipalities in the Mainland, and in return, they subsidize the water prices paid by these provinces and municipalities. It is similar to the situation that the first 12 cu m of water used by domestic households is supplied free of charge by the Water Supplies Department in Hong Kong. Therefore, we understand why there are differences in the water prices paid by Dongguan, Shenzhen and Hong Kong. It is fully understandable. Hong Kong, as a special administrative region, does not have to pay taxes to the municipal or Central Government, so the water price paid by Hong Kong is not the same as those paid by Shenzhen and Dongguan. I believe that it is reasonable.

I have noticed that the price of Dongjiang water supplied to Hong Kong is mentioned in the report entitled "The Illusion of Plenty: Hong Kong's Water Security, Working towards Regional Water Harmony" published recently by a

think tank. The report points out that "it would be reasonable to expect Hong Kong to pay an even higher price for this water, with the aim of contributing financially, through 'water resource fees' and eco-compensation schemes, to ensure high water quality and conservation efforts in upland areas."

Actually, one of the main points of the motion is "quantity-based charging". Can our expenses be saved by adopting the "quantity-based charging" approach? This is an important question, but unfortunately, the answer is unknown. Indeed, to members of the public who are watching television, they may not know what the "package deal lump sum" approach or "quantity-based charging" approach is. Let me explain it in easy terms. In fact, the "package deal lump sum" approach is similar to a mobile phone plan charging a fixed monthly fee. After paying a fixed amount, we can enjoy data transmission or telephone service within the guaranteed limit of the plan. As I believe, an experienced user may know that if he shifts from a monthly fee plan to a plan based on the number of megabytes or minutes, his mobile fee may be very high, and often much higher than that charged by a monthly fee plan. Finally, he pays more. Indeed, as mentioned by Dr Helena WONG recently, the Water Resources Department of Guangdong Province has clearly indicated that the unit price of water may be higher than the current price if the "quantity-based charging" approach is adopted for purchasing Dongjiang water. It is well known that a production cost includes fixed production cost and variable production cost. Hence, the water price is likely to be higher.

Moreover, you may not know—but I believe the Members who participated in the duty visit to Dongjiang River should know—that according to the current international standard, Dongjiang River Basin is regarded as a water shortage zone with only 1 100 cu m of water resources per capita per year. At present, the whole Guangdong Province, including Shenzhen, has to implement the strictest water resources control measures in order to cope with the large demand for water resources. Hong Kong and Guangdong Province are located within the same climatic zone sharing basically the same climatic condition. When there is drought in Hong Kong, Guangdong Province will be surely no better than us. We do need to explore more water resources in order to enable the municipalities in Guangdong Province to be treated fairly. Let us consider this: If we adopt the other approach and surrender the water quota which secures a water supply of 820 million cu m, many municipalities in Guangdong Province

are willing to take over. Then it may be hard for us to purchase water even if we have money. Therefore, certain guarantee fees are included under the "package deal lump sum" approach.

Let us look back over the past decade in a pragmatic manner. The average water consumption of Hong Kong was 732 million cu m, which was much lower than 820 million cu m. I suggest that the authorities should adopt a practical attitude and negotiate with the Mainland first to see whether it is possible to reduce the water quota to, say, 710 million cu m under the "package deal lump sum" approach in order to lower the water charges, and the excessive consumption will be charged according to the quantities used. This is a way to combine both the "package deal lump sum" approach and "quantity-based charging" approach. I wish Members would support this practical proposal.

Finally, protection of water resources is essential. Hong Kong is located at the downstream area of Dongjiang, and has the obligation, as well as the ability, to manage local water resources in a better way. Earlier on, I raised questions on reclaimed water and seepage problem. I think that Hong Kong should formulate better policies on local water resources, including enhancing desalination, developing Hong Kong as a "sponge city", etc. Therefore, I wish you would support this practical proposal.

Deputy President, I so submit.

MR KENNETH LEUNG (in Cantonese): Deputy President, first of all, I would like to thank Ms Claudia MO for moving this motion, and I also agree with most part of her motion. I have only made minor amendments to the part on "Hong Kong people using Hong Kong water". In fact, I wish to reiterate that there is a very important concept or principle behind sustainable development, that is, all natural resources on earth, including water, sunlight and air, are not owned by mankind alone. They are shared among all living creatures on earth. Therefore, I think it may not be proper to say "Hong Kong people using Hong Kong water", although I truly agree with most part of the motion moved by Ms Claudia MO.

By making minor amendments to Ms Claudia MO's motion, I wish to broaden the scope of discussion from water resources to water resources management. In the research report "Water Security and the Global Water Agenda" published by UN-Water in 2013, water security is defined as the capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development, for ensuring protection against water-borne pollution and water-related disasters, and for preserving ecosystems in a climate of peace and political stability.

Therefore, Hong Kong, as a developed area with developed economy, is inevitably responsible for developing sustainable water resources and establishing autonomy in this regard. Deputy President, as mentioned by many Honourable colleagues, 70% to 80% of drinking water in Hong Kong is sourced from Dongjiang currently while the remaining 20% to 30% of water supply comes from rainwater in Hong Kong. Certainly, we expect that a desalination plant will be built in 2020. During the initial stage of its operation, the plant can produce 135 000 cu m of drinking water per day, accounting for about 5% of daily water consumption in Hong Kong. If required, the production capacity of the desalination plant can be raised to 270 000 cu m in future. Upon further extension, the plant may have an annual capacity of up to 98 550 000 cu m, which account for 10% of water supply in Hong Kong.

Indeed, as recently mentioned by Ms Claudia MO, the estimated desalination cost of the plant is \$12 per cubic metre. Is it expensive? According to the newly signed Water Supply Agreement for 2016-2017 between the Hong Kong Government and Guangdong Province, the average cost for purchasing Dongjiang water is actually at least \$9.3 per cubic metre. In fact, the difference between them is not so significant, and is becoming smaller gradually.

As regards the desalination plant in Singapore mentioned by Ms Claudia MO earlier, what is the cost of the plant for producing each cubic metre of desalinated water? In fact, no one knows the amount of resources or energy put in by Singapore for producing each cubic metre of desalinated water because Singapore has only given us one figure. We cannot tell what costs are or are not included. As I remember, the Panel on Development of the Legislative Council conducted a visit to Singapore in March last year to study the development of

desalination facilities, new water facilities, water catchment area, etc. Regrettably, I found that the figure given by the Singapore Government on the costs for each cubic metre of desalinated water was very doubtful.

Many people suspect whether it is most favourable for Hong Kong people if water prices are calculated on the basis of the "package deal lump sum" approach under the current agreement for purchasing Dongjiang water. The current debate is on the question of whether the "package deal lump sum" approach or the "quantity-based charging" approach is better. It is true that we do not know how water prices are charged based on quantities, and how the costs are calculated. For example, with regard to the water supply system in the catchment area, which costs should be included in the formula for calculating the unit price? That is to say, which cost should be included as a direct cost, or which cost should be included as an indirect cost? This is controversial. Should the so-called indirect costs, such as those on dam construction and engagement of security staff for guarding water resources, be included in the calculation of the cost for producing each cubic metre of desalinated water? It goes without saying that there are also many other fixed recurrent expenses and even variable recurrent expenses, which, in accounting terms, are the so-called fixed overheads and variable overheads respectively. In what way should such costs be included in calculating the unit price for each cubic metre of desalinated water? Deputy President, you should also know very well that it involves complicated issues relating to cost accounting and management accounting. We cannot solve all problems by just setting a unit price. The unit price may be very high, and the adjustment of the price, which should be made annually or at an interval of several years, will neither be an easy task nor a process involving simple calculation.

In fact, some in the community have an alternative view: Is it possible to combine the merits of both "package deal lump sum" approach and "quantity-based charging" approach? In other words, under the "package deal lump sum" approach, is it possible for Hong Kong to reduce water consumption to, for example, 700 million cu m, 600 million cu m, or even 500 million cu m? There is a merit in this suggestion. By reducing water consumption under the "package deal lump sum" approach, we can actually deliver a message to the public that the public need to save water and conserve every drop of water now. It is because if the volume of Dongjiang water consumed is more than that agreed

under the "package deal lump sum" approach, and if the agreed water supply is reduced, the public will have to pay higher water bills. This may serve as an incentive to encourage the public to save water.

Deputy President, besides exploring more water resources, the other objective of the policy on water resources management is to save water. Did the Government implement this policy last year? Indeed, in the kindergartens in Singapore, one important element—one may call it national education or civic education—is to teach children to save water. The Water Supplies Department has in fact given us some advice in this respect. I have received an hourglass recently. It is a four-minute hourglass timer. What is a four-minute concept? It is the time which the Government encourages us not to exceed when taking a shower. My Honourable colleagues, be honest to yourself, do you spend more than four minutes each time in the shower? Are you aware of this? No, the Government has not introduced this concept to us, nor to children.

Of course, besides saving water, some of my Honourable colleagues have also mentioned that water mains in Hong Kong are, indeed, old and deteriorated, and there are numerous reports of water mains leakage. In Report No. 64 of the Director of Audit issued in April 2015, the Audit Commission mentioned that 157 million cu m of fresh water had been lost or wasted due to the leakage of government mains alone, and the amount accounted for 16.8% of fresh water consumption. Is it acceptable to the general public that 157 million cu m of fresh water have been wasted? The mains have been undoubtedly repaired, but, on the other hand, the Government should promote the use of other water resources, including reclaimed water. Certainly, the reclaimed water technology cannot be developed overnight and the development of such involves capital investment. Nonetheless, if we do not start, we will never achieve it.

Regarding the use of fresh water for flushing, although I know that more than 80% of premises are currently using salt water or seawater for flushing, seawater flushing facilities are not available in some premises. Accordingly, I wish the Government could extend the coverage of seawater flushing network as far as possible and whenever technology permits.

If the above policies on water saving and water resources management can be fully implemented, we are able to control water consumption in Hong Kong more effectively. By doing so, Hong Kong will ultimately have a greater bargaining power when negotiating with the Mainland authorities on the prices of Dongjiang water. Deputy President, I so submit.

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Ms Claudia MO for moving the motion today, and I also thank the other three Members who proposed amendments to the original motion before this meeting.

With neither natural lakes nor big rivers or abundant groundwater, Hong Kong's freshwater resources have always been in a state of scarcity. For this reason, Hong Kong has developed a huge stormwater collection and storage system. Nevertheless, the quantity of stormwater collected locally is far from meeting the need for fresh water in Hong Kong. Since the 1960s, Hong Kong has been importing fresh water from Guangdong Province to make up for its shortfall of water resources. At the same time, it has actively developed a system of seawater for toilet flushing in order to reduce the use of freshwater resources. Through a multi-pronged approach, Hong Kong has gradually formed a water supply pattern comprising three major sources, namely local stormwater, Dongjiang water, and seawater for toilet flushing.

According to the water supply agreement between Hong Kong and Guangdong Province, Hong Kong is allocated an ultimate annual supply quantity of 1 100 million cu m, but the current ceiling of water supply for us is only 820 million cu m. This is not a case of the ceiling of supply for us being decreased from 1 100 million cu m to 820 million cu m as a Member has just mentioned, and the two things are different concepts. With Hong Kong included in its list, Dongjiang provides water to Heyuan, Huizhou, Dongguan, Guangzhou, Shenzhen and other cities in Guangdong Province for some 40 million people to use. Along with the rapid economic development on the Mainland, these cities have large demand for Dongjiang water. We think that Hong Kong, as a responsible good partner city in the Pearl River Delta Region, should properly manage local water resources.

