

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 29 November 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 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, G.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, G.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 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, S.B.S., J.P.

THE HONOURABLE WU CHI-WAI, M.H.

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

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

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, S.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, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, B.B.S., 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 CHUNG KWOK-PAN

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, B.B.S., M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

MEMBER ABSENT:

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE WONG KAM-SING, G.B.S., J.P.
SECRETARY FOR THE ENVIRONMENT, AND
CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE LAU KONG-WAH, J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE JAMES HENRY LAU JR., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE FRANK CHAN FAN, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

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

THE HONOURABLE EDWARD YAU TANG-WAH, G.B.S., J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

MR JACK CHAN JICK-CHI, J.P.
UNDER SECRETARY FOR HOME AFFAIRS

CLERKS IN ATTENDANCE:

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, 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:

- No. 28 — Fire Services Department Welfare Fund
Report on the Administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 31 March 2017
- No. 29 — Occupational Safety and Health Council
Annual Report 2016-2017
- No. 30 — Secretary for Home Affairs Incorporated
Financial Statements and Report of the Director of Audit for the year ended 31 March 2017
- No. 31 — Sir Edward Youde Memorial Fund
Report of the Board of Trustees, Financial statements and Report of the Director of Audit for the Period 1 April 2016 to 31 March 2017
- No. 32 — Hong Kong Housing Authority
Annual Report 2016/17
- No. 33 — Hong Kong Housing Authority
Financial Statements for the year ended 31 March 2017
- No. 34 — Estate Agents Authority
Annual Report 2016-17

No. 35 — The Commissioner on Interception of Communications and Surveillance

Annual Report 2016 to the Chief Executive (together with a statement under section 49(4) of the Interception of Communications and Surveillance Ordinance)

Report No. 5/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Measures to promote the development of marine fish culture

1. **MR STEVEN HO** (in Cantonese): *In the Policy Address she delivered last month, the Chief Executive indicated that the Government would "expand the existing fish culture zones, improve the fish culture environment and promote the development of marine fish culture". However, some fishermen have pointed out that following the changes in the industry profile and society, the existing policies and legislation have become outdated and have hindered the development of marine fish culture, but the Government has not conducted any review of such policies and legislation over the years. In this connection, will the Government inform this Council:*

- (1) *given that the authorities have banned raft area extensions in existing fish culture zones ("FCZs") by mariculturists since the 90s of the last century, and those mariculturists who wish to expand the sizes of their culture areas can only purchase fish culture licences from other mariculturists, making it difficult for mariculturists to expand their businesses, whether the authorities will lift the ban; whether, in the long run, the authorities will, by making reference to the development plan for the Lok Ma Chau Loop and the development approach of the Hengqin Macau Youth Innovation Valley, discuss with the Mainland authorities the designation of an area in the waters near Hong Kong for use as a marine FCZ for*

Hong Kong or for other agriculture and fisheries related purposes, and provide related complementary facilities, in order to solve the problem of shortage of space in Hong Kong waters for the development of the fisheries industry; if not, whether they will expeditiously explore other alternatives to solve the problem;

- (2) given that mariculturists are required to obtain permits issued by the Agriculture, Fisheries and Conservation Department before they may temporarily move their mariculture rafts out of FCZs, but the vetting and approval of the permits takes time although the authorities have streamlined the relevant administrative procedure, whether the authorities will consider the proposal of setting up temporary sites for relocating mariculture rafts to avoid massive fish deaths in FCZs in case of contingencies (e.g. red tides, parasites or aquatic hypoxia); whether the authorities will consider amending the existing legislation to protect mariculturists' rights and interests more effectively; and*
- (3) as I have learnt that at present, the authorities will remove sediment in a FCZ or approve individual mariculturists to conduct recreational fishing activities on mariculture rafts only with the consent of all the mariculturists of the FCZ concerned, but it is impossible to obtain the consent of all mariculturists, thus causing difficulties in the improvement of the water quality of FCZs and the livelihood of mariculturists, whether the authorities will adjust the said practice, e.g. by making reference to the arrangement under which the retrofitting of air-conditioning systems in public markets may be carried out provided 80% of the tenants have given support, so as not to hinder the sustainable development of marine fish culture; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the Government strives to promote the sustainable development of the fisheries industry. To this end, in the past few years the Agriculture, Fisheries and Conservation Department ("AFCD") has undertaken various work including among others reviewing the existing aquaculture management regime and encouraging mariculturists to adopt advanced and environmentally friendly culture practices. This notwithstanding, given that the marine resources belong

to the Hong Kong society, we would have to factor in other public policy considerations (including ecological balance, marine conservation, navigation safety, etc.) and the statutory responsibilities of law enforcement departments under various legislations while promoting the sustainable development of the fisheries industry.

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

- (1) The Marine Fish Culture Ordinance (Cap. 353) ("the Ordinance") stipulates that any person conducting marine fish culture activities in Hong Kong waters must possess a valid marine fish culture licence, and such activities should be carried out in designated fish culture zones ("FCZs").

Having considered the impact of FCZs on the environment, the Government imposed a moratorium on granting new marine fish culture licences and designating new FCZs in 1990. In response to the operational needs of the industry, the Government amended the Ordinance in 2002 to allow licence transfer, so that mariculturists who wish to expand their business and those who are interested in joining the industry would be able to acquire the necessary fish culture areas through the transfer. At present, there are on average about 100 licence transfer cases each year. After completing a review on mariculture in 2013, the Government launched a pilot scheme in 2014 to issue new marine fish culture licences on a limited basis, with the aim of collecting data for assessing the environmental impact of issuing the new licences.

Currently, the waters of Hong Kong are sufficient for the development of the mariculture industry. AFCD is planning to expand the area of Yim Tin Tsai FCZ to improve its the raft density, and conducting a consultancy study to identify sites for *designating* new FCZs, with a view to providing more room for the development of the mariculture industry. AFCD will also examine the introduction of complementary measures, including the issuing new marine fish culture licences and providing technical support to assist mariculturists in adopting advanced culture practices or experimenting culturing new species, etc.

- (2) In case of contingencies (such as red tides) in the aquatic environment of FCZs, AFCD will allow mariculturists to temporarily move their fish rafts out of FCZs to reduce the impact on cultured fishes. Under the Ordinance, marine fish culture licensees shall obtain a permit from AFCD to operate in designated areas under the required conditions. AFCD will seek advice from the Marine Department ("MD") on the relocation site for the sake of ensuring marine and navigation safety, and consider the water quality of the FCZ concerned before issuing the permit. As the environmental factors and marine and navigation safety vary in each case, setting up fixed sites for temporarily relocating fish rafts is not viable. Nevertheless, in case of contingencies and emergencies, AFCD will, with the consent of MD, allow mariculturists to move their fish rafts to designated areas before their permit applications are processed. AFCD will continue to maintain close liaison with MD so as to provide assistance to the affected mariculturists as soon as possible.
- (3) As most FCZs have been in operation for years, and as a result of trash fish feeding and intensive fish culturing previously adopted by mariculturists, some FCZs have found sediments settle at the bottom. As a matter of principle, sediments should be removed by mariculturists on their own as fish culturing is a commercial operation. That said, in response to the requests from the industry and where resources permit, the Government had assisted in removing sediments in some FCZs to improve water quality. Since the sediment removal work involves the use of large-scale machineries that would have short-term impact on the aquatic environment, it is not suitable to conduct culture activities during such period. To avoid affecting the mariculturists in an FCZ by the work, all the fish rafts therein should be temporarily relocated during the process. As such, we consider that only with consensus among all the mariculturists in an FCZ and where resources permit will the Government consider the request for removing bottom sediment. AFCD would deploy biofilters in FCZs and encourage the adoption of advanced and environmentally friendly culture practices in order to maintain a favourable culture environment.

FCZs are established for carrying out mariculture activities. To meet the growing public demand for recreational fishing facilities and provide an additional source of income for mariculturists, starting from 2002, AFCD allows marine fish culture licensees to operate recreational fishing business on their rafts as long as public safety can be ensured and that the mariculture activities and environment in FCZs will not be affected. As the recreational fishing business may impact on other fish rafts and the fish culture environment of the FCZ concerned, AFCD will consult relevant stakeholders, including mariculturists in the FCZ concerned and the locals, when considering applications for conducting recreational fishing activities. To improve the management of FCZs, AFCD is considering designation of sub-zones where practicable for conducting recreational fishing activities in FCZs in order to reduce their impact on the mariculture operation. AFCD will gauge the views of different stakeholders in the FCZs concerned.