In its Total Water Management Strategy promulgated in 2008, the Hong Kong SAR Government mapped out a strategy for a balanced supply and demand of water in order to ensure sustainable development in Hong Kong. The key was to "save water and then increase water supply", and the idea was to conserve water so as to contain growth demand while actively developing new water resources to increase supply locally.

Deputy President, regarding the motion proposed by Ms MO, and the amendments proposed by Mr Kenneth LEUNG, Dr Helena WONG and Mr LAU Kwok-fan, I have tried to group the views found in them into three categories,

which are (a) Dongjiang water supply agreement and water price adjustment mechanism; (b) control over water demand; and (c) development of new water resources and increase in local supply. In the following paragraphs, I will respond mainly to the proposals in these three categories.

(a) Dongjiang water supply agreement and water price adjustment mechanism

Due to the fact that Hong Kong lacks adequate freshwater resources, Dongjiang water will play an important role in Hong Kong's water supply arrangement in the foreseeable future. Starting from the 2006 Dongjiang water supply agreement, we have used the "package deal lump sum" approach. With this approach, we have obtained guarantee that the supply quantity each year can reach the ceiling specified by the agreement, and we can flexibly import Dongjiang water according to the natural yield each year in Hong Kong.

According to the current water supply agreement, the Dongjiang water for Hong Kong has a ceiling of 820 million cu m per year. In determining this ceiling, we have carried out detailed analyses based on forecast freshwater demand, and made sure that water supply reliability can reach 99%. Reflecting on the past 10 years, we can see that in 2011 which was a drought year, the quantity of imported Dongjiang water came very close to the ceiling of 820 million cu m.

Ever since we adopted the "package deal lump sum" approach, we have not seen overflow from reservoirs resulting from the import of Dongjiang water. Data show that, overflow from local reservoirs has been drastically reduced by about 71%, from an annual average of around 94 million cu m between 1996 and 2005 to around 27 million cu m in recent years (from 2006 to 2016). At present, overflow mainly occurs in small and medium reservoirs on Hong Kong Island and in Kowloon District—reservoirs that were built between the end of the 19th century and early 20th century. As these reservoirs were designed to meet the water needs then, they featured relatively small storage capacities and are prone to overflow in times of persistently heavy rainstorms in the rainy season. Nevertheless, we will continue our effort to study how to reduce overflow from small reservoirs.

Under the "package deal lump sum" approach, Hong Kong is actually buying a right to water in Guangdong, ensuring that in case Hong Kong faces the most serious drought in a century, it will still have enough freshwater supplies.

The situation resembles paying money for insurance in order to get protection, whereby one would not use all the rights listed on the insurance policy every time, and so the problem of overpaying water fees does not exist.

Regarding the "quantity-based charging" approach, we have carefully considered it when negotiating an agreement on Dongjiang water supply, and discussed it in detail with the Guangdong side in the past. The Guangdong side said that this approach will not dictate a clear annual supply quantity. In light of the great demand for the limited Dongjiang water resources from various sides, the Guangdong side, without a clearly specified ceiling of annual water supply for Hong Kong, can only distribute the set aside water quota to other cities in need. If Hong Kong runs into an extremely dry climate someday, the Guangdong side cannot guarantee that Hong Kong has priority in obtaining the water it needs.

Dr Helena WONG's amendment pointed out that the price for Dongjiang water in 2016 was 92% higher than that in 2006. In fact, the total water price in 2006 was HK\$2.49 billion per annum, or approximately RMB2.56 billion based on the exchange rate at that time. In 2016, the total water price was HK\$4.49 billion, or RMB3.85 billion based on the exchange rate at that time. Because the Dongjiang water supplied to Hong Kong was settled in Hong Kong dollars, the cumulative increase during a period of 10 years was about 50% based on a calculation using renminbi, and that is to say, the average annual compound growth rate was 4%.

In accordance with the 1989 Dongjiang water supply agreement between Hong Kong and Guangdong, we take operation costs, the exchange rate of renminbi to Hong Kong dollars, and changes in the relevant consumer price indexes in both places as the basis for adjusting Dongjiang water prices. This is the principle we have followed all along.

(b) Control over water demand

Deputy President, in the area of controlling the demand for water use, we have implemented various water demand management measures as precautions for tough times. Through a multi-pronged strategy, we have actively promoted water conservation practices. As for domestic water consumption, we have distributed flow controllers free of charge to some 140 000 domestic customers

participating in the "Let's Save 10L Water" campaign. We have also installed flow controllers for more than 96 000 domestic customers in 57 public housing estates.

In the area of non-residential water consumption, we have installed nearly 50 000 flow controllers for 2 950 government venues and schools. We have also developed best water-using guidelines for selected government facilities and trades with high water consumption such as catering and hotels. In addition, to further promote the use of water-saving devices and water efficient appliances registered in the Water Efficiency Labelling Scheme, we set a mandatory requirement early this year that newly developed projects, as well as building renovation projects, must use these products, including water taps and showers, and we provide a buffer period of 12 months.

In the area of education, our "Cherish Water Campus" Education Programme on Water Conservation has more than 220 primary schools as participants. At the same time, the Water Supplies Department is planning to launch a pilot scheme to extend water conservation education to kindergartens in the 2017-2018 school year. In addition, our Water Resources Education Centre in Tin Shui Wai is expected to be open for use in 2019, replacing the existing temporary center in Mong Kok.

As for controlling water mains leakage, after years of hard work, we largely completed the Replacement and Rehabilitation Programme of Water Mains at the end of 2015, and some 3 000 km of water mains had been replaced or rehabilitated, causing the leakage rate to decrease from about 25% in 2000 to about 15% in 2015. In addition, the number of cases of water main bursts has also decreased considerably.

Along with the Replacement and Rehabilitation Programme of Water Mains, we have renovated our water distribution network. We are progressively taking forward the establishment of the Water Intelligent Network with the installation of monitoring and sensing equipment in the water distribution network to continuously monitor the general condition of the water distribution network. We are also working to provide an intelligent network management computer system to analyse the data collected from the monitoring and sensing equipment to help us implement the most effective network management measures, so as to maintain the healthy condition of our water distribution network.

In addition, we have been using seawater for toilet flushing in Hong Kong's urban areas and most of the new towns, covering about 85% of the population, so we are the city with the highest utilization rate of seawater for toilet flushing in the world. All our customers in Tin Shui Wai had changed to using seawater for toilet flushing by the end of 2016, thus saving about 10 million cu m of fresh water each year. At the same time, we are actively arranging our customers in Yuen Long to change to using seawater for toilet flushing, in order to further reduce the quantity of fresh water used for toilet flushing each year.

(c) Development of new water resources and increase in local supply

Deputy President, in the area of increasing water supply, because the extreme weather conditions brought about by climate change include persistent drought, not only our catchments are affected but nearby cities and areas are also under threat, including the Dongjiang River Basin. Apart from studying the feasibility of increasing the yield and storage of our existing reservoirs, we are making an effort to develop new water resources that are not susceptible to climate change, to promote multiple sources of water supply in Hong Kong, and to create a new water supply framework which comprises the primary water sources of local rainfall, Dongjiang water, and seawater for toilet flushing as well as various ancillary water sources, including desalination, reclaimed water, grey water reuse and rainwater harvesting.

For this purpose, we completed a pilot study on desalination technology in 2007, and confirmed that technologically Hong Kong can use reverse osmosis technology to produce drinking water which meets the standard of the World Health Organization.

Regarding the first stage of the proposed seawater desalination plant in Tseung Kwan O, the consultant engaged by us in November 2015 has already finished an investigation study review, as well as on-site ground investigation. We are preparing a design for consultation for the first stage of the proposed seawater desalination plant. The first stage can produce 135 000 cu m of fresh water per day, with provision for expansion to 270 000 cu m per day, i.e., 100 million cu m per year, to meet 5% to 10% of Hong Kong's water demand. We have already applied for funding from the Finance Committee for channeling the fresh water produced by the desalination plant to the pipes in our water distribution system, and will start construction once approval is granted.

In addition, along with population growth and sewerage system expansion, the Drainage Services Department needs to expand Shek Wu Hui Sewage Treatment Works and upgrade the plant's sewage treatment technology, so as to enhance its capability. Taking this opportunity, the Water Supplies Department in joint efforts with other relevant departments has completed a study on upgrading the tertiary treated effluent of Shek Wu Hui Sewage Treatment Works to reclaimed water. It is expected that provision of reclaimed water in nearby districts is cost-effective and can reduce effluent discharge into the waters in Deep Bay. In addition, we are formulating a financial and legal framework—one that is suitable for Hong Kong—for supplying reclaimed water. According to preliminary estimates, after fully implementing the plan to use reclaimed water for non-potable purposes in Sheung Shui, Fanling and the North East New Territories new development areas, we can save approximately 21 million cu m of fresh water per year. We will continue to study the feasibility of extending the system of reclaimed water supply to other districts.

In his 2015 Policy Address, the Chief Executive proposed adopting the concept of revitalizing water bodies in large-scale drainage improvement works and planning drainage networks for New Development Areas so as to build a better environment for the public. Furthermore, in the area of rainwater discharge management, the Government has in recent years introduced the concept of "sponge city"—through rooftop greening projects, water-penetrable road surfaces and rainwater harvesting systems—to imitate the natural cycle of water in order to strengthen penetration, natural purification and reuse of rainwater, so as to improve the city's flood endurance ability. As for rainwater harvesting, we plan to build an artificial lake to prevent floods, provide open space and collect rainwater for reuse in the development project at the Anderson Road Quarry site. Most of the time, this artificial lake will serve as an open space for the public, and during rainy days it can store some rainwater so as to reduce flood risks in the lower areas; some of the lake water after treatment will be provided to nearby districts for irrigation and other non-potable purposes.

The Government will continue to promote grey water reuse system in new public construction projects whenever suitable, and let them play an exemplary role in encouraging developers to adopt the relevant water conservation measures. The Water Supplies Department is working closely with the relevant departments to implement an experiment plan for a central system of grey water reuse in the development project at the Anderson Road Quarry site.

Regarding the effort to reduce overflow from the reservoirs in Kowloon after heavy rain, the Drainage Services Department is reviewing the detailed design, construction method, and environmental impact assessment of the Inter-Reservoirs Transfer Scheme, so as to improve its cost effectiveness and decide on a timetable for implementation.

Deputy President, the Government has always attached great importance to the management of water resources in Hong Kong, striving for the best balance between supply and demand so as to ensure a sustainable manner in the use of water resources. We are conducting a consultancy study to review the Total Water Management Strategy. The areas under review include how to strengthen our resilience and identify new water management initiatives to meet the long-term water demand and supply up to 2040. As for an agreement on Dongjiang water supply after 2017, we have been discussing with the Guangdong authorities since February 2017. We will strive for the best deal on the premise of ensuring Hong Kong's water supply security.

Deputy President, I wish to listen to the valued opinions from Members and then respond. Thank you, Deputy President.

MR TOMMY CHEUNG (in Cantonese): Deputy President, after listening to Mr Kenneth LEUNG's speech, I am very much worried that the Government would listen to his suggestion and agree that we must save water. In fact, it is very easy for the Environmental Protection Department to make the public save water. All it has to do is to increase the price for 1 litre of water by \$20 or so, asking specifically for a "twenty-dollar note" for each litre of water, and then many people will immediately save water. All the Government's Environmental Protection Department knows is to increase prices.

Can I take a shower in four minutes? Surely I can and I can finish washing my hair too. Why? When you take a shower, do not turn on the tap all the time. The most important thing is to rub yourself with soap after wetting your body. You then apply shampoo to your hair after wetting your head. Rinse your hair and body with water and then you are done. To me, four minutes will allow me to take a shower and wash my hair. You may give it a try—do not turn on the tap all the way in the process. This is not impossible. When I shook my head a while ago, I meant I did not need four minutes to get it done, not that the Government has not done this thing.

(THE PRESIDENT resumed the Chair)

President, regarding the intention of the original motion and other amendments to switch the way for buying Dongjiang water from the current "package deal lump sum" approach to the "quantity-based charging" approach, or one based on the "package deal lump sum" approach with a newly decided ceiling and then paying whatever above that ceiling using the "quantity-based charging" approach, I myself and the Liberal Party have reservation on all such proposals.

First of all, we need to understand two points. First, according to the "package deal lump sum" approach as specified in the Dongjiang water supply agreement, during a year of high yield in Hong Kong, the Mainland will not pump the residual quota of Dongjiang water to Hong Kong. So it is clear that the current mechanism can avoid wastage of water resources resulting from importing Dongjiang water more than necessary. At the same time it can save the pumping cost, so it suits Hong Kong's situation.

Second, when the Administration negotiated with the Guangdong side for an agreement on water supply in the past, it has explored the proposal that the "quantity-based charging" approach be adopted. However, this approach does not specify the annual quantity to be supplied. While Shenzhen and other cities in Guangdong also need water supplies as mentioned by the Secretary, the Guangdong side may think that if Hong Kong purchases Dongjiang water with the "quantity-based charging" approach, it would be difficult to guarantee that Hong Kong would receive the quantity of water it needs. This being the case, a potential crisis will be posed for Hong Kong.

As a businessman, I clearly understand that the water supplied under the "quantity-based charging" approach may not be cheaper than that supplied under the "package deal lump sum" approach. The "quantity-based charging" approach sounds fair, but the reality is often like this: Buying 300 cu m of water using the "quantity-based charging" approach is not necessarily cheaper than buying 500 cu m of water using the "package deal lump sum" approach. The situation resembles one in which you buy 100 pieces of clothes at a wholesale price, and after you divide the money you paid by 100, you will find that the price of each piece is cheaper than the price of a piece at retail price. Therefore, buying a large quantity has its advantage.

The reason is very simple: when you are in business, you talk about business. If we use the "quantity-based charging" approach to negotiate an agreement on water supply with the Guangdong side, it may include in its equation the factor that the actual supply quantity is uncertain so as to make sure that it has reasonable income to pay operation costs and can obtain a return on its investment. Therefore, the money payable under the "quantity-based charging" approach may be more than that paid under the current "package deal lump sum" approach.

Although we have never used up all the Dongjiang water quota for Hong Kong, the residual quota for each year from 2006 to 2015 added up to about 1 100 million cu m, that is, 110 million cu m per year on average. Indeed the residual quota was not big. Although we have paid an extra amount of \$4.6 billion from our public coffers in the past 10 years, it was still reasonable because stable water supply was secured with \$460 million per year. Once we change to the "quantity-based charging" approach, I can boldly predict that we may not be able to save \$460 million per year. Instead, we may even have to pay a bit more.

At present, Dongjiang water does not worry about where it goes. If the water is not sold to Hong Kong, it does not matter because the water is sought after by many places. Furthermore, the water can go north for sale. So why must it be sold to Hong Kong at cheap prices? If we change to the "quantity-based charging" approach, once we have a year of drought, the nearby areas in Guangdong Province will also face the problem of decreased water quantity. The Guangdong side has made it clear that in the absence of a quota commitment, it might not be able to provide adequate Dongjiang water to Hong Kong in response to its need. Under such circumstances, the quantity of water supplied to Hong Kong will inevitably be affected.

Many of you are still young, so you do not remember the days of water rationing. I remember that because of the water rationing in the 1960s, our secondary school uniform had to be changed from the originally white shirt and white trousers to white shirt and grey trousers so that we did not have to wash our school uniform so often. We must not assume that those days will never come again. In 2011 and 2015, due to the low rainfall in Hong Kong, we had used 99.7% and 93.4% of the water supply quota respectively. The figures were very close to the ceiling of the quota of 820 million cu m of Dongjiang water each year. Hong Kong lacks natural freshwater resources, and its annual rainfall is unstable, while the yield collected from our catchment cannot meet the local need.

Will the people today be willing to live with water rationing? At present, we have long working hours, and our living standards have greatly improved, so it will not be possible to shout again to someone upstairs or downstairs in order to get them turn off the tap. In Hong Kong, there are many industries that need to use water, and catering is one example. They will have to close down if there is no water. Nor can they do business if water supply is not enough, because the catering industry needs a lot of water for cooking food and cleaning. The catering industry is the industry least likely to waste water. Certainly, our operating costs are high, and the water fees, sewage charges and trade effluent surcharges we pay add up to almost \$10. We spare no effort to avoid wasting one single drop of water.

I advise everyone not to focus on a small number and ignore the whole account. The Government keeps saying in recent years that it has not increased water fees for 10 years. Therefore, even if we can reduce the money for purchasing Dongjiang water, the Government may not necessarily reduce water charges or return the saved money to the people.

However, the Liberal Party and I agree that, along with the rapid development on the Mainland, water consumption in Shenzhen, Dongguan and other places have exceeded the Dongjiang water quotas for them. In future, competition for water resources among various places in Guangdong will intensify. Hong Kong people should therefore really think about the risk in times of comfort, and shake off the unhealthy condition of overdependence on such a unitary model of water supply as soon as possible.

However, a wide range of aspects will be involved in increasing water supply in Hong Kong. Apart from hardware preparation, there must be software support, and the process may take longer than a decade. Therefore, we think that the Administration should have short-term, medium-term and long-term planning as soon as possible, and avoid being overcautious and indecisive or imposing self-restrictions.

MR CHARLES PETER MOK (in Cantonese): President, I joined the Panel on Development with other Members for a visit to the Dongjiang River Basin recently. We looked at the water quality in the water supply systems in Dongjiang and Shenzhen. The issues discussed among the members were mainly about the situation of these water supply systems, pollution, and prices.

Of course, this kind of visit means that we have at least an on-site visit with an impression, but we only have a superficial understanding through cursory observation. We will only see the situation the authorities or agencies and officials concerned on the Mainland want us to see. We may not be able to see the actual situations, and we can only ask questions about them.

I have heard from Members that when the Panel on Development went to Singapore for a visit last year, they ran into a similar situation, and they might not have seen certain things. Nevertheless, I think everyone would agree on one point: Hong Kong must reduce its dependence on water supplies from other places, especially the water supply from Dongjiang. Otherwise, we need not say earlier that we agree to build a seawater desalination plant in Hong Kong. Of course, we should not focus only on prices. However, I have noticed that when Members discuss the issue of prices, they do not consider the problems from the perspective of an overall shortage of water resources. They generally demand something that is "cheap, nice and good". When there is a global crisis in water resources, Hong Kong as one of the cities in the world cannot see things from this perspective. The United Nations warned in 2015 that if no measures were taken by various places in the world, by 2030 the freshwater resources available for use on earth would decrease 40%. Therefore, we must come up with a method that is practical and effective in water conservation, and handle the issue of water supplies properly.

At present, Hong Kong is planning to build a seawater desalination plant. This is certainly a good thing so I express my support. It certainly is a good thing to have self-sufficiency as our goal. But this plan requires a lot of money. How much is the actual cost? No matter how we calculate, it will cost more than what we have now. Furthermore, seawater desalination plants entail huge power consumption and energy consumption as well, which will create other forms of pollution on earth. Therefore, it is most important that we consider the issue from multiple perspectives. The "cheap and good" water resources we have today should not become a reason for us to ignore other factors and think that Hong Kong's water resources are inexhaustible because it has many choices such as Dongjiang water and seawater desalination.

Recently, Civic Exchange and an organization named ADM Capital Foundation jointly published a report, "The Illusion of Plenty: Hong Kong's Water Security, Working towards Regional Water Harmony". The title of the report includes the word "plenty", meaning a lot of water, as one would assume.

However, the report points out that Hong Kong's per capita water consumption is 171 cu m per year, equivalent to 2.35 bathtubs of water per person per day. This makes us one of the places with the highest average water consumption in the world and higher than the world's average water consumption by 21%. The report also points out that Hong Kong buys Dongjiang water with a fixed amount of payment, and the Government subsidizes water fees, leading to low water fees at all times and a lack of incentives on the part of the people to save water. The data show that the Water Supplies Department has not increased water fees for 21 years. Everyone is happy when there is no fee increase because everyone, including the grass roots, needs to use water every day. Exactly because of this situation, however, our actual water consumption is higher than those in other parts of the world, and this is not a desirable situation.

It is reported that in 2013, due to water leakage from government and private mains, illegal withdrawals and defective water meters, revenue from 31% of fresh water unaccounted for was lost, representing a loss of HK\$1.35 billion in revenue. Losing money is not a big deal because the Government's purpose is not to earn money, but when the precious water resources are lost, it is a big problem. There have been frequent cases of water main bursts these days, and there was one such case last night or this morning in the fruit market. In 2015, the above mentioned figure rose to 33%. According to the report, the Water Supplies Department may have lost as much as HK\$17 billion of potential revenue between 2004 and 2015 from its unmetered fresh water alone.

Generally speaking, the situation of water loss and water leakage in Hong Kong is more serious than those in many other big cities. Data show that Singapore can keep its proportion of water loss to less than 10%. All households in Hong Kong receive 12 cu m of water for free every four months, and their water fees are much lower than those of other places, especially nearby places on the Mainland. As a result, the Water Supplies Department has a perpetual deficit. The problem, however, is not about the deficit; it is about providing subsidies to everyone, resulting in everybody using water resources more than necessary. Is the Government really a "big boss who does not care about this"?

Consequently, the water loss resulting from such problems as leakage from mains almost equals to the entire water storage capacity in our catchments. Therefore, the report suggests that the Water Supplies Department raise tariffs strategically. Once fee increase gets into our discussion, it will become very

controversial, but I think we need to consider this point, or other proposals, including addressing the problem of leakage. However, the Government may also implement measures to improve our catchments, such as increasing the depths of our reservoirs or linking different reservoirs together. Is it possible to enable these reservoirs to function more effectively? I hope the Government can consider these proposals. Thank you, President.

MR WU CHI-WAI (in Cantonese): Today's topic is about water resources. I believe that no one will oppose the idea that we should do a good job in managing water resources, and this point is clear. However, the whole issue originates from the ramification of package deal for purchasing Dongjian water. In particular, for a very long time in the past, the fees we paid under the package deal system did not seem to match the actual quantities of water we used.