MR STEVEN HO (in Cantonese): *President, once again I need to tell the story I told the previous SAR Government before. It is a simple story. I once kneeed and begged six fishermen to ask them temporarily leave the FCZs where they operated their businesses, so that we could remove the sediments at the bottom of the respective zones.*

My question is: the Government obviously has the duty to manage this. That said, the responsibility has now fallen on me, a legislator representing the sector, rending it necessary for me to knee and beg the fishermen. How many more times a legislator like me has to beg the fishermen in this way before the Government can agree to amend the legislation? The fishermen simply cannot remove the sediments without any legislative amendment done on the part of the Government. The Secretary's main reply just now is contradictory too, as the authorities said that fishermen should arrange sediment removal on their own, and that any such operation done by the Government will affect water quality, while all fish rafts in the area will have to be temporarily relocated during the working period. But the surrounding fish rafts will equally be affected even if sediment removal is done by fishermen themselves. Hence, mariculturists nearby will not give their consent. This contradiction in fact leads to deterioration in the fish culture environment, cultured fishes' living conditions

and operation environment in FCZs. So, the Government does have the duty to amend the legislation.

Therefore, I wish to ask the Government if it will examine on how to optimize the Ordinance in this regard?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mr Steven HO for his opinions. Fish culturing is a commercial operation. Hence, in principle, mariculturists should remove sediments by themselves. Nevertheless, where resources permit and with consensus among all the mariculturists in relevant FCZs, the Government will consider assisting mariculturists in removing sediments.

That said, sediment removal is not necessary in all FCZs. Bacteria in the sea bed actually will decompose metabolic wastes, and therefore will improve the aquatic environment in FCZs. But this also depends on such factors as sea currents and depth of the sea bed. Fish culturing methods like controlling the number or density of cultured fishes can also help balance the production of metabolic wastes and bacterial decomposition. So, the sea bed can indeed recover itself without any sediment removal. Nevertheless, AFCD has been working hard on improving maricultural environment.

Certainly, apart from promoting good aquaculture practice and the Accredited Fish Farm Scheme in order to enhance maricultural operations, AFCD has also studied the feasibility of methods like deep water mariculture in Hong Kong offshore waters. Owing to the larger size of enclosure net cages and more rapid currents in open waters, offshore deep water mariculture will substantially reduce the chance for accumulation of sediments in the sea bed; AFCD is also considering designation of sub-zones for recreational fishing activities where practicable in FCZs with a view to reducing the impact on mariculture operation.

Finally, AFCD will also consider requiring mariculturists to regularly rotate their fish rafts to different areas in new FCZs, so as to allow time for the sea bed to recover and for sediments to decompose naturally.

MR CHEUNG KWOK-KWAN (in Cantonese): *President, as far as I know, AFCD is currently collaborating with the academic sector to enhance red tide monitoring, but the greatest problem is the Government's really sluggish red tide reporting mechanism and the lack of communication with relevant Mainland authorities. AFCD mostly fails to notify fishermen in advance when red tides or other forms of pollution appear in the Mainland. Has the Bureau formulated any measures to improve efficiency of updating information on marine water quality, so that mariculturists can instantly be alerted in case of excessive reading of suspended particulates in sea water or occurrence of red tides, thereby reducing their losses?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *President, I thank Mr CHEUNG for the supplementary question. In fact, AFCD implements the phytoplankton monitoring programme in 26 FCZs throughout the territory to monitor changes in water quality and the phytoplankton communities, giving timely alerts to mariculturists and relevant persons. Under the programme, AFCD monitors over 3 000 samples each year in relation to marine fish culture, and we even monitor the real time water quality in the waters of 7 FCZs round the clock. In the event of any abnormal increases in the grow of phytoplankton or unusualness in water quality, AFCD will increase sampling and alert mariculturists in due course.*

MR CHAN HAK-KAN (in Cantonese): *President, the Secretary has just mentioned "recreational fishing business" in the main reply. If it was not for the Secretary's mentioning of this policy in the Chamber, I would have thought that this policy has long come to an end with a change of government. I can recall the authorities' enormous efforts in promoting this policy a few years or a few terms of governments back, but owing to licensing issues, operators can only offer recreational fishing service on fish rafts, but not other related services such as catering, entertainment and even transportation to and from fish rafts. I once visited these fish rafts and the raft owners enquired if electronic induction cooking would be allowed there? According to them, they would even be willing to install fire protection and related facilities if necessary, so that they would be able to offer a diversified range of activities on fish rafts. I want to ask the Secretary whether these measures can be relaxed, thereby making it really possible to achieve recreational fishing and benefiting the fish rafts accordingly, instead of seeing them barely able to sustain their businesses now.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mr CHAN for the supplementary question. Actually, there are totally 48 licensees permitted to operate recreational fishing business on fish rafts. The Government rejected 16 applications for consent letter for recreational fishing over the past three years, involving various reasons. Moreover, mariculturists or mariculture operators in the areas may object the applications if their operations will be affected by recreational fishing. AFCD will properly assess the submitted proposals for recreational fishing, and mariculturists given consent by AFCD to operate recreational fishing business on fish rafts must adhere to a series of conditions, including prohibitions on conducting activities on fish rafts or in FCZs that apparently or will very likely affect the surrounding environments or mariculture operations, such as cooking, barbecuing, littering, polluting the water, playing water sports or activities, making noise or using chum bait for fishing, etc. The purpose is to prevent these recreational fishing activities from generating any nuisance to nearby residents and other mariculturists, and to protect the sea bed from any impact.

MR MICHAEL TIEN (in Cantonese): *President, I understand Mr Steven HO's frustration and worry. I am also aware that it is hard for the Government to have a hand in these issues as it regards these activities as commercial operations. Likewise, I equally understand that certain mariculturists truly do not want to move their businesses away from the existing FCZs. It is tantamount to leaving the issues aside forever if we need the consent of all mariculturists beforehand. I wish to ask if the Secretary will undertake to seriously follow up the issues and invite every person representative of the trade to deliberate on the improvements, with a view to increasing the chance of forging a consensus among all mariculturists on the sediment removal work. For example, in order to encourage mariculturists to relocate to other FCZs, has the Government offered to accommodate the fish rafts to other FCZs, rendering it easier for mariculturists to relocate their operations? Perhaps the Government does not have the power to force the mariculturists to relocate their businesses as these commercial activities really fall outside the Government's purview, yet the Government can still be a facilitator to provide incentives for mariculturists to move, thereby having all issues solved at once. I believe everyone wishes that the waters of Hong Kong can stay clean so that cultured fishes are of higher quality which will then be sold for more favourable prices. Will the Secretary undertake to follow up these issues?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mr TIEN for the opinions. I repeat, the FCZs operate commercially, so in principle it is the mariculturists' responsibilities to remove the sediments. Of course, AFCD has been deliberating and communicating closely with mariculturists, and it will consider asking mariculturists in new FCZs to rotate their fish rafts within the FCZs, so as to rest the sea bed and allow sufficient time for sediments to decompose.

IR DR LO WAI-KWOK (in Cantonese): *President, apart from handling the issues of space and quality of the waters of Hong Kong mentioned in the main question, we were reminded by members of the local community that owners of maricultural businesses have to arrange Mainland fishermen deckhands working in Hong Kong to travel weekly to the Immigration Department to report their information. Each reporting trip takes up to half a day. This practice is really inconvenient in terms of manpower arrangement. Does the Secretary know the existing reporting mechanism? Will she streamline the mechanism to facilitate the trade, say, by offering an online reporting service?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank Ir Dr LO for the supplementary question. We will take a look at the arrangement in an attempt to improve the effectiveness and efficiency of the reporting mechanism.

MR STEVEN HO (in Cantonese): *President, the Secretary mentioned in the main reply that mariculturists should remove the sediments by themselves. But the problem is if they deal with the sediments, they will then pollute the waters in violation of the Ordinance. As they cannot handle this on their own, they will naturally wish the Government to get this done, yet the Government claims that the consent of all mariculturists in the FCZs concerned is needed before any work can start. In contrast, when the Government deals with issues relating to markets, it lowers the relevant thresholds which requires the consent of 80% of shop operators, while claiming that it is still not an easy task to secure their consent. But then, when it comes to sediment removal, it asks us to get the consent of all mariculturists in the region first, therefore I had to knee and beg them. The Government gives excuses that these are commercial operations, but are market operations not commercial in nature? The Government has the duty*

to coordinate different parties in society so as to enable the sector to progress, but the authorities have not fulfilled their tasks. So, I have to ask if the authorities will do this? Secondly ...

PRESIDENT (in Cantonese): Mr HO, you can only raise one supplementary question.

MR STEVEN HO (in Cantonese): *I do not mean to raise a second question to the Secretary. I simply intend to state the facts without asking the Secretary to answer. I wish to follow up on the question raised by Mr CHEUNG Kwok-kwan about the availability of a red tide reporting mechanism. The Government replied positively. That said, mariculturists only receive a text message reminding them of an upcoming red tide, but are not informed about any solutions from the Government. In this case, the mariculturists can do nothing but helplessly watch their fishes die. While the cultured fishes are dying of suffocation, the Government does not allow the mariculturists to relocate their rafts before the Marine Department's approval. Now, my fellow Members, suppose the fishes are suffocating at 8pm at night, the Marine Department's approval will normally not be issued until 9pm after all the fishes are already dead. The whole thing is utterly contradictory here. So, I ask the Government if the authorities will set up a specific panel to consider this comprehensively and review the Ordinance afresh?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mr HO for his opinions. With regard to the issue of red tides, we are aware of the opinions from certain mariculturists. AFCD has always been in close contact with them. We wish to communicate with them expeditiously and timely to provide them with information on health of cultured fishes, and teach them how to deal with red tides.