However, I noticed that many Members focus their discussions on whether we should use the package deal system, the merits of payment on actual supply quantity, and comparison between package deal models. In fact, there is another option when negotiating a payment agreement of this kind. We may set a fixed quantity for the package deal. For example, we may use the averaged quantity of water we needed in the past decade as the benchmark for the package deal to import from Dongjiang, and we pay the portion above that benchmark by way of payment on actual supply quantity. If we can reach an agreement like this, we can obtain a better price due to the fixed quantity in the package deal. In doing so, firstly we can ensure security in water supplies, and secondly we need not worry about not getting water supply after paying the money. I hope that when government officials negotiate with the relevant authorities on Dongjiang water resources, they can consider adopting a mixed model to reach a better payment agreement.

Second, many colleagues have mentioned the issue of transferring collected rainwater among our reservoirs. We all understand that Hong Kong has many reservoirs of various sizes. In fact, the overflow from reservoirs after raining comes mostly from small reservoirs. This phenomenon resembles one in which different urban areas are prone to flooding after torrential rain. For example, behind Lion Rock we have Kowloon Peak, where a large quantity of rainwater will flow out to the sea through flood channels during heavy rains, and we have yet to collect this rainwater. From this perspective, my opinion is that carrying out projects to link up different reservoirs just for the sake of transferring water

from an overflowing reservoir to a bigger reservoir may not have great benefits. On the contrary, the projects involved can be huge and may even damage our environment. The bigger reservoirs in Hong Kong are always Plover Cove Reservoir and High Island Reservoir. The capacities of other reservoirs are relatively smaller. From this perspective, carrying out inconclusive projects to transfer water among reservoirs will cast doubt on their effectiveness.

Therefore, I think the Government may study Mr LAU Kwok-fan's proposal for strengthening rainwater collection and transferring rainwater among reservoirs. My understanding, however, is that transferring water among reservoirs is very costly and has little benefit because one of the largest reservoirs is in Tai Po while another is in Sai Kung and another on Lantau Island whereas the other reservoirs are relatively small. For this reason, can transferring collected rainwater from one reservoir to another bring about the expected result? I have my doubts. For this reason, we will abstain on Mr LAU Kwok-fan's amendment. His idea is not workable from our perspective as we cannot see a reasonable outcome.

The third point I want to mention is that Hong Kong's overall operation of water resources suffers from a big problem, which is the annual water main leakage rate. We have often heard about water main burst incidents in various districts in the past. The Government says it has done a lot of work, such as making large-scale improvement of the public mains under its management and reducing the leakage rate of over 20% in the past to 15% today. However, according to the report from Civic Exchange mentioned by a Member just now, the overall leakage volume in Hong Kong has not decreased but increased instead, simply because the Government can only tackle leakage from public mains. Does it have a strategy and plan to deal with the leakage in private buildings? As this has not been dealt with, we have the phenomenon today: Although the Government has done so much work to rehabilitate, replace or improve water mains, the overall leakage rate has risen from over 20% in the past to 33% today—a considerable increase indeed.

Therefore, I think the problem of leakage deserves an inquiry by the Government, and a method should be found to reduce the leakage rate. As far as I know, the Government has indicated that it will install monitoring and sensing devices to water mains. I welcome this measure because this will enable the Government to understand the condition of water mains as soon as possible and thereby avoiding the problem of water main bursts.

The decrease in the overall water leakage rate can serve as an index to remind us that the use of water resources must be further aligned with societal needs. Water leakage rate is another subject, and I hope that the Government and the Water Supplies Department can step up efforts to reduce leakage. Objectively, the reduction in water leakage is also an important process in making good use of water resources. If we can reduce wastage of water, we can save more of it. As I have just mentioned, even if the leakage rate of public water mains is 15%, it is still a large figure, which is equivalent to at least 100 million cu m of water per year. Therefore, I think it is totally worthwhile for the Government to allocate resources to tackle this figure. Apart from seawater desalination, construction of reservoirs, and even an effort to enlarge the storage capacities of reservoirs, reduction of the leakage rate is also a link in water resources management. I hope the Government can strengthen its efforts in this area.

Thank you, President.

DR CHENG CHUNG-TAI (in Cantonese): President, the motion we are discussing today is "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources". Frankly speaking, the whole debate this afternoon has put me at a complete loss because I cannot understand why the focus of our discussion is the way with which the Government should purchase water. Indeed, I am greatly perplexed by the fact that Hong Kong has to purchase water from another place. Apart from the discussion about the way in which the Hong Kong Government should purchase water, the role of the Hong Kong Government is also perplexing. I cannot understand why the public issue of protecting local drinking water and other water resources has become a source of worry for all the residents of Hong Kong, and they have to figure out how to obtain healthy drinking water on their own.

Frankly speaking, President, the issue aroused public concern only after the outbreak of the incident of lead contents in drinking water. Previously, the general public did not take the quality of our drinking water to their heart. As the saying goes, "Out of sight, out of mind." Take this glass of water as an example. Many of you assume it is clean. But when you pay a visit to the water treatment facilities and find that the water there is dirty like shit, you may begin to worry. Still, most of you care nothing about it because the water is clean at the moment when you drink it.

The motion today is not only about whether we are able to maintain sufficient water supply. In fact, we are not living in the old days of 1950s or 1960s, but in 2017. What concerns us is that the quality of our water may harm our health. Therefore, I urge you not to focus on how to bargain for a good deal when we purchase our water, or whether a "monthly subscription" approach or a "quantity-based charging" approach is better. Hey, man, we are not having a discussion on mobile data plan subscription! Now we have access to free Wi-Fi service everywhere. When we are discussing our basic needs, however, we still adopt the mentality of a consumer. In the case of securing our drinking water, we are not consumers. The Hong Kong Government should not adopt the mentality of a consumer when it takes care of the basic needs of the people of Hong Kong. This is the main reason why I was greatly perplexed by the whole discussion.

How can those Members of the pro-establishment camp think it is reasonable to purchase water from our sovereign state, just like what the colonial government did before 1997? If you are to be politically correct, you should consider it as totally unreasonable. Before 1997, it was certainly reasonable for the Hong Kong Government to purchase water from the sovereign state because local water supply was insufficient to cope with population growth and industrial development, etc., and therefore the colonial government at that time had to purchase water. The historical background must have already been explained in the Wikipedia. At that time, the colonial government, acting as a consumer, exploited the interests of local people and used the money of Hong Kong to purchase water from the sovereign state. That was certainly reasonable because the colonial government was a consumer, acting under the influence of imperialism.

Maybe people are too young to recall the days of water rationing. To be politically correct, the act of purchasing water before 1997 should not be justified nowadays in 2017, but it is what you are doing today. How can you justify the act of purchasing water? I feel insulted when I read the words "Hong Kong people using Hong Kong water". "Hong Kong people administering Hong Kong" means the people of Hong Kong should govern Hong Kong properly, taking care of the basic needs of the people, and even the public resources and properties. Unfortunately, when we talk about our drinking water now, we have to consider whether we should buy a water ionizer to filter our drinking water. Don't you think it is insulting? Don't you feel that living in Hong Kong, even the inborn right to clean drinking water is being exploited? The privileged ones

have access to clean water, while those who live in less privileged environment, such as public housing estates, may have to drink water containing lead because of defects of pipe fittings. We can see that the issue of drinking water in Hong Kong has become a matter of class difference.

Water supply should not have been treated as a deal between a consumer and a salesperson or shop owner although it has become reasonable for you. I do not intend to ... how should I describe it? I do not want to say the motion is somewhat frivolous. Indeed, I did not intend to express my views on this motion, but I cannot help myself because I cannot understand why the situation can be justified like that. Mr LAU Kwok-fan said the current "package deal lump sum" approach was a very good deal and that if we resorted to the "quantity-based charging" approach, the Mainland authorities might refuse to sell water to Hong Kong. Then some Members said the Mainland authorities could choose to sell the water to the northern regions. Come on, they can go ahead to sell the water to Beijing if they are so capable! Hong Kong spends nearly \$6 billion a year on purchasing Dongjiang water. I am sure that the public would rather have such money spent on developing seawater desalination technology. Some Members said the long-term development plan of the Government has to be taken into consideration in this regard. Even if it is true, how can the act of purchasing water that was done by the colonial government be justified nowadays?

Furthermore, it has been 20 years since the transfer of sovereignty in 1997. Frankly speaking, "discussions about money hurt relationships". The cost of purchasing water is very expensive. Why can our request to purchase less water because of less demand be refused by the Mainland authorities? A deal like this is considered unreasonable even in a fresh market. What has been discussed in the whole debate just now can be compared to a scene in a fresh market. It is like a shop owner who has set a rule that a whole lot of vegetables is to be supplied to a housing estate, but the residents cannot consume all vegetables and have to send the remaining vegetables to the landfill. However, the shop owner does not allow them to buy less. If so, which way is better? Paying daily or monthly? If you cannot consume all the vegetables bought, there is wastage. It is simple logic. Do you agree, Secretary MA? Have you ever shopped in a fresh market?

The whole discussion just now was like that. However, is it a real concern for the people of Hong Kong? What really concerns the public is whether the quality of the drinking water meets the standards. Now our

discussion is not about the most important question, that is, what role the Government should take in maintaining water supply, but step backward to discuss about whether the Government has performed its role of monitoring the process of transferring water properly. You are letting the Government get away with it. The Government today is no longer a colonial government. That is why I am greatly perplexed by the whole discussion. What is the point of it? Some Members think that it is all right to purchase water, but I think it is totally unreasonable. Why do some Members think that it is reasonable for Hong Kong to buy water from the sovereign state while emphasizing "Hong Kong people administering Hong Kong" at the same time?

President, I do not know how to vote on this motion. I have to think over it. Before I have reached a decision, some other Members may want to speak and may disagree with my opinion. Still, I do not think Members of the pro-establishment camp should make those remarks in their speeches.

Thank you, President. *(The buzzer sounded)*

PRESIDENT (in Cantonese): Mr CHENG, please stop speaking.

MR LEUNG YIU-CHUNG (in Cantonese): President, as we all know, 80% of the water supply of Hong Kong relies on Dongjiang water. In the past 10 years, however, we did not fully utilize the Dongjiang water. After calculation, it was found that there was a wastage of a total of more than 1.1 billion cu m of water. In other words, we paid an extra of \$5 billion of public money for nothing. The money was unjustifiably wasted because we were paying for the water that we did not use. Indeed, \$5 billion is not a small sum. If it were spent on social welfare, I believe hundreds of thousands of people, especially those in need, would have been benefited. We cannot allow this unfair water supply agreement to continue. Instead, we should take the initiative to amend the agreement as soon as possible.

As mentioned by many fellow Members, the main reason for such serious wastage is that the "package deal lump sum" approach was adopted under the current agreement for the purchase of Dongjiang water. According to this approach, fixed water prices are paid based on estimated annual water consumption instead of actual consumption. Pursuant to this agreement, Hong

Kong has to pay billions of dollars each year for an annual supply ceiling, but the actual quantities supplied were only about 80% of the ceiling each year. The excess water was discharged into the sea. The money spent on purchasing water was wasted, and water was wasted.