PRESIDENT (in Cantonese): Second question.

Demand for hospital services during influenza surges

2. **PROF JOSEPH LEE** (in Cantonese): *President, it has been reported that during the two weeks from the end of last month to early this month, the medical inpatient bed occupancy rates of a number of public hospitals exceeded 100%. Given that the winter surge of influenza will soon arrive, some healthcare personnel have anticipated that the overcrowding situation in public hospitals will worsen. In this connection, will the Government inform this Council, whether it knows, in each week of the past two months:*

- (1) *in respect of each acute hospital, the attendance of emergency services, the average waiting time for patients at the accident and emergency ("A&E") department, the number of A&E patients diagnosed to be in need of hospitalization for continued treatment, and the average waiting time for them to be admitted to the wards; and*
- (2) *the bed occupancy rates and the numbers of nurses in the specialties of various public hospitals, with a tabulated breakdown by department; given that the Hospital Authority will recruit more nurses in this financial year to cope with the service demand during the winter surge of influenza, the latest progress of the recruitment exercise?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, my reply to various parts of the question raised by Prof Joseph LEE is as follows:

- (1) In the period between 4 September and 29 October 2017, the average daily attendance at various accident and emergency ("A&E") departments of the Hospital Authority ("HA") and the average waiting time for A&E patients of different triage categories analysed on a weekly basis are set out respectively at Annexes 1 and 2. The inpatient admissions via A&E departments at hospitals providing A&E services and the average waiting time for admission analysed on a weekly basis for the same period are set out at Annexes 3 and 4 respectively.

- (2) Generally speaking, HA arranges clinical services for patients on a cluster basis. The patient journey may involve different health care units within the same cluster. Hence, service indicators such as inpatient bed occupancy rate at cluster level instead of at hospital level can better reflect the actual service utilization.

The weekly inpatient bed occupancy rates of the major specialties under each cluster from 4 September to 29 October 2017 are set out at Annex 5. The numbers of full-time equivalent nurses in major specialties under each cluster as at 30 September and 31 October 2017 are set out at Annex 6.

Over the years, the public health care system has been facing the problem of nursing manpower shortage. With the increasing service demand from an ageing population, frontline nursing staff are under tremendous work pressure. HA has kept on recruiting full-time and part-time nursing staff and taking pro-active action to employ suitable candidates. The number of HA nurses increased from 23 791 in 2014-2015 to 24 980 in 2016-2017, with an average net increase of 594.5 per year.

With a recent increase in the supply of nursing manpower, the shortage of frontline staff has been relieved slightly. However, the supply of nursing manpower is still tight on the whole. In the past few years, HA has introduced a series of measures to retain talent, including employing retired nursing staff, increasing training and promotion opportunities, employing additional ward clerks and assistants to share out the clerical work and assist nurses in taking care of patients, improving the work environment, etc.

In addition, to address manpower shortage, HA has also launched the Special Honorarium Scheme to allow greater flexibility in increasing manpower for coping with service demand surges. In order to encourage more colleagues to join the scheme, HA will convert some of the extra working sessions from the standard four-hour into two-hour or more during the winter surge this year, thereby making the scheme more flexible.

HA plans to recruit 2 130 nurses in 2017-2018 to meet service demand, including that arises during the influenza winter surge. So far, good progress has been made in the recruitment exercise. A total of 1 607 full-time nurses have been employed as at the end of October, with nearly 75% of the target met. Besides, 1 258 Temporary Undergraduate Nursing Students have also been employed.

Annex 1

Average daily attendance at A&E departments by week (provisional figures)

<i>Hospital Cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	316	342	342	340	341	341	332	349
	Ruttonjee and Tang Shiu Kin Hospitals	183	198	185	190	186	183	192	192
	St. John Hospital	23	25	21	21	27	21	20	23
Hong Kong West	Queen Mary Hospital	310	315	327	319	326	324	341	329
Kowloon Central	Kwong Wah Hospital	319	332	338	322	332	339	330	338
	Queen Elizabeth Hospital	463	482	487	465	478	493	465	484
Kowloon East	Tseung Kwan O Hospital	294	310	309	302	327	323	316	329
	United Christian Hospital	437	469	453	444	457	472	455	455
Kowloon West	Caritas Medical Centre	317	349	348	331	342	356	349	359
	North Lantau Hospital	209	220	235	230	230	235	225	242
	Princess Margaret Hospital	323	333	337	330	342	340	326	331
	Yan Chai Hospital	312	328	313	310	326	334	329	332

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Kowloon Central	Kwong Wah Hospital	0	0	0	0	0	0	0	0
	Queen Elizabeth Hospital	0	0	0	0	0	0	0	0
Kowloon East	Tseung Kwan O Hospital	0	0	0	0	0	0	0	0
	United Christian Hospital	0	0	0	0	0	0	0	0
Kowloon West	Caritas Medical Centre	0	0	0	0	0	0	0	0
	North Lantau Hospital	0	0	0	0	0	0	0	0
	Princess Margaret Hospital	0	0	0	0	0	0	0	0
	Yan Chai Hospital	0	0	0	0	0	0	0	0
New Territories East	Alice Ho Miu Ling Nethersole Hospital	0	0	0	0	0	0	0	0
	North District Hospital	0	0	0	0	0	0	0	0
	Prince of Wales Hospital	0	0	0	0	0	0	0	0
New Territories West	Pok Oi Hospital	0	0	0	0	0	0	0	0
	Tuen Mun Hospital	0	0	0	0	0	0	0	0
	Tin Shui Wai Hospital	0	0	0	0	-	0	0	-
HA Overall		0	0	0	0	0	0	0	0
Triage 2 (Emergency)									
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	5	5	6	5	5	6	6	5
	Ruttonjee and Tang Shiu Kin Hospitals	7	6	7	8	8	7	6	6
	St. John Hospital	6	7	-	9	-	9	6	-
Hong Kong West	Queen Mary Hospital	9	10	10	8	10	9	11	8

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Kowloon Central	Kwong Wah Hospital	7	6	6	6	7	7	7	4
	Queen Elizabeth Hospital	8	8	7	7	8	16	8	9
Kowloon East	Tseung Kwan O Hospital	8	9	8	8	8	8	9	7
	United Christian Hospital	9	8	9	9	8	8	8	7
Kowloon West	Caritas Medical Centre	7	7	7	7	7	6	9	8
	North Lantau Hospital	7	9	7	8	6	8	10	9
	Princess Margaret Hospital	7	8	7	7	8	8	9	8
	Yan Chai Hospital	4	6	7	5	6	5	5	6
New Territories East	Alice Ho Miu Ling Nethersole Hospital	4	7	6	6	6	6	6	5
	North District Hospital	6	7	7	9	7	8	7	8
	Prince of Wales Hospital	12	10	11	11	17	14	13	17
New Territories West	Pok Oi Hospital	5	6	5	5	7	5	6	5
	Tuen Mun Hospital	6	6	7	7	6	6	7	7
	Tin Shui Wai Hospital	7	6	3	1	5	5	4	3
HA Overall		8	7	7	7	8	9	8	8
Triage 3 (Urgent)									
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	14	14	15	14	14	16	15	16
	Ruttonjee and Tang Shiu Kin Hospitals	16	17	17	17	17	17	18	16
	St. John Hospital	15	13	15	14	14	14	15	12
Hong Kong West	Queen Mary Hospital	24	26	25	23	27	23	26	26

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Kowloon Central	Kwong Wah Hospital	29	28	34	25	37	36	29	30
	Queen Elizabeth Hospital	28	35	29	33	29	36	23	33
Kowloon East	Tseung Kwan O Hospital	22	22	24	23	24	23	21	24
	United Christian Hospital	24	26	25	26	26	28	27	28
Kowloon West	Caritas Medical Centre	20	22	23	19	23	20	23	25
	North Lantau Hospital	13	15	15	16	15	15	15	15
	Princess Margaret Hospital	17	17	16	18	18	18	18	18
	Yan Chai Hospital	17	15	15	16	16	20	16	16
New Territories East	Alice Ho Miu Ling Nethersole Hospital	14	16	18	17	16	15	18	17
	North District Hospital	21	22	23	20	25	26	25	22
	Prince of Wales Hospital	39	47	44	33	39	42	43	45
New Territories West	Pok Oi Hospital	19	20	19	20	19	18	18	19
	Tuen Mun Hospital	21	23	24	27	26	28	28	26
	Tin Shui Wai Hospital	14	14	14	14	14	17	14	14
HA Overall		22	24	24	23	25	26	24	25
Triage 4 (Semi-urgent)									
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	79	104	114	81	69	107	104	111
	Ruttonjee and Tang Shiu Kin Hospitals	65	90	79	79	62	86	78	80
	St. John Hospital	33	25	23	23	26	28	23	22

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Hong Kong West	Queen Mary Hospital	83	88	91	77	73	85	105	102
Kowloon Central	Kwong Wah Hospital	94	85	122	78	164	134	105	102
	Queen Elizabeth Hospital	161	195	180	200	137	188	119	181
Kowloon East	Tseung Kwan O Hospital	112	103	120	110	103	90	71	100
	United Christian Hospital	130	138	140	173	169	185	163	176
Kowloon West	Caritas Medical Centre	46	59	55	53	45	49	53	59
	North Lantau Hospital	24	24	28	26	26	32	28	40
	Princess Margaret Hospital	88	72	65	77	82	103	77	100
	Yan Chai Hospital	113	141	123	105	107	104	119	120
New Territories East	Alice Ho Miu Ling Nethersole Hospital	45	45	57	56	52	52	59	62
	North District Hospital	66	94	79	51	92	105	122	84
	Prince of Wales Hospital	198	248	260	153	218	181	210	223
New Territories West	Pok Oi Hospital	76	103	81	90	115	100	93	88
	Tuen Mun Hospital	105	129	132	102	192	215	188	167
	Tin Shui Wai Hospital	39	42	53	48	66	81	84	58
HA Overall		93	106	107	93	106	113	107	111
Triage 5 (Non-urgent)									
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	125	133	142	97	105	131	153	131
	Ruttonjee and Tang Shiu Kin Hospitals	106	141	120	130	118	134	125	137
	St. John Hospital	10	48	47	40	24	37	20	37

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Hong Kong West	Queen Mary Hospital	172	150	147	142	144	144	192	156
Kowloon Central	Kwong Wah Hospital	97	77	150	77	159	150	119	106
	Queen Elizabeth Hospital	181	212	256	229	169	220	152	204
Kowloon East	Tseung Kwan O Hospital	136	168	120	107	85	79	66	64
	United Christian Hospital	186	223	203	233	227	249	212	234
Kowloon West	Caritas Medical Centre	41	51	60	46	45	46	53	60
	North Lantau Hospital	38	47	42	38	47	44	50	61
	Princess Margaret Hospital	103	93	101	116	113	149	88	121
	Yan Chai Hospital	143	208	153	130	157	128	151	154
New Territories East	Alice Ho Miu Ling Nethersole Hospital	50	49	52	70	51	53	66	59
	North District Hospital	114	99	99	83	136	158	203	144
	Prince of Wales Hospital	233	301	240	382	261	344	238	117
New Territories West	Pok Oi Hospital	82	78	84	96	116	100	91	94
	Tuen Mun Hospital	127	146	143	116	204	224	200	198
	Tin Shui Wai Hospital	39	63	62	54	77	95	99	75
HA Overall		105	117	117	109	129	137	130	127

Note:

- Not applicable

Weekly number of inpatient admissions via A&E departments at hospitals
providing A&E services (provisional figures)

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	1 115	1 189	1 197	1 189	1 118	1 166	1 177	1 262
	Ruttonjee and Tang Shiu Kin Hospitals	358	359	302	344	307	329	329	332
Hong Kong West	Queen Mary Hospital	1 015	1 014	1 037	1 015	978	1 016	1 110	978
Kowloon Central	Kwong Wah Hospital	804	835	862	832	778	805	848	842
	Queen Elizabeth Hospital	1 520	1 560	1 545	1 476	1 490	1 561	1 499	1 576
Kowloon East	Tseung Kwan O Hospital	681	704	737	646	710	710	715	759
	United Christian Hospital	1 066	1 083	1 100	1 050	1 041	1 051	1 052	1 060
Kowloon West	Caritas Medical Centre	773	776	759	775	747	722	762	759
	Princess Margaret Hospital	1 278	1 381	1 333	1 338	1 431	1 411	1 426	1 369
	Yan Chai Hospital	764	806	772	786	834	881	849	861
New Territories East	Alice Ho Miu Ling Nethersole Hospital	510	620	578	538	506	539	539	571
	North District Hospital	633	608	647	587	602	641	605	629
	Prince of Wales Hospital	1 102	1 075	1 141	1 097	1 154	1 062	1 145	1 183
New Territories West	Pok Oi Hospital	574	578	531	568	574	598	578	573
	Tuen Mun Hospital	1 471	1 537	1 635	1 469	1 420	1 527	1 486	1 574
Total		13 664	14 125	14 176	13 710	13 690	14 019	14 120	14 328

Note:

Excluding St. John Hospital, North Lantau Hospital and Tin Shui Wai Hospital.

Annex 4

Average waiting time (minutes) for admission to hospitals with A&E departments by week (provisional figures)

<i>Hospital cluster</i>	<i>Hospital</i>	<i>4 Sep to 10 Sep</i>	<i>11 Sep to 17 Sep</i>	<i>18 Sep to 24 Sep</i>	<i>25 Sep to 1 Oct</i>	<i>2 Oct to 8 Oct</i>	<i>9 Oct to 15 Oct</i>	<i>16 Oct to 22 Oct</i>	<i>23 Oct to 29 Oct</i>
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	25	27	25	29	24	24	24	26
	Ruttonjee and Tang Shiu Kin Hospitals	19	17	18	19	19	19	21	20
Hong Kong West	Queen Mary Hospital	26	27	27	28	27	28	29	27
Kowloon Central	Kwong Wah Hospital	26	26	26	25	25	26	27	26
	Queen Elizabeth Hospital	67	87	82	76	95	86	64	89
Kowloon East	Tseung Kwan O Hospital	30	29	33	29	34	39	32	32
	United Christian Hospital	57	65	69	68	68	70	70	72
Kowloon West	Caritas Medical Centre	63	66	66	67	75	81	78	82
	Princess Margaret Hospital	30	32	33	35	42	46	31	31
	Yan Chai Hospital	31	32	34	36	40	43	39	37
New Territories East	Alice Ho Miu Ling Nethersole Hospital	44	66	104	107	100	109	51	72
	North District Hospital	28	39	46	38	47	57	51	42
	Prince of Wales Hospital	129	122	132	136	126	122	123	157
New Territories West	Pok Oi Hospital	27	31	29	28	29	26	27	29
	Tuen Mun Hospital	34	38	40	36	41	41	36	34
Total		46	51	54	53	57	57	49	55

Notes:

- (1) Including admissions via A&E departments, but excluding admissions via A&E departments of other hospitals.
- (2) Excluding St. John Hospital, North Lantau Hospital and Tin Shui Wai Hospital.

In-patient bed occupancy rate of major specialties by cluster by week
(provisional figures)

Major specialties	Hospital cluster	4 Sep	11 Sep	18 Sep	25 Sep	2 Oct	9 Oct	16 Oct	23 Oct
		to 10 Sep	to 17 Sep	to 24 Sep	to 1 Oct	to 8 Oct	to 15 Oct	to 22 Oct	to 29 Oct
Gynaecology	Hong Kong East	102%	114%	111%	104%	75%	77%	103%	92%
	Hong Kong West	57%	54%	55%	49%	35%	49%	63%	59%
	Kowloon Central	89%	88%	87%	76%	79%	82%	84%	77%
	Kowloon East	55%	60%	61%	79%	58%	68%	77%	74%
	Kowloon West	76%	89%	93%	83%	77%	99%	91%	76%
	New Territories East	68%	76%	79%	74%	80%	83%	73%	82%
	New Territories West	131%	133%	113%	109%	93%	104%	107%	101%
	HA Overall	77%	81%	80%	78%	68%	77%	82%	77%
Medicine	Hong Kong East	90%	95%	93%	91%	91%	93%	93%	93%
	Hong Kong West	92%	95%	94%	93%	91%	93%	93%	90%
	Kowloon Central	98%	99%	100%	98%	99%	98%	98%	99%
	Kowloon East	103%	107%	107%	104%	107%	106%	104%	107%
	Kowloon West	94%	96%	96%	95%	105%	105%	100%	101%
	New Territories East	100%	102%	106%	108%	105%	105%	102%	100%
	New Territories West	112%	110%	114%	111%	114%	115%	112%	115%
	HA Overall	99%	101%	102%	101%	102%	103%	101%	101%
Orthopaedics	Hong Kong East	95%	93%	96%	90%	95%	94%	95%	99%
	Hong Kong West	71%	80%	76%	74%	67%	73%	69%	73%
	Kowloon Central	116%	111%	110%	108%	109%	105%	106%	103%
	Kowloon East	105%	103%	110%	90%	97%	102%	98%	100%
	Kowloon West	92%	91%	90%	92%	94%	99%	100%	94%
	New Territories East	88%	88%	83%	80%	80%	79%	81%	86%
	New Territories West	94%	93%	94%	92%	98%	98%	99%	95%
	HA Overall	95%	94%	94%	90%	91%	92%	93%	93%
Paediatrics	Hong Kong East	87%	94%	77%	91%	90%	81%	85%	88%
	Hong Kong West	73%	79%	76%	74%	78%	73%	73%	73%
	Kowloon Central	68%	89%	87%	85%	88%	87%	83%	80%
	Kowloon East	70%	80%	82%	91%	82%	81%	84%	87%
	Kowloon West	64%	77%	76%	67%	71%	70%	70%	77%
	New Territories East	79%	90%	91%	87%	92%	85%	86%	85%
	New Territories West	113%	123%	140%	126%	117%	125%	129%	134%
	HA Overall	75%	87%	88%	85%	86%	84%	84%	86%