The Water Supplies Department has been telling us that adoption of the "package deal lump sum" approach ensures that Hong Kong enjoys reliable supply of water round-the-clock even under once-in-a-century extreme drought. President, let us not talk about that once-in-a-century extreme drought as it is hard to tell when we will come across it. Let us not consider whether we can really handle the situation in case of dry seasons. Let us discuss another issue. We have to understand what will happen if Hong Kong really comes across that once-in-a-century extreme drought. Many cities in the Mainland also rely on Dongjiang water and they consume a total of about 10 billion cu m of water a year. If that rare extreme drought does happen, all other neighbouring cities of Hong Kong located along Dongjiang River cannot be immune from the same plight. It will be a big question mark whether they will continue to receive Dongjiang water.

I recall that in 1963, Hong Kong came across a serious drought. At that time, the storage level of Dongjiang River reached about 5.05 billion cu m only, which was about half of the current level. If Hong Kong comes across another serious drought, we doubt whether Hong Kong will really obtain sufficient water supply when other cities also need certain level of water supply. I am not optimistic about this. That being the case, why does the Government not increase the local water supply capacity as soon as possible?

More often than not, when discussing the issue of water resources, we will inevitably talk about self-reliance. However, the Government always emphasizes that local water resources alone cannot solve the problem because they cannot meet the demand, and that the storage level of Hong Kong fluctuates a lot and is unreliable. Fairly speaking, I know and understand that the current water supply systems of Hong Kong do not allow us to attain self-reliance. As such, we should not focus on the present only; instead, we have to consider the longer term. The key is how we can resolve this problem. However, when looking into the issue from a long-term perspective, we have to take the current situation into consideration as well and figure out what improvements can be made. We cannot look towards the future only and refuse to deal with the current situation. Instead, I think we should take a more active role in studying

how to improve the current water supply systems of Hong Kong and change the water using habits of the public gradually and reduce our reliance on Dongjiang water progressively. I believe it will be an effective solution.

As I said just now, about 80% of Hong Kong's water supply comes from Dongjiang. We have not looked for other sources of water supply other than maintaining a small amount of local water storage. Let us take seawater desalination as an example. We have not had the opportunity to develop desalination technology yet. On the other hand, we do not see any alternatives proposed by the Government. Therefore I think the next-term Government should take this issue seriously and consider whether any medium-to-long-term goals can be set to improve the water supply systems of Hong Kong. In my opinion, there are four main areas that should be taken into consideration and handled seriously.

The first area, as I just said, is to promote the use of seawater desalination technology. Other areas are storage and recycling of rainwater, as well as enhancing the technology for reclaiming water. On the other hand, the Government should consider how to expand the capacities of our reservoirs. These are crucial. We can work on these areas to reduce our reliance on Dongjiang water. About producing fresh water using desalination technology, it is known that the cost of purchasing Dongjiang water is currently about \$8 per cubic metre while the cost of producing fresh water by the Tseung Kwan O Desalination Plant upon its commencement of operation will be about \$12 per cubic metre, which is more expensive than purchasing Dongjiang water. The difference of \$4 may sound shocking, but we should bear in mind that there is a rising trend in the prices of Dongjiang water. On the contrary, after the commencement of the operation of Tseung Kwan O Desalination Plant and further development of desalination technology, the cost of desalinated water may reduce gradually. With the increased prices of Dongjiang water and reduced costs of desalinated water, the cost difference may be narrowed. By then, not only can we further increase the water supply capacity of the desalination plant, our bargaining power in negotiating for better terms regarding the purchase of Dongjiang water will also be enhanced, and we will no longer be subjected to exploitation without any alternatives.

In addition to increasing local water supply capacity, water conservation is also a key issue from the perspective of environmental protection. Therefore, the Government should strengthen the public education on water conservation,

expand the coverage of seawater flushing network, and control water leakage. More efforts should be put in these areas. In the past few years, there were many cases of fresh water mains burst that caused large amount of water wastage. In my opinion, among the above measures that should be implemented by the Government, the priority is to change the approach of purchasing Dongjiang water from the "package deal lump sum" approach to a "quantity-based charging" approach, and bargain for a fair and reasonable deal for Hong Kong (*The buzzer sounded*) ...

PRESIDENT (in Cantonese): Mr LEUNG, please stop speaking.

MR CHAN HAN-PAN (in Cantonese): President, Dr CHENG Chung-tai said the motion today was frivolous and senseless. Probably Ms Claudia MO also knows that this motion is senseless, and that is why she does not stay in the Chamber to listen to other Members although she is the mover of the motion.

I would like to tell Dr CHENG Chung-tai that he has to learn if he does not understand, and he has to listen if he does not know. Not long ago, a delegation of the Legislative Council conducted a duty visit to the Dongjiang River but he did not take part in the visit. He said he had inspected the water treatment facilities and found that the water there was "dirty like shit". I believe what he saw was the process that air was being pumped into the water and it diffused into tiny bubbles so that the bacteria, pollutants, and mud in the water could surface and be disposed of. This was a process of purification but he thought the water was to be consumed directly at that stage. In this respect, he was indeed distorting the facts and creating panic. I do not know why he perceived things in that way. I am sure he knows that the treated water is very clean and meets the standards of drinking water. How should he say "drinking water that is dirty like shit" here today?

Recently, we had the opportunity to watch some video footage of the days of water rationing. Recalling those days, we can understand that reliable water supply is very important. Today, some Members say we should no longer purchase Dongjiang water because there is wastage, and that as excess water is to be discharged into the sea eventually, it would be better not to buy it. However, there is an old saying, "It is too late if one waits until one is thirsty to begin digging a well." Nowadays, as there is no more water rationing, some people

believe that we do not have to purchase water and we do not need Dongjiang water. But what if water rationing is necessary again in the future? Now they simply think that it is useless to purchase Dongjiang water.

In our discussion, I think water resources, no matter whether it is Dongjiang water or Hong Kong water, should be something neutral. Ms Claudia MO, however, put these words into her motion, "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources". By raising this issue, she creates the impression that Hong Kong people only drink Hong Kong water and do not need imported water. If it is what she thinks, I suggest that she should lead by her example and stop drinking any other water starting from today. She should only drink distilled water because if she drinks other water, it is not "Hong Kong people using Hong Kong water". She should try it herself and then tell us if it is possible for us to drink our own water only.

I am not questioning the argument of Ms Claudia MO, but I think her motion shows certain sense of xenophobia. Her main idea is that we should not rely on Dongjiang water. Now let us just consider the cost alone. Just now, some Members cited the cost of water per cubic metre. We can see that there is a cost difference between producing fresh water using desalination technology and purchasing Dongjiang water. Maybe you do not think that the difference of \$3 is a big deal. However, after the desalination plant commences operation, the costs to be involved are difficult to estimate. Some Members have made reference to the case of Singapore but it is still difficult for us to estimate the actual costs. Coupled with the costs of wages, raw materials, electricity consumption and the like, the costs will keep rising. No one can tell us accurately how much the costs will be. Surely some evaluation is needed, but can we say we do not need Dongjiang water anymore? I think it is a hasty judgment.

Ms Claudio MO says we do not need Dongjiang water anymore and instead, we should promote "Hong Kong people using Hong Kong water". Has she consulted the public? Are the general public willing to accept substantial increase in water charges? Will there be other serious consequences? She fails to tell us the opinion of the public regarding all these. She always says that the Government does not consult the public. Has she consulted the public on this motion? I do not think she has asked the public about their opinion on this motion.

As for purchasing Dongjiang water, she raises the issue about the "package deal lump sum" approach and the "quantity-based charging" approach. She suggested that a "quantity-based charging" approach should be adopted. I do not know how well Ms Claudia MO understands the process of allocating Dongjiang water. During the duty visit to the Dongjiang River, the relevant authorities explained to us that all water resources had to be pre-calculated. They had to figure out the water demand of each region in the coming year clearly and make calculations in advance, and then determined the amount of water to be allocated to each region each day in cubic metres. We cannot ask for a sudden increase or reduction in supply quantities at will. This will make it difficult for them to calculate the allocation of water resources.

An advantage of the "package deal lump sum" approach is that pre-calculations can be made and allocation can be planned in advance. If there is excess water for a region, it can be sold to other regions. But if a "quantity-based charging" approach is adopted, as explained to us clearly by the Mainland officials, prices will no longer be calculated based on the current formula, and another method of calculation may have to be adopted. In fact, the Government has made a lot of efforts. Every year, officials of the Water Supplies Department go to the Mainland to discuss how much water is to be allocated in the coming year. Though a ceiling is set, the water supply quantities every year in cubic metres are pre-calculated so as to minimize excess water that will be discharged into the sea. Because of this flexible allocation mechanism, now we do not have to discharge a large amount of excess Dongjiang water into the sea. Such issue does not exist anymore.

In addition, some Members propose that the Government should strengthen local development of desalination technology. We should remember that we need reservoirs to store the treated water. When the Shek Pik Reservoir and High Island Reservoir were built, a lot of villagers had to be relocated. Nowadays, can any Member suggest some areas in Hong Kong where major reservoirs can be built to store water without damaging the ecology?

I am not against the development of desalination technology, but I think the two alternatives should not be mutually exclusive. Dongjiang water is always our lifeline. In case of drought, we will need it, and it will become water of life. We should not abandon our water out of xenophobia or because we do not want to have any connection with the Mainland. I do not think it is the opinion of the public.

President, I so submit.

MR CHAN CHI-CHUEN (in Cantonese): President, first of all, I would like to thank Ms Claudia MO for moving the motion on "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources". I initially thought no one would disagree with the general direction of the motion. First, promoting "Hong Kong people using Hong Kong water" just means reducing the reliance on others. Ms Claudia MO has also clearly indicated in her motion that the goal is to reduce our reliance on Dongjiang water but not to cease purchasing Dongjiang water altogether. The proposal is not xenophobic in nature, it only aims to reduce reliance on others which to me is an appropriate direction. As for "protecting local resources", it precisely means cherishing water resources only.

Mr LAU Kwok-fan said in his speech just now he did not understand why Ms Claudia MO brought up "Hong Kong people, Hong Kong water" ("港人港水")¹ in the motion and so he deleted the term from his amendment. His understanding of "Hong Kong people, Hong Kong water" is similar to the concept of "Hong Kong people, Hong Kong property" ("港人港地"), that is to say, Hong Kong property can only be purchased by Hong Kong people. He said that water in Hong Kong is now only consumed by Hong Kong people, not by Mainland people nor foreigners. He then questioned the necessity to highlight "Hong Kong people, Hong Kong water". To me, Mr LAU Kwok-fan is just making a deliberate twist to the meaning of the term put forth by Ms Claudia MO.

If an analogy is needed to understand "Hong Kong people, Hong Kong water", the term coined by Ms Claudia MO, it should be "Hong Kong people, Hong Kong chickens" ("港人港雞"), that is to say, Hong Kong people strive to develop chicken farming to meet local demand and reduce the reliance on the live chickens supplied by the Mainland. As we have no control over the supply of live chickens in the Mainland, the supply may anytime come to a halt when avian flu breaks out and by then, we have no chickens to eat. Therefore, if we can provide a steady supply within our capability, it would be a better option than relying on external supply. This also is the rationale behind "Hong Kong people, Hong Kong water" or "Hong Kong people using Hong Kong water".