<i>Major specialties</i>	<i>Hospital cluster</i>	<i>4 Sep</i>	<i>11 Sep</i>	<i>18 Sep</i>	<i>25 Sep</i>	<i>2 Oct</i>	<i>9 Oct</i>	<i>16 Oct</i>	<i>23 Oct</i>
		<i>to</i> <i>10 Sep</i>	<i>to</i> <i>17 Sep</i>	<i>to</i> <i>24 Sep</i>	<i>to</i> <i>1 Oct</i>	<i>to</i> <i>8 Oct</i>	<i>to</i> <i>15 Oct</i>	<i>to</i> <i>22 Oct</i>	<i>to</i> <i>29 Oct</i>
Surgery	Hong Kong East	93%	90%	87%	84%	84%	85%	85%	85%
	Hong Kong West	71%	70%	69%	67%	65%	70%	72%	68%
	Kowloon Central	85%	86%	87%	89%	86%	89%	88%	87%
	Kowloon East	93%	97%	96%	87%	83%	84%	85%	79%
	Kowloon West	87%	90%	86%	88%	103%	100%	102%	102%
	New Territories East	96%	105%	107%	104%	96%	97%	97%	101%
	New Territories West	104%	101%	102%	99%	102%	102%	99%	98%
	HA Overall	89%	90%	90%	88%	88%	89%	89%	88%

Annex 6

Number of nurses in major specialties under various hospital clusters
(calculated on full-time basis) (provisional figures)

<i>Major specialties</i>	<i>Hospital cluster</i>	<i>As at</i> <i>30 September 2017</i>	<i>As at</i> <i>31 October 2017</i>
Obstetrics and Gynaecology	Hong Kong East	106	106
	Hong Kong West	153	159
	Kowloon Central	295	299
	Kowloon East	147	138
	Kowloon West	107	116
	New Territories East	230	227
	New Territories West	137	143
	Total	1 176	1 189
Medicine	Hong Kong East	843	848
	Hong Kong West	707	709
	Kowloon Central	1 386	1 403
	Kowloon East	975	963
	Kowloon West	983	992
	New Territories East	1 257	1 255
	New Territories West	863	871
	Total	7 013	7 041

<i>Major specialties</i>	<i>Hospital cluster</i>	<i>As at 30 September 2017</i>	<i>As at 31 October 2017</i>
Orthopaedics	Hong Kong East	125	127
	Hong Kong West	85	85
	Kowloon Central	170	171
	Kowloon East	171	170
	Kowloon West	179	186
	New Territories East	242	246
	New Territories West	157	155
	Total	1 129	1 140
Paediatrics	Hong Kong East	118	120
	Hong Kong West	216	213
	Kowloon Central	322	324
	Kowloon East	168	171
	Kowloon West	191	193
	New Territories East	288	286
	New Territories West	189	192
	Total	1 492	1 498
Surgery	Hong Kong East	217	222
	Hong Kong West	340	342
	Kowloon Central	300	303
	Kowloon East	200	202
	Kowloon West	226	225
	New Territories East	360	359
	New Territories West	181	182
	Total	1 824	1 835

Notes:

- (1) The manpower figures are calculated on full-time equivalent basis including permanent, contract and temporary staff in HA.
- (2) Individual figures may not add up to the total due to rounding.

PROF JOSEPH LEE (in Cantonese): *President, as clearly indicated in the Secretary's main reply and annexes, there was a very long waiting time for A&E services in the Kowloon East Cluster and the New Territories East Cluster. Patients in some hospitals had to wait more than 160 minutes for ward admission; and the inpatient bed occupancy rates of major specialties like medicine and orthopaedics respectively exceeded and approached 100%.*

The data are not satisfactory. What about the progress of staff recruitment? The Secretary mentions in the last paragraph of her main reply that HA plans to recruit 2 130 additional nurses, but so far it has employed only 1 607 nurses. President, I would like to ask the Secretary one supplementary question. It is already November now, and there is still a shortfall of 500 nurses. At the approach of the influenza surge, does the Secretary have the confidence that it can make HA meet the target in the next few months? And, does she have any plans to tackle the overloading of hospital wards and shortage of manpower during the influenza surge?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, although we have attained only 75% of the nurse recruitment target, we are confident that the recruitment work later will make the desired progress, because the number of nursing graduates should enable us to attain the target. So, we will keep up our efforts to recruit full-time nurses.

Also, we have started earlier than usual to recruit part-time staff and offer special honorarium to health care personnel, so as to provide additional services. I believe this can enable us to increase the manpower for health care, ward operation and other purposes in good time.

HA has also formulated a series of other measures to meet the demand for services in the influenza season. Some of these measures are already in place and others will be launched very soon. For instance, we plan to provide 229 permanent hospital beds this financial year; during the influenza surge, we will provide roughly 700 additional beds on a short-term basis, and some of these beds are in fact permanent beds provided ahead of schedule.

Besides recruiting nurses and supporting staff, we will continue to invite doctors from the Department of Health to work part time for HA, and we will also invite private doctors to do so through the Hong Kong Medical Association. Also, we will call on private doctors and Chinese medicine practitioners to open for consultation during long holidays and extend their daily consultation hours. We hope that these measures can alleviate the manpower pressure on public health care services, especially A&E services. And of course, there are other measures.

MR KWONG CHUN-YU (in Cantonese): *President, last year, I followed up several cases of death arising from the overstretched health care system. One case I remember most vividly is that during the winter outbreak of influenza A at that time, the hospital concerned did even not have any manpower to despatch specimens to the venue of influenza A tests at night, and this might have caused the tragedy. Anyway, all these cases bring home to us the very heavy pressure on hospitals at the front line of the health care system. Some media even describe these hospitals as "Hell's hospitals". They do not mean that the hospitals are hell; they just want to say that the work pressure of the health care personnel there is hellish.*

May I ask the Secretary whether she has ever heard of the expression "Hell's hospitals"? Or, in her opinion, which hospitals will have to face the greatest pressure in this influenza surge?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *President, I thank Mr KWONG for his supplementary question. In fact, I already inspected the major hospitals in the seven clusters shortly after assuming office, and I talked to health care personnel both at the front line and at the management level, so as to gain a grasp of their pressure, work environments and conditions. We have already started working on the problems they raised and the situations we saw. We have categorized the problems they raised into short-, medium- and long-term ones and formulated corresponding measures. Moreover, we have also given more resources to HA, so that it can take response actions, especially medium- and long-term measures or those related to resources. I have also requested HA to communicate the present initiatives of the Food and Health Bureau to its hospital clusters and health care personnel, and to take short-, medium- and long-term measures to address the views, problems and pressures they raised.*

The hardware, such as the work environment, is also very important. Thus, we will cooperate with HA as much as possible to expedite the 10-year hospital development plan. About 10 hospitals have started different projects with the \$200 billion earmarked for HA hospitals earlier. If we can speed up hospital redevelopment or extension and thus provide them with additional space, the addition of hospital beds or other hardware facilities will be able to achieve greater effectiveness.

The hardware aside, the software is also very important, one example being manpower. Mr KWONG and Prof Joseph LEE have also pointed out that this is a big problem. In this connection, following the release of a manpower planning report, we have grasped the shortage of different kinds of health care personnel, and we are now launching various corresponding measures, including the proposal in the Chief Executive's the Policy Address that HA will employ all local medical graduates and provide them with relevant training. As for other kinds of health care personnel, HA will also recruit additional staff when necessary. In regard to funding support, as stated in the Policy Address, we will provide funding on a triennium basis, so as to cope with the service pressure arising from population ageing and chronic diseases. All the work as outlined above is underway.

MR KWONG CHUN-YU (in Cantonese): *President, she has not answered my supplementary question. I wish to know from the Secretary which hospital will face the greatest pressure.*

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, in fact, we have been monitoring all hospitals in the clusters in respect of A&E department attendance, and the occupancy rates of medical wards and those with high service demand. Of course, the influenza surge has not yet arrived, but we note that some hospitals wards (especially those in acute hospitals) are already very overcrowded, or with an occupancy rate over 100%. At the same time, however, the occupancy rates of some other hospital wards are below 100%. This certainly tells us a message. But hardware factors like the work environment are our prime concern, and so is the work pressure on staff. In the time to come, we will step up our efforts to improve both the hardware and software, and increase funding support.

DR HELENA WONG (in Cantonese): *President, I note from the figures provided by the Government that in the New Territories East Cluster, the average waiting time for A&E patients triaged as having emergency, urgent or semi-urgent medical conditions in Prince of Wales Hospital is very long.*

Patients with semi-urgent conditions must wait 223 minutes on average, which is longer than the waiting time in other hospitals. Besides, Annex 4 lists the average waiting time for admission of A&E patients (i.e. patients who required hospitalization after diagnosed by A&E departments) and these patients waited 157 minutes for admission while A&E patients in other hospitals only waited 55 minutes.

May I ask the Government whether it has ever looked into the reasons why patients of Prince of Wales Hospital must wait an extra 100 minutes when compared their counterparts in other hospitals? Is this because the hospital is not allocated sufficient manpower? Or, is this because there are some problems with the design of the hospital? Does the Government have any specific plans to assist Prince of Wales Hospital?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Dr WONG for her supplementary question. We have been closely following the situations at all hospitals in each cluster, especially acute hospitals. We are very concerned about the attendance and waiting time in their A&E departments and how long patients must wait before ward admission. Certainly, the long wait for ward admission must be due to the full occupancy of hospital wards. Or, another reason may be that patient turnover is not quick enough, because some patients who are medically ready for discharge are either unable to return to their elderly homes in good time or to get a residential care place at all. Hence, to address this problem, we also liaise with the Labour and Welfare Bureau, hoping that we can do a good job in this regard during the next influenza surge in winter.

DR HELENA WONG (in Cantonese): *President, the Secretary has not answered my supplementary question. My question is specifically on the overcrowding situation of the Prince of Wales Hospital and its long waiting time. Does the Secretary have any specific measures?*

PRESIDENT (in Cantonese): Dr WONG, you have stated the part of the supplementary question that has not been answered. Please sit down. Secretary, do you have anything to add?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Dr WONG for her follow-up question. Regarding Prince of Wales Hospital, we have maintained communication with the hospital and the hospital has been reporting to us at appropriate intervals on the waiting time and the admission time of its A&E patients. As far as we understand it, the hospital has implemented a number of improvement measures, including providing additional manpower and hospital beds, so as to shorten the admission time.

MRS REGINA IP (in Cantonese): *President, the figures provided by the Secretary clearly shows that many hospitals under HA are overcrowded and patients have to wait a long time; and insufficient manpower is a problem known to all. Many Members have received complaints in this regard. Even if HA launches a large-scale recruitment of nursing staff, it still takes time to train the new recruits. In this connection, may I ask the Secretary, first, whether the Department of Health can set up more clinics, and whether the Government can give assistance to the clinics of the Department of Health or voluntary agencies in New Territories East and New Territories West (though I am unsure if there are any such clinics in these two districts), with a view to providing evening outpatient services? I ask this question because many people now complain that there are no evening outpatient services. Second, can the Government step up public-private partnership or invite clinics in housing estates to extend their opening hours during influenza peaks, weekends and long holidays?*

(Ms Tanya CHAN stood up)

PRESIDENT (in Cantonese): Ms Tanya CHAN, what is your point?

MS TANYA CHAN (in Cantonese): *President, I request a headcount.*

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

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

PRESIDENT (in Cantonese): Secretary, please reply.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mrs Regina IP for her supplementary question. Besides giving the latest information about waiting time and various related services in A&E departments, we also provide the Primary Care Directory, which contains hyperlinks to private doctors and Chinese medical practitioners.

Mrs IP's question touches on the service capacity of general outpatient clinics. All general outpatient clinics of HA will increase service capacity during long holidays, offering 5 000 additional consultation places, or an increase of about 30%. On top of this, during an influenza peak, they will provide yet another 18 000 consultation places, some of which are for evening consultation. And certainly, the authorities will also provide temporary wards to expand daytime follow-up consultation services.

A&E patients, especially those triaged as having semi-urgent and non-urgent conditions, are mostly elderly persons and chronic patients. In view of this, I think that besides expanding daytime or evening outpatient services, the authorities also need to strengthen primary health care. The Chief Executive says in the Policy Address that the authorities will actively promote primary health care services, with the aim of making improvement in various aspects, including health improvement, disease prevention, chronic disease management and early detection of health problems. We plan to set up a district health centre in each district, and Kwai Tsing will be the first test point. I hope that by means of public-private partnership and medical-social collaboration, we can, in the long run, improve Hong Kong people's general health and convince them not to seek A&E services unless there is a real need.

MR SHIU KA-FAI (in Cantonese): *President, we all know that there is a shortage of health care personnel in Hong Kong, and all hospitals are frequently faced with this problem. These days, the Government intends to also impose regulation on medical beauty clinics and doctors operating beauty treatment devices. I think this will add to the difficulties of the medical beauty industry. What is the view of the Secretary in this regard?*

PRESIDENT (in Cantonese): Your question is outside the scope of the main question. Please follow up the issue with the Secretary on other occasions. Third question.

Arrangement for Hong Kong and Mainland customs, immigration and quarantine procedures to be carried out at the West Kowloon Station

3. **MS TANYA CHAN** (in Cantonese): *On 25 July this year, the Hong Kong Special Administrative Region ("SAR") Government announced the proposed arrangement for Hong Kong and Mainland customs, immigration and quarantine procedures to be carried out at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("the co-location arrangement"). Subsequently, on the 18th of this month, the Chief Executive signed on behalf of the SAR Government with the People's Government of Guangdong Province the Co-operation Arrangement for implementing the co-location arrangement. In this connection, will the Government inform this Council:*

- (1) *of the reasons why the counterpart with which the SAR Government signed the Co-operation Arrangement was the People's Government of Guangdong Province, and whether it knows if such a practice complies with the requirements and procedures under the relevant Mainland laws; the local legislation governing the Co-operation Arrangement; whether such legislation provides a legal basis for the signing of the Co-operation Arrangement between the authorities of Guangdong and Hong Kong; if so, of the details; if not, the reasons for that;*
- (2) *whether it is now still seeking, according to what it proposed in July this year, the NPCSC's granting SAR the power to implement matters in relation to the co-location arrangement in accordance with Article 20 of the Basic Law; if not, of the reasons for that, and the legal basis for applying Mainland laws at the Mainland Port Area in the West Kowloon Station; whether it has assessed if it is necessary for SAR to invoke the provisions of the Basic Law in order to implement the co-location arrangement; if it has assessed and the outcome is in the affirmative, of the details and justifications; if not, the reasons for that; as the Chief Executive has remarked that a decision by NPCSC on the Co-operation Arrangement will provide "a*

solid legal foundation" for the co-location arrangement, of the justifications for such remark, and whether it has assessed if such remark has the effect of the Basic Law and the principle of "one country, two systems" being bypassed or undermined; if it has assessed, of the outcome; if not, the reasons for that; and

- (3) *whether the legislation on the co-location arrangement to be enacted by this Council in future must be consistent with the Co-operation Arrangement; if not, whether corresponding amendments will be made to the Co-operation Arrangement; if so, of the procedure; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, my consolidated reply to Ms Tanya CHAN's question is as follows:

The construction works of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") are being taken forward in full swing. As at end September 2017, the project is 97% complete and targeted for commissioning in the third quarter of 2018. It will connect Hong Kong to the national high-speed rail network, substantially reducing the rail journey time between Hong Kong and various major Mainland cities.

Efficient and time-saving clearance procedures are absolutely essential to realizing the full potential of XRL in terms of speed and convenience. By implementing co-location arrangement at the West Kowloon Station ("WKS") of XRL in future, passengers can complete clearance procedures of both Hong Kong and the Mainland at WKS in one go. It will enable passengers to travel to and from different destinations across the country conveniently, without being constrained by whether a particular Mainland station is equipped with clearance facilities, and will also allow Hong Kong to provide direct high-speed rail service to an increasing number of Mainland cities in the days to come in order to cater for future demands for railway service. These advantages cannot be matched by other clearance options.

The Government of the Hong Kong Special Administrative Region ("HKSAR") understands that the community of Hong Kong is concerned about matters relevant to the implementation of co-location arrangement of XRL, and has all along insisted that the relevant arrangement must comply with "one country, two systems" and must not contravene the Basic Law; that it must be

operationally feasible; and that it must be effective in controlling security risks and avoiding security loopholes to safeguard the safety of both places. In addition, we have also been paying close attention to the various comments and concerns of the Legislative Council and society. After reaching consensus on the framework of a Co-operation Arrangement for implementing co-location arrangement with the relevant Mainland authorities in July this year, the HKSAR Government immediately reported to the Executive Council on 25 July 2017. Subsequent to obtaining the endorsement of the Chief Executive in Council in taking forward the "Three-step Process" proposal, the HKSAR Government made an announcement in the same afternoon so as to provide information on the proposal to the public and initiate public discussion as early as possible.