President, I have proposed to deduct some posts and estimated expenditures of the Water Works Department in a number of budgetary debates previously. But in fact, I have no intention to cut off the supply of water to

¹ The term is translated as "Hong Kong people using Hong Kong water" in the motion concerned.

Hong Kong people. Similar to the purpose of moving this motion today, I hope the Hong Kong Government can revise the unequal water purchase agreement now prevailing and introduce desalination technology to Hong Kong. The Government is actually doing it now, though more as a trial than on an extensive scale. Then, shall we try stretching our capability to do more? This is the policy direction we have to discuss today. Furthermore, Hong Kong should also increase its sources of water, giving Hong Kong people the chance to drink Hong Kong water.

Water supply is a lingering problem in Hong Kong. Though situated in the subtropics, Hong Kong lacks major rivers and does not have a steady supply of water. Before the war, the population of Hong Kong stood at about 1 million and industries which consumed water in abundance had yet to develop. Therefore, the problem could basically be resolved by the reservoirs we had. However, after the war, population escalated, industries developed at a rapid pace, including those which consumed an enormous amount of water such as garment and textile. All these drove up the demand for water. Local source of water was unable to meet the demand and there were instances of water rationing. Therefore, the Hong Kong Government had to resort to purchasing water from Guangdong. At that time, the money used in water purchase became an important source of foreign exchange to China. Though the Government had tried to increase the supply of water with desalination technology in the 1970's and 1980's, the attempt was finally given up because of the cost involved.

Half a century has passed since we first bought water in 1964 and the amount of money we have spent on this is incalculable. Water quality and pollution in sources of water are on longer the most crucial problems to us now as they were decades ago. But we hope Hong Kong can use its own resources, money and water included, as far as possible. As frequently mentioned, we are now paying a fixed price for a certain amount of water which may not be fully used up by us under the "package deal lump sum" approach. Certain progress has been made in recent years, with the introduction of an adjustment mechanism under which only the necessary amount of water is supplied to Hong Kong, unlike in the previous case where all the water purchased was supplied to Hong Kong and the unused portion would go down the drain. While water goes not to the drain now, our money does, as the same amount of money is paid regardless of the volume of water we consumed under the "package deal lump sum" approach.

Technology today is getting increasingly advanced when compared with that decades earlier. We now have the capability to increase our sources of water and hence it is no longer necessary to buy overpriced water or to rely on water supplied from external sources. Of course, the price of producing water with desalination technology is still higher than that of buying water directly as at today, but the price of desalinated water is getting more and more reasonable. I believe that in the near future, we will see continued advancement of this technology to the extent that a close to unlimited amount of seawater can be turned into uncontaminated fresh water at a much lower cost, and thus raising the assurance in both the quality and quantity of water.

Many developed areas that are isolated by their neighbours, such as Israel which is besieged by Muslim countries, rely mainly on desalination technology for fresh water supply. We have also visited Singapore. It could have relied on Malaysia but chooses not to do so as the two suffer from a tense strategic relationship. Singapore then invests on desalination and reclaimed water projects itself. Of course, we do not know how much Singapore pays for such water treatment, for its desalination and reclaimed water projects have been elevated to national security level and are carried out at all cost. But, what I want to say is that if desalination technology is introduced to Hong Kong, local people can enjoy a more steady supply of water which is low in cost and high in quality. This certainly is the right direction to go. As for the pace of implementation, we can further discuss it in the light of the actual situation. This suggestion can also reduce our reliance on Dongjiang water. Furthermore, the introduction of desalination technology can help create more job opportunities and even allow us to groom experts in desalination. Conversely, we can export the technology to help other people or to Mainland China.

You say: The Mainland may not always prioritize the sale of water to Hong Kong, as there are times when self-sufficiency is out of their reach. In times of drought, the cost of water rises steeply and the price they charge escalates. In that case, why do we not develop desalination technology ourselves, so as to minimize our reliance on external factors? Why is this not the best direction ahead? When Dongjiang water is cheap, we can buy some. But if the Government starts working on desalination only after the price of Dongjiang water is hiked, we will definitely regret. When the source of water is held in other people's hands, they can tell you what to do (*The buzzer sounded*) ... and you can only follow.

PRESIDENT (in Cantonese): Mr CHAN, please stop speaking.

MR NATHAN LAW (in Cantonese): Mr LEUNG, the controversy of water resources has attracted public attention in the wake of the Dongjiang water issue. Just now a number of Members have said that over past decade, the actual supply quantity of Dongjiang water to Hong Kong was lower than the supply ceiling, and the extra public money that the Hong Kong Government had to pay had accumulated up to \$4.5 billion because of the "package deal lump sum" charging mechanism. This is an issue the public concern very much. Nevertheless, the issue concerning the water resources of Hong Kong does not limited to the issue of Dongjiang water, and Members have already spoken on that just now. Hong Kong's actual problem of water resources is about the overall planning. First of all, we have to ask why should we concern about water? What kind of role the natural resources are playing on earth and in our daily lives?

We have heard a wise saying from time to time, that is, "The money is yours, but the resources belong to everyone". The meaning is that when those vulgar tycoons are eating and drinking, I can point my finger at them and say, "The money is yours, therefore you can spend it in whatsoever way; but the resources belong to each and every person, thus you should not waste them." For that reason, when we talk about resources, actually every person on earth should be duty-bound to conserve public resources, and Hong Kong's water resources are very precious.

Today, we are debating on the motion proposed by Ms Claudia MO, that is, "Hong Kong people using Hong Kong water", with a view to augmenting the self-sufficiency rate of Hong Kong's water supply. This will not only reduce our reliance on the Mainland, but more importantly, the topic of discussion can enable us to try to think about how we should deal with the issue concerning the planning of Hong Kong's water resources, as well as to rethink the interactions between human beings and the nature, which is a long-forgotten issue to us.

Hong Kong is actually one of the many metropolises which wastes a huge amount of tap water. The global water consumption per capita is 110 litres, but Hong Kong people have consumed 132 litres per capita daily. Its bottled water consumption rate is among the top ten highest in the world. Therefore we can see that the problem of water wastage or the planning of water resources in Hong Kong requires our immediate attentions.

Next I will comment on the problems concerning Hong Kong's overall planning of our water resources, I will speak on issues ranging from the Government to social culture, and hopefully I can propose specific solutions to enable our city to make better use of our water resources, with a view to saving money from the public coffers.

When we talk about issues concerning how we should handle our water resources, they are nothing more than tapping new source, cutting consumption and their effective use. Hong Kong has two sources, including Dongjiang water, which accounts for approximately 70% to 80%, and rainfall from local catchments, which accounts for about 20% to 30%. In future, of course we should improve the self-sufficiency rate or to tap new source or even expand it. It is estimated that by 2020 we will have the first ... it is not the first, but after its commissioning, it will be the only desalination plant in Hong Kong. In the past, Hong Kong has also adopted some relevant desalination technologies in desalination, but that desalination plant was closed down due to cost and technological problems.

We can foresee that we can have three water sources and resources in future. That include Dongjiang water, rainfall from local catchments and desalinated water. The future direction should be reducing the purchase of Dongjiang water and increasing the proportion of collecting rainfall from local catchments and desalinated water. The reduction in the purchase of Dongjiang water will certainly help the Government to minimize wastage of public funds and safeguard the public coffers. Nevertheless, other important details concerning water supply, such as whether or not we should switch to the "quantity-based charging" approach, we may discuss that inch by inch, but the more important issues are tapping new source and improving the self-sufficiency rate.

Next I will expound on a number of Hong Kong's existing problems. First, as the water wastage problem in Hong Kong is very serious, therefore we should reduce the wastage of water. Every year, we have wasted more than 30% of water due to Government's water mains leakage. It is projected that the Government has lost \$1.35 billion. As at 2015, the freshwater wastage rate had increased by one third. During the period from 2006 to 2012, the volume of reservoir overflow was as high as 29 million cu m, which was tantamount to discharging the water of the entire Tai Lam Chung Reservoir to the sea. We can see that the Government has already wasted a large volume of freshwater in the

management of water resources, and I have said just now that the public have also wasted a lot of water. Therefore, the first direction is to enhance the treatment of water mains leakage, encourage the conservation of water resources and educate the public to save water. This is a very important direction.

Second, we should improve the planning of Hong Kong's nature and rivers. Country parks are closely linked to the protection of water resources, and country parks are the footholds for protecting freshwater from contamination and safeguarding the supply and source of freshwater. In fact, eight irrigation reservoirs are located in the protected realm of country parks. For that reason, the fact that we protect our country parks, the natural environment and ecology are actually tantamount to protecting the very precious water resources of Hong Kong. They simply complement each other.

However, now there are voices from the Government that these country parks have to be developed, which are running in opposite direction to the important and strategic direction of protecting our water resources. At the same time, the Government lacks the management concept of protecting water resources. For example, upper reaches of rivers are managed by the Water Supplies Department ("WSD") while lower reaches of rivers are managed by the Drainage Services Department ("DSD"). So WSD is responsible for collecting the water and DSD is responsible for discharging the water. But there is perhaps some management mistakes in between the two, which may cause a stop in the flow at the middle stretches of a river and the ecology of rivers is therefore damaged. Besides, DSD tends to treat rivers as sewage systems. They will fill the river bed with cement and straighten up the bends, and thereby causing an impact on the ecology and water resources. As a result, a number of stinky rivers have emerged. For that reason, we need to improve Hong Kong's natural environment and planning management of river if we are to protect the supply of freshwater. However, the Government fails to establish a long-term goal in this area.

Third, we should step up the desalination technology. Just now I have mentioned that the new desalination plant is estimated to be completed by 2020, which would supply as much as 5% of Hong Kong's total water supply at the early stage, and that will be increased to 10% after its expansion. The key point is that we have to develop new technology so that we can achieve technology autonomy, increase our water supply and reduce the reliance on neighbouring regions. For that reason, I hope the Government will continue to make an effort in these three directions.

The Hong Kong's Climate Action Plan 2030+ has also pointed out the key points I have just mentioned. All in all, besides the involvement of politics, water resources also involve town planning and ecological issues. I hope the Government will concern more about water resources conservation so that we can really achieve the target of "Hong Kong people using Hong Kong water".

I so submit.

MR LEUNG CHE-CHEUNG (in Cantonese): President, the motion "Promoting 'Hong Kong people using Hong Kong water' and protecting local resources" moved by Ms Claudia MO today is a good topic for discussion. However, Ms Claudia MO has always been a key person in provoking tension in the relationship between Hong Kong and the Mainland. She complained in her speech that someone challenged her and asked her what kind of water she was drinking. Surely it was Dongjiang water, but she said she had to pay for it. Our water surely involves some costs. There is no free lunch.

I recall that during our duty visit to Dongjiang River, I watched some video footage of the old days in 1960s. In 1962, Hong Kong came across a serious drought, and the British Hong Kong Government was compelled to ask for help from the Mainland. At that time, the British Government was not in good terms with the Mainland Government, and therefore it had to resort to the mediation of the Chinese General Chamber of Commerce to ask the Central Government to obtain Dongjiang water from the Guangdong Province. That was a critical and difficult time, but with the strong support of the Central Government, which spared no effort to channel Dongjiang water to Hong Kong in less than two years, Hong Kong was saved from dry seasons. Since then we have had sufficient water supply even during the periods when water sources dried up.