Following discussions in the community of Hong Kong over the past months, as well as the passage of a motion moved by the HKSAR Government at the Legislative Council on 15 November 2017, the HKSAR Government formally commenced the "Three-step Process" by signing the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement ("the Co-operation Arrangement") with the Mainland on 18 November 2017. The said Co-operation Arrangement was made between HKSAR and the Mainland. The Chief Executive and the Governor of Guangdong Province were the respective signatories of HKSAR and the Mainland. HKSAR will be initiating the second step of the "Three-step Process", namely seeking a decision by the Standing Committee of the National People's Congress ("NPCSC") approving the Co-operation Arrangement together with the Mainland shortly afterwards, and thereafter commence the local legislative process pursuant to the NPCSC's decision and the Co-operation Arrangement, so as to meet the target of implementing co-location arrangement at WKS upon the commissioning of the Hong Kong Section of XRL, thereby fully unleashing the transport, social and economic benefits of XRL. The "Three-step Process" proposal is the result of studies and discussions between HKSAR and the relevant Mainland authorities over a long period of time. We believe that implementing co-location arrangement by way of the "Three-step Process" can provide a sound legal basis for the arrangement.

We understand that some Members are concerned about co-location arrangement, including whether the arrangement would affect the implementation of "one country, two systems" and the Basic Law. As the Secretary for Justice has said during the Legislative Council debate on the Government motion

concerning co-location arrangement, "one country, two systems" is a basic policy of the People's Republic of China ("PRC") regarding HKSAR, whereas the Basic Law safeguards the HKSAR's fundamental systems, rule of law and human rights, among others. The HKSAR Government agrees that upholding "one country, two systems" and safeguarding the Basic Law are of utmost importance. For this reason, throughout the discussion between the HKSAR Government and the Mainland on matters relating to co-location arrangement, the consensus between the two sides has always been very clear: while seeking to bring convenience to passengers and unleash the benefits of the Hong Kong Section of XRL to the greatest extent, it must be insisted at the same time that, as a matter of law, the co-location arrangement will be consistent with the policy of "one country, two systems" and will not contravene the Basic Law.

The HKSAR Government continues to consider and analyse the views voiced in the community concerning the "Three-step Process" proposal, including the different views concerning the relevant provisions of the Basic Law, and will also discuss those views with the relevant Mainland authorities. Ultimately, it will be for NPCSC to make a decision and to approve the Co-operation Arrangement pursuant to the Constitution of PRC and the Basic Law of HKSAR. The HKSAR Government will disclose the full text of the Co-operation Arrangement for public information after NPCSC has made a decision approving the Co-operation Arrangement, and the public should then be able to know the rationale of the NPCSC's decision. Since NPCSC will be examining the Co-operation Arrangement, and legal proceedings challenging co-location arrangement are still ongoing, it would be inappropriate for us to comment on legal issues in detail at this stage.

The local legislative exercise that follows is an essential part of the "Three-step Process", and its objective is to implement the relevant contents of the Co-operation Arrangement. The relevant legislative proposal must then be examined and enacted by the Legislative Council before co-location arrangement can be implemented at WKS. At that stage, the Legislative Council can discuss the contents of the Bill in detail. The HKSAR Government will duly explain the arrangement and undertake other relevant work to harness the support of Members in the legislative process ahead, so that Hong Kong residents can enjoy high-speed rail service as scheduled and experience the time-saving and convenient co-location arrangement at WKS.

MS TANYA CHAN (in Cantonese): *The Secretary is really something. My main question and the Secretary's main reply have already taken up almost 10 minutes.*

My question today focuses on legality issues, but the responding government official is neither the Chief Secretary for Administration nor Secretary Rimsky YUEN. Secretary Rimsky YUEN was likewise absent from the press meeting held on the signing of the Co-operation Arrangement. It was reported that he was out of town then.

How far can the Secretary's main reply answer my question? I think the answer is obvious to all. But there is a very noteworthy point which really merits the attention of all, especially Members of the Legislative Council: "... and thereafter commence the local legislative process pursuant to the NPCSC's decision and the Co-operation Arrangement". President, what exactly is going on anyway? Have they put in place another framework following the 31 August Decision? Is there now a framework called the co-location arrangement which requires that the enactment of local legislation must be preceded by a decision of NPCSC, and that the work of enacting local legislation must keep within the parameters of the decision?

President, can I ask the SAR Government whether this is a reasonable arrangement? Can we thus say that before our enactment of local legislation, NPCSC will first give an interpretation of the Basic Law, and such interpretation is meant to make sure that even if we enact local legislation in the future, we will not be able to deviate from the Co-operation Arrangement or contravene the decision of NPCSC?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, Members must realize that the enactment of local legislation in the Hong Kong Special Administrative Region ("HKSAR") is the final step of the "Three-step Process", and its objectives are to provide the basis of local legislation required for the implementation the Co-operation Arrangement and to handle related issues. The Legislative Council can have thorough discussions on the specific contents of the relevant bill, and decide if the bill should be passed to implement the co-location arrangement.

As I have explained in detail, the Legislative Council is vested with the ultimate power to decide on the passage of the relevant bill or otherwise. Hence, in the final analysis, the approval of NPCSC and the details of the Co-operation Arrangement will be subject to discussions by the Legislative Council. The powers of the Legislative Council and Hong Kong's rule of law still exist.

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

MS TANYA CHAN (in Cantonese): *The Secretary's reply is not very clear. Must the enactment of local legislation keep within the parameters of the Co-operation Arrangement and the decision of NPCSC, with no deviation or contravention whatsoever? The Secretary has not yet formally answered this question.*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as far as the legislative process is concerned, once NPCSC approves the Co-operation Arrangement, the local legislation eventually enacted by the Legislative Council for implementing the co-location arrangement must not contravene any contents of the Co-operation Arrangement. But this does not mean that the Legislative Council has no power to consider and discuss the issue and make a decision on its own.

DR FERNANDO CHEUNG (in Cantonese): *President, the SAR Government kept discussing the issue of co-location clearance with the Mainland for more than 10 years at least. But the whole thing just remained clandestine all the time. We never knew how the exact proposal was like, and what legal basis could be used to implement co-location clearance without violating the Basic Law. At long last, the Government announced on 25 July this year that Article 20 of the Basic Law would be invoked, and NPCSC would grant the SAR Government the power to designate a site in Hong Kong as an area under Mainland jurisdiction. This proposal has since led to huge outcries from the*

legal sector and even the community at large. It is also challenged by various legal opinions and criticized for contravening the letter and spirit of the Basic Law.

Then, the Government insisted on putting the proposal before the legislature for discussion and even hastened to sign the Co-operation Arrangement with the Guangdong Province immediately after the passage of a motion with no legislative effect. But it maintained at the same time that the contents of the Co-operation Arrangement could not be disclosed for public discussion until after NPCSC had discussed and endorsed the Co-operation Arrangement and added its parameters.

President, it is just a simple arrangement for customs and immigration clearance ...

PRESIDENT (in Cantonese): Dr CHEUNG, please state your supplementary question directly.

DR FERNANDO CHEUNG (in Cantonese): *Let me now put my supplementary question. What is the reason for holding such secretive discussions on just a customs, immigration and quarantine arrangement with the Mainland for as long as 10 years? And, why must they withhold the contents of the arrangement from Hong Kong people until after NPCSC has given its full endorsement? Why must the whole thing be so secretive?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, in response to Dr CHEUNG's supplementary question, I wish to say that the HKSAR Government has never considered the issue a secret, and has always been frank and open when dealing with it. Regarding the legality and other related aspects of co-location clearance, as I have explained just now, all the relevant discussions between the SAR Government and the Mainland authorities concerned have been based on the clear consensus that any such arrangement must comply with "one country, two systems" and must not contravene the Basic Law. After many rounds of studies and discussions, both sides propose that the "Three-step Process" should be adopted, so as to provide a solid legal basis for the implementation of co-location clearance.

In the meantime, we will conduct in-depth studies on different Basic Law provisions and continue to listen carefully to public views on various provisions of the Basic Law, including the more frequently discussed ones in society, such as Articles 2, 7, 18 and 20. We will also truthfully reflect the views of various social sectors to the Central Authorities, and will keep examining and improving our legal analyses in this respect. However, as I have repeatedly pointed out just now, since NPCSC will shortly scrutinize the Co-operation Arrangement and the judicial proceedings of challenging the co-location arrangement are underway, it would be inappropriate for us to comment on the relevant legal issues in detail at this stage.

DR FERNANDO CHEUNG (in Cantonese): *I ask him why the whole thing has to be so secretive, and he replies that NPCSC will shortly scrutinize the Co-operation Arrangement. But the issues to be scrutinized by NPCSC are not confidential.*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, in response to Dr CHEUNG's supplementary question, I would say that we have actually disclosed all the main points of the Co-operation Arrangement in our earlier announcement, and our position is that we have said and done as much as possible. However, my reply to the question raised just now is that since NPCSC will shortly scrutinize the Co-operation Arrangement and the judicial proceedings of challenging the co-location arrangement are underway, we must respect the rule of law and refrain from commenting on any related issues in detail at this stage.