Nowadays, people are happy with sufficient water supply. However, have you ever recalled the hard time during the 1962 drought when people had to line up for water? Ms Claudia MO may not be able to recall it. Even I myself may not have experienced it, but Mr WONG Ting-kwong may have come across the hard time. (*Laughter*) When there is sufficient water, one cannot imagine the hardships of water shortage. Therefore, she proudly declared that she paid for her bottled water. Under such circumstances, the motion "protecting local

resources" is indeed a very good topic for discussion. Why do I say that? It is because we have to ask whether Hong Kong has the ability to conserve and enhance our water resources.

Two years ago, we went to Singapore to visit a seawater desalination plant. After the visit, we think desalination is worth carrying out in Hong Kong. This is in line with the national strategic plan, according to which a desalination plant should be built in Hong Kong for it to attain self-reliance in case of water shortage. Of course, it is not the best solution, but the Government has already set a direction. For instance, a desalination plant with a water production capacity of 50 million cu m will be built by 2020. The production capacity will meet 5% of local water demand, and it will be increased to about 100 million cu m in the future, which is 10% of local water demand. This is actually one of the solutions to provide the residents of Hong Kong with sufficient water resources.

However, it seems that the Government has not actively promoted or adopt the technology of water reclamation. Specifically, how can we collect water that come from the hills at low-lying areas and then have the water treated for further consumption? It seems the Government has put very little resources in this regard and failed to tell us how much more production capacity can be attained by using such technology. Is it possible to increase the capacity to meet 5% or 10% of local demand, similar to that of the desalination plant? If it is possible, the pressure from our reliance on the Dongjiang water can also be alleviated.

We can see that the "package deal lump sum" approach adopted by the Mainland authorities in selling Dongjiang water is very favourable to Hong Kong. According to the information provided by the Mainland authorities, in particularly dry years, among the eight areas that rely on Dongjiang water, including Hong Kong, ours was the only area that did not suffer from a reduction in supply quantities when those allocated to other areas, including Guangzhou, Huizhou and Heyuan, were reduced. It is sufficient to show that the "package deal lump sum" approach does guarantee reliable water supply to Hong Kong. It is true that there has been wastage during years with high rainfall due to excess water supply. But the supply quantities cannot be reduced at will because quantity adjustment has to be negotiated in advance. In this case, wastage of water resources is resulted. Has the Government considered how to utilize such

excess water by storing them properly so that Hong Kong can store more water for future use? I think this is worth considering.

One of the foci of this discussion is whether the approach adopted by the Mainland authorities in selling water is appropriate. Someone says that a "quantity-based charging" approach will be the most favourable to Hong Kong. However, during our duty visit, we listened not only to the explanations of the Mainland authorities but also to those made by the officials of the Water Supplies Department of the Hong Kong Government. The Government has put a lot of efforts to discuss and bargain with the Mainland authorities. Between the "package deal lump sum" approach and the "quantity-based charging" approach, the former has been adopted in the end because it ensures that the majority of Hong Kong people can have access to sufficient water resources in the long run. Some fellow Members criticize our government officials, saying that they have not put enough efforts in this regard. From the information provided by both Governments, however, we can see that the SAR Government officials have done their utmost to bargain for more favourable prices to purchase the Dongjiang water under the "package deal lump sum" approach. A "quantity-based charging" approach does not guarantee lower prices and we may have to pay more under such approach. I urge the Members who say that a "quantity-based charging" approach is the best deal to discuss with officials of different departments and find out if it is really the best solution.

I so submit.

MS ALICE MAK (in Cantonese): President, clean fresh water is very precious resources to the whole world. In many places of the world, fresh water supply is grossly inadequate. As a result, the daily lives of the local residents are affected as shortage in water supply hinders effective farming, and even the daily lives are being restricted by the shortage in water supply. Hence, many countries have been making an effort over the decades to build desalination plants, carry out researches and development and make use of recycled water in order to increase fresh water supply and reduce wastage in fresh water.

However, the people of Hong Kong are very lucky over these decades. It can be said that there has been no shortage in water supply all along. I recall the experience of water rationing while I was a child. When I have grown up, it

seems that there is no more water rationing as we have an incessant supply of Dongjiang water. As we need not worry about supply, the water consumption of the Hong Kong people stands very high. There are no large scale industrial productions in Hong Kong and therefore water is mainly used in our daily lives. Yet our water consumption has always been higher than the global average. The daily domestic water consumption of the Hong Kong people reaches 130 litres, representing an increase of 2.2 litres when compared with 2004-2005. It is also higher than the global daily average water consumption of 110 litres by 18%. As we can see, our daily water consumption habit is really a bit "thrifless".

The annual total fresh water consumption of Hong Kong is over 9 million cu m while the existing storage capacity of the reservoirs in Hong Kong is about 4 million cu m. The existing storage capacity of our reservoirs basically cannot meet the annual water consumption need of the Hong Kong people. Therefore, over the years, about 70% to 80% of our water supply comes from Dongjiang water. The degree of reliance on Dongjiang water is roughly the same as Shenzhen and Huizhou, which is also 70% to 80%, while the degree of reliance in Dongguan is even as high as 90%.

Though the degree of reliance on Dongjiang water is roughly the same, in years when water is in deficient supply, i.e. during droughts, the supply quantity of Dongjiang water will not change, whereas the water supply for places like Shenzhen, Huizhou and Heyuan will reduce by over 3 percentage points to over 5 percentage points. The degree of reliance of Dongguan on Dongjiang water reaches 90% but in the years with deficient water supply, the water supply quantity will be cut by the greatest amount, reaching 7.8%. The supply quantity of Dongjiang water for Hong Kong is not affected by drought because the Hong Kong Government purchases Dongjiang water under a "package deal lump sum" approach. Buying water under the "package deal lump sum" approach or buying water under a "package deal" means that regardless of the actual quantity of Dongjiang water being delivered, Hong Kong will still have to pay a fixed lump sum of water cost at over \$4 billion per year in respect of the water supply ceiling of 820 million cu m under the agreement.

All along, the package deal purchase approach has been considered unreasonable by those who do not understand this because it is not very economical having to pay a fixed sum on top of an annual increase in cost. The

three-year contract price of water supply was \$11.2 billion last time whilst the current contract has increased by 20% reaching \$13.49 billion. However, many people do not mention that, just as I said a moment ago, the package deal system enables Hong Kong to maintain a stable supply of water even in times of drought and save us from reduction in water supply like the case of Dongguan.

Furthermore, if the package deal system is really changed into payment on actual supply quantity, the price may not necessarily be cheaper than that of the present. Just as many of our colleagues who went together to learn about the water quality and water supply facilities in the Dongjiang River Basin mentioned just now, when discussing whether the supply of Dongjiang water should be charged on the basis of the quantity actually supplied, the Mainland side indicated immediately that if the supply of Dongjiang water was to be charged based on actual supply quantity, the water cost might not be less than the current one or might even be increased. As our colleagues have just pointed out, we have to consider many possibilities. If calculated on per unit cost, it will include the expenses on construction, maintenance and conservation of infrastructures. The resultant cost may not be cheaper than that of the present. We cannot calculate the per unit cost of water under the package deal system and multiply it by the daily water consumption and then pay the water cost on the basis of such calculation. Things are not that simple.

We cannot simply think that by changing the system, it will make us pay less. Moreover, I also think that the idea of Dr CHENG Chung-tai is quite nice because he admits that Hong Kong is part of the Motherland and so the concept of buying should not be adopted in dealing with this matter. Nevertheless, we have to consider the fact that Hong Kong people have to pay water charges to the Water Supplies Department for consuming water in Hong Kong. The rationale is in fact the same. We of course hope that the cost of purchasing Dongjiang water can be reduced and we also urge the Government to do its best to bargain for a lower cost when negotiating the agreement.

Just now Mr LEUNG Che-cheung has mentioned in his speech that we can see how hard have the officials of the SAR Government tried to strive for a reasonable or lower price for the Hong Kong people in the same manner as we negotiate for a better deal when shopping at the market. However, we do not agree that we should simply replace the package deal system with payment on actual supply quantity. On the contrary, we should appreciate the differences in

charges of the two and should also develop other new mode of charging. For instance, some people on the street propose that an adjustment mechanism be set up or other possibilities be examined. Hence, we will not support the original motion and the amendments moved by Dr Helena WONG and Mr Kenneth LEUNG as they all aim at simply changing the package deal system into payment on the basis of actual supply quantity.

We also think that greater flexibility should be allowed for the Government in striving for more reasonable water cost in respect of the agreement. So we disagree with the amendment of Mr LAU Kwok-fan either as it will create a very rigid framework which requires the Government to follow. We hope that the Government can devise some new proposals so that we can strive for a more reasonable price.

As a conclusion, we think that in reducing the expenditure on fresh water supply, the Government should strive for a reasonable deal. At the same time, we should learn to change the spendthrift habit of Hong Kong people in using water and encourage conservation of water. Only in that way can we really reduce water consumption and lessen our burden from water charges.

President, I so submit. Thank you.

DR KWOK KA-KI (in Cantonese): President, when we talk about "Hong Kong people, Hong Kong water", the issue we must discuss is whether the fresh water is being used properly. Due to the Dongjiang water supply agreement, we have to pay a fixed sum annually irrespective of the quantity of Hong Kong's water consumption. This is known as the "package deal lump sum" approach. In fact it is just liked ... a bit likes pedlars selling tangerines, they will charge you no matter whether you will eat them or just use them for display once they are put down. Hence, the quantity of Dongjiang water wasted by Hong Kong over the decade amounted to 1 100 million cu m, which can fill up 440 000 standard swimming pools with a total of \$4.6 billion public money being wasted like being poured into the sea.

Furthermore, the cost of Dongjiang water keeps on rising. In 2007, \$2,494 million was spent on purchasing 820 million cu m of water, which was about \$3.04 per cubic metre of water. In 2016, the water costs increased to

\$4.491 million, costing \$5.48 per cubic metre of water. In the 10-year period, the cost of Dongjiang water has risen by 80%. We find that in terms of the cost of Dongjiang water, Hong Kong is paying 3.3 times of Shenzhen and Dongguan's. This is very strange as we know that the State has always said that it is for our benefit. If so, the same treatment should of course be extended to all. Not to say a better price, just being fair to all will do. Unexpectedly, the water cost that Hong Kong is paying is three times of those of Shenzhen and Dongguan.

Most ridiculously, the SAR Government says that it has done its best each time when it deals with the Government of Guangdong Province. In other words, the SAR Government has been abused by being charged 3 times the cost. It is being forced to purchase water under the "package deal lump sum" approach, but it still has to express its "gratitude for the favour of our sovereign state" when it comes back to Hong Kong. It says it has made utmost effort to negotiate while the sum of \$4.22 billion, which is not substantial in its opinion, has been "ripped off" by the Government of Guangdong Province. Right, if the SAR Government does not keep on wasting the public fund on constructing the "white elephant" projects, such as spending \$115.7 billion on building the Hong Kong-Zhuhai-Macao Bridge and \$90 billion on building the Guangdong-Shenzhen-Hong Kong Express Rail Link, an annual expenditure of \$4.22 billion is not that much. About the current increase to \$4.49 billion, they do not consider it substantial either. However, it is indeed very regrettable.

Hong Kong's high water consumption is not ideal but the underlying reason is unrelated to the Hong Kong people. Just now some Members have said that the water consumption of Hong Kong is high. However, one of the reasons for losing one third of our water supply is that the maintenance of water mains performed by the Water Supplies Department is rather poor. According to the report released by the government consultant, as high as 33% of the water is wasted annually, among which 18% is due to leakage of public mains and about 14% in private buildings. They add up to 33%. That is to say, we lose a substantial amount of money for that reason. Take the recent case as an example ... leakage of water from the various mains amounts to 1 350 million cu m each year. If the Water Supplies Department can do a better job and the Government treasures more and does not let the water leak, we need not buy so much Dongjiang water. For the sake of observing the "package deal lump sum" agreement now, Hong Kong in fact has to discharge the water from

many of our reservoirs. Over the past 11 years, the water that Hong Kong reservoirs had to discharge was as high as 379 billion cu m, which could provide supply for 7 million Hong Kong people for one year. On the one hand, we have to "endure" high water cost and on the other hand, we lose one third of the water due to leakage of mains while having to discharge the water in the local reservoirs.

The most outrageous is that the current situation is almost like "charging after consumption". No matter whether Hong Kong has reached the relevant water consumption level, they still charge that price. If the SAR Government adopts "quantity-based charging" approach rather than the "package deal lump sum" approach, they still charge the same. I have never heard of any person who is so wicked. That is to say, they have made the most out of Hong Kong by earning more than \$4 billion. Even if Hong Kong Government amends the clauses slightly, they will still charge Hong Kong more than \$4 billion. How can they be so wicked? Hence, when those people say that they have offered you preferential treatment and that it is to your benefit, they are in fact lying. Can you say that the water is free? No, it is all paid.

The agreement was signed in the year 2000. We may have forgotten why there is such an agreement. Actually, this agreement has saved the Guangdong Holdings Limited ("GD Holdings") then. "Something went wrong" with GD Holdings during the Asian financial crisis and it had to undergo debt restructuring. The outstanding sum of the debt restructuring amounted to US\$6 billion. It was 1998 then, and US\$6 billion was equivalent to HK\$48 billion. More than 500 enterprises all over China were involved, with creditor banks exceeding 200, debenture holders over 300 and creditors more than 1 000. The GD Holdings was "in a state of emergency". It was a very serious incident to the Central Government and the Government of Guangdong Province then as someone should have done something wrong. It became insolvent but it lent at random and so GD Holdings got no money.

One way out was to raise money by issuing debenture. What way would be more ideal than signing a "meal ticket" with Hong Kong. Hence, from that time onward, the SAR Government had to purchase water from GD Holdings. This agreement saved the company since all creditor banks and creditors saw that GD Holdings had SAR Government as its "meal ticket". The SAR Government

was obliged to pay it several billions of dollars each year, so the company survived its debt restructuring.

I reveal this history because I want to point out that no one will give Hong Kong anything as gift, and no one has ever given Hong Kong anything out of brotherhood. What they say is all false benevolence. So long as Hong Kong pays one cent less, our water supply will be cut. All these are not done for the people of Hong Kong. We must strive for "Hong Kong people, Hong Kong water". I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): President, the responsibility of the Government is to provide the community at large with the most basic necessity of lives while water resources are definitely one of them. Water resources are indeed very precious. We are now in a strong financial position and we can purchase water from the Guangdong side but Guangdong Province is in fact facing a shortage in water supply. Last time we heard from the officials that if calculated in terms of the average per capita abstraction quantity of Dongjiang water in Guangdong Province, their water supply was inadequate. The Guangdong Holdings Limited ("GD Holdings") has now been changed from a state enterprise then as mentioned by Mr LEUNG Che-cheung to a private enterprise, so we are actually dealing business with a businessman.

The Government secures supply of water resources through the "package deal lump sum" approach, which is inevitable in the business world. If we want to get secured, we have to pay this price, otherwise, no supply will be provided. As a matter of fact, the other party has indicated clearly that we can by all means calculate by actual supply quantity but they will still have a way to make us pay a corresponding amount. This in fact is very simple. On our study tour to Dongjiang, the other party already said ridiculously that payment on actual supply quantity might not be beneficial to us as they could include various indirect costs in the bill. To wrestle with the deal is therefore a waste of time because we naturally have to beg for it when we have no water to use.

I want to talk about what Hong Kong should do. I joined both visits to Singapore and the Mainland. I found that since we had been using Dongjiang water, we became very lazy. If the leakage problem mentioned just now

happens in other countries, the person responsible will be dismissed. How can 33% of the water resources be wasted for nothing? The factor of money aside, this will indeed "attract bad karma", in my mother's words.

As the Innovation and Technology Bureau has been established, why do we not take prompt action to install endoscopes so that water leakage can even be detected in the office? As for the private sector, it will require government coordination to do this. However, is it not strange that a solution to save those 33% of water resources from draining away for nothing is still lacking? The Government frequently builds "white elephant" projects, keeping a straight face even when there is an overspending of \$10 billion. However, as I pointed out on several occasions in the Council that the cost-effectiveness and opportunity cost of those projects were extremely low, they should absolutely not be carried out.

After covering the leakage problem, let us proceed to the collection of water. When I went for a study tour in Singapore, I found that they created catchment areas in parks or turned low-lying areas into catchment areas in accordance with the topography. They did quite well in this area. Has Hong Kong done so? A unique one seems to be under construction recently, but we really have to speed up and proceed immediately. Since we always say that Hong Kong people are underemployed, why should the "white elephant" projects be built? Just this project alone will be sufficient, is it not? There is purification of water after its collection. We have done a bad job in this regard. Purification of water means to let water resources be recycled for non-potable purposes, but we really did not perform well in this respect.

As to recycled water, I do not know whether Mr Steven HO joined the study tour to Singapore. Does he know that the recycled water they produce is very clean? I asked about the usage of the recycled water which they produced in huge quantity. They replied that the recycled water was for industrial use rather than for potable purpose, but the water quality was still higher than the potable water drunk by the Singaporean. Hong Kong does not have water for industrial uses as the local industrial activities are too limited. However, we still keep on wasting the water resources, which is most awful.

President, take the glass of water in my hand as an example. I have never seen Members pouring the water that has not been consumed into the water bottle they prepare and bring it back to office for further consumption. Everyone is

indifferent. I go in and out while attending the meetings of several committees, I should not have finished up one glass out of the three but I do not do so. Do any Members finish their water? Do any colleagues save the water up for watering plants? It is a sheer waste of time, is it not? We are not prepared to do it either because the Government does not make any publicity about crisis in water resources. Nor does it promote that water resources is very precious and should not be measured in terms of money. Think about the drought in the northern part of Guangdong. The place is barren ground, but are those people not human being? It is just because GD Holdings does not allocate them with water resources, and instead, it allocates it to us.

Furthermore, there is desalination. We have not done this either. The tour to Singapore has prompted me to conclude that all are achieved unintentionally. To solve the water resources problem, the Singapore Government found an ordinary woman to set up a company and its scale is getting bigger and bigger. I think it should involve provision of allowance as the Temasek Holdings Private Limited also holds its shares. The company can now sell water and facilities to two places in China and secure four more orders. We always complain that there is no business to do. Why do we not study the technology in desalination and then sell it? We can reap a handsome profit just by doing business with the Mainland. I am not joking. That company is now having substantial business dealings with the Mainland. We keep on talking about high technology but why do we not consider this aspect?

It is the same for reservoirs. When I complained that the reservoirs failed to achieve the purpose of water storage, the official replied that it was because the size of the reservoir was too small and so the water was drained away. Buddy, in such situation you should fix the reservoir as no one will object to it. The fresh water lakes overseas are similar to reservoirs. The problem of afforestation will not occur. However, the Government has not done anything and it ends up in this issue being discussed today. I think the Government relies too much on commercial principles. It thinks no more about the importance of water as a kind of resources at all after it has become rich. (*The buzzer sounded*)

PRESIDENT (in Cantonese): Mr LEUNG, please stop.

PRESIDENT (in Cantonese): Before I suspend the meeting, I wish to remind Members that the Council will hold the Chief Executive's Question and Answer Session tomorrow at 9:30 am to 11:00 am, it will then resume the meeting at 11:30 am to continue with the items on the Agenda of the current meeting. I now ...

MR LEUNG KWOK-HUNG (in Cantonese): President, point of order.

PRESIDENT (in Cantonese): What is your point of order?

MR LEUNG KWOK-HUNG (in Cantonese): The Chief Executive' Question and Answer Session and the meeting subsequently resumed tomorrow are two separate meetings, is that right?

PRESIDENT (in Cantonese): Yes.

MR LEUNG KWOK-HUNG (in Cantonese): Does it mean that even if there are Members being driven out of the Chamber during the Chief Executive's Question and Answer Session, he can still attend the meeting subsequently resumed tomorrow?

PRESIDENT (in Cantonese): Are you suggesting that I would drive you out of the Chamber tomorrow morning?

MR LEUNG KWOK-HUNG (in Cantonese): No, I do not mean that. I just clarify it, please excuse me.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting.

Suspended accordingly at 7:53 pm.

Appendix I

WRITTEN ANSWER**Written answer by the Secretary for Development to Mr CHU Hoi-dick's supplementary question to Question 4**

As regards the research scope, the Government entrusted the Urban Renewal Authority ("URA") with the preservation and revitalization of the Central Market Building. During the extensive public engagement exercise conducted between 2009 and 2011, there was public consensus that the operation model should have due regard to heritage conservation and public enjoyment, and should avoid profit-maximization. Also, the revitalized Central Market Building will provide a diversified and non-uniform leisure space for public enjoyment and adopt an operation model aiming at providing affordable goods and services, and with greenery and public space provided. URA pledged that the Central Market Revitalisation Project will be implemented on the basis of the above mentioned public consensus.

To take forward the Central Market Revitalisation Project, URA set up an Ad Hoc Committee on the Central Market Revitalisation Project in January 2016 to formulate an operational model for the revitalized Central Market Building based on the comments collected and consensus achieved in the public engagement exercise conducted between 2009 and 2011. The Ad Hoc Committee has engaged a consultant to carry out a consultancy study to work out the details of the operation arrangements, including the engagement of operator(s) for the revitalized Central Market Building.

The consultancy study will explore how to ensure that the operator(s) to be engaged by URA will operate the revitalized Central Market Building according to the pledge made by URA, i.e. aiming at providing affordable goods and services, exercising control over the uses and tenant mix of the Central Market Building to encourage a diversified array of affordable goods and services, not introducing expensive branded stores, and providing greenery and public space. The consultancy study will also study the potential market interests, and develop a procurement methodology and strategy that would be conducive to the engagement of the most suitable operator(s) and ensuring an open, fair and transparent tender arrangement. Also, during the course of the consultancy study, the consultant will solicit views on the operation modes.