MS CLAUDIA MO (in Cantonese): *We can see from the Government's main reply that they are in fact very scared. This "cession-based co-location arrangement" is obviously the result of backroom negotiations and a betrayal of Hong Kong. In July this year, the Secretary for Justice, who is responsible for the enactment of legislation, made it clear that from the legal point of view, the Mainland Port Area in West Kowloon Station would not be regarded as inside the territory of Hong Kong. According to him, under Article 20 of the Basic Law,*

Hong Kong can be granted extra powers, or imperial sanction, to "castrate" itself, to regard the Mainland Port Area in West Kowloon Station as not inside the territory of Hong Kong. But now, he no longer dares to say even a single word about such extra powers, because Beijing does not think that the argument is tenable. This is like slapping the Secretary for Justice on the face. Why has this happened?

This is because he was either too eager to show off his ability or simply sold down the river by someone ...

PRESIDENT (in Cantonese): Ms Claudia MO, please state your supplementary question directly.

MS CLAUDIA MO (in Cantonese): *My supplementary question is as follows. They keep talking about the need to avoid contravening the Basic Law. But since they have already made it clear that NPCSC will have all the say, why don't they simply get it all done once and for all, proposing to Beijing the invocation of Article 1 of the Basic Law, so that Beijing can exercise overall jurisdiction over Hong Kong on the grounds that HKSAR is an inalienable part of China?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I believe all Members and public officers present here do dearly embrace and uphold the core values and rule of law of Hong Kong. The Hong Kong Government has been handling the issue of co-location clearance with the same attitude and objective, disclosing what we have done at appropriate times and consulting Legislative Council Members whenever necessary.

Although the motion on the co-location arrangement carries no legislative effect, the Government still put it forward to the Legislative Council, as we wanted to gain the support of Members. I think the public can all see the fact before their very eyes. All we have done are both clear and transparent, showing we have been acting in a frank and sincere manner, and with an attitude of embracing the spirit of the rule of law. President, I have nothing further to add in this respect.

MS CLAUDIA MO (in Cantonese): *President, my supplementary question for the Secretary is as follows. Since they are already so shameless, will they simply get it all done once and for all, and invoke Article 1 of the Basic Law to handle the matter?*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, both the country and Hong Kong will uphold the rule of law in what they do. Hence, I will not comment on the point raised in Ms MO's supplementary question, that is, whether Article 1 of the Basic Law will be invoked to handle the matter.

MR LAU KWOK-FAN (in Cantonese): *The Secretary has just hurried back to Hong Kong from Beijing, and his sole purpose of going to Beijing was to attend a meeting with the China Railway Corporation ("CRC"). I understand that operational issues, financial arrangements and the routes requested by Hong Kong people were discussed at this meeting. However, news reports have not covered the contents of the discussions in detail. May I ask the Secretary whether he can tell us more about the operational arrangements he discussed with CRC in Beijing? We know that there will only be 114 train pairs every day during the initial period after commissioning. Will the Secretary fight for more train pairs and more destinations for Hong Kong people?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Mr LAU for his supplementary question. At the meeting, we held discussions with CRC on different issues, including the issue of train destinations mentioned by Mr LAU. As said in the paper released earlier, there will be 114 short-trip train pairs every day in the peak periods in the initial period after the commissioning of the express rail link. With regard to direct train services to different Mainland cities as mentioned earlier, according to the initial consensus reached with our counterpart, passengers can travel directly to 10 Mainland cities included in the service plan without interchanging.

As for other issues, since cross-boundary transport infrastructures of a complex nature are involved, there are in fact a lot of other things for us to handle in order to achieve seamless interchange and smooth operation. These include ticketing, fare levels, station management and operations, and even facilities management, supervision, standards, sharing of future fare income and the estimated operating costs. All these issues must be sorted out through mutual cooperation and negotiations.

Yet, on the basis of mutual respect, we have agreed with our counterpart that only if an agreement has been obtained from both sides to disclose certain arrangements, the public and the Legislative Council will be informed of the arrangements at the earliest possible time. We have also adopted the same attitude in handling the Co-operation Arrangement for the implementation of the co-location arrangement and our work in the third step. When in all the communications or even negotiations on any cooperation agreement, our basic spirit is that an agreement must first be obtained from both sides for the announcement of the relevant details at an appropriate time. As for those arrangements on which an agreement for disclosure has not yet been obtained from both sides, we do have the responsibility to keep the information confidential and hence, I would be grateful for Members' understanding in this respect.

PRESIDENT (in Cantonese): Fourth question.

Development of green tourism

4. **MR YIU SI-WING** (in Cantonese): *President, in the Policy Address she delivered recently, the Chief Executive has proposed to develop and explore tourism products and projects with local and international characteristics, including cultural tourism, heritage tourism, green tourism and creative tourism. Furthermore, she has proposed to enhance the conservation of the natural ecology and cultural resources of remote countryside areas, and to revitalize the architectural environment of the villages concerned, thereby not only bringing new life to the remote countryside, but also promoting eco-tourism. To this end, the Government will establish a Countryside Conservation Office to coordinate countryside conservation projects, and has earmarked \$1 billion for such efforts and revitalization works. However, some comments have pointed out that quite*

a number of popular green tourism attractions currently lack supporting facilities, thus affecting tourists' experience. In this connection, will the Government inform this Council:

- (1) whether it has conducted a study to identify the countryside areas which currently have the potential to be developed into popular green tourism attractions for tourists but lack adequate supporting facilities; if so, of the findings; if not, whether it will expeditiously conduct such study;*
- (2) whether the Countryside Conservation Office will accord priority to the tourism development planning for the countryside areas mentioned in (1), and use the earmarked fund to carry out conservation efforts and revitalization works for such areas; if so, of the details, including the countryside areas to be covered; if not, the reasons for that; and*
- (3) as quite a number of local residents and tourists wish to have accommodation in the vicinity of green tourism attractions so as to experience rural life, whether the authorities will, on the premise of compliance with the relevant fire and structural safety requirements, consider developing countryside home-stay lodgings with unique characteristics so as to promote green tourism; if so, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, thanks Mr YIU Si-wing for the question. The Chief Executive has set in her first Policy Address a clear vision and mission for the tourism industry, which is to press ahead with the development of Hong Kong into a world-class premier tourism destination with a view to ensuring the balanced, healthy and sustainable development of the industry. Accordingly, four strategies have been mapped out as the backbone of the development blueprint. Based on these four strategies, we have formulated 13 implementation goals, in accordance with which we will formulate and implement various short-, medium- to long-term measures in a holistic and orderly manner. As for green tourism, which Mr YIU Si-wing mentioned, we will consider developing different green tourism attractions and collaborate with local districts to promote the development of sustainable green tourism, and examine ways to improve their supporting arrangements.

The Financial Secretary convened a high-level tourism coordinating meeting in October this year, directing bureaux and departments to drive the implementation of various tourism-related measures (covering those related to green tourism) in the areas of tourist support and management, planning of tourism facilities and transport support, and tourism diversification through closer cooperation and coordination.

The subjects raised are being looked after by the relevant bureaux and departments. While the Commerce and Economic Development Bureau is responsible for promotion of tourism, the Environmental Protection Department ("EPD") under the Environment Bureau and the Countryside Conservation Office ("CCO") to be established coordinate matters on the conservation of remote countryside. As Mr YIU Si-wing has just mentioned, the Home Affairs Department is responsible for the licensing for hotels and guesthouses, including homestay-like guesthouses in rural areas.

My reply to the three-part question raised by Mr YIU is as follows:

- (1) To improve the supporting transport arrangements and supporting facilities, the Tourism Commission, in collaboration with the related departments, including the Transport Department, the Environment Bureau, the Home Affairs Department, the Agriculture, Fisheries and Conservation Department ("AFCD"), the Development Bureau, the Civil Engineering and Development Department ("CEDD") and so on are conducting a review to consider developing green attraction with good tourism potential, improving the related supporting transport arrangements, for example, land transport services and kaito services; enhancing the supporting facilities, including directional signs, mapboards, information boards, mobile toilets, drinking machines, etc., and enriching the content of the website and mobile app for hiking for the convenience of the public and the visitors to enjoy our natural scenery.

In addition, the Government implemented the Pier Improvement Programme ("the Programme") this year. Apart from enhancing the structural safety of a number of existing public piers at remote areas, the Programme will improve their existing facilities, including tourism supporting facilities. The first phase of the Programme will cover 10 public piers, including those within the Hong Kong

UNESCO Global Geopark, that is, Tung Ping Chau, Lai Chi Wo, Sham Chung, Lai Chi Chong and High Island. Relevant departments have pursued in stages the consultancy studies for the engineering investigation and design of the first phase of the programme, with a view to commencing construction works in 2019.

The Tourism Commission will work closely with the relevant departments to examine the feasibility of the various measures to improve the overall supporting traffic arrangements and the supporting facilities as early as possible and implement the proposals in phases with a view to further promoting a sustainable development of green tourism.

- (2) In the 2017 Policy Address, the Chief Executive announced that a CCO would be established under the Environmental Protection Department to coordinate conservation projects that promote sustainable development of remote countryside. A sum of \$1 billion has been earmarked for CCO and other institutions such as non-governmental organizations ("NGOs") to carry out relevant minor improvement works and sustain their preservation and revitalization efforts.

For minor improvement works, CCO will consider the implementation of suitable improvement works for public facilities, such as providing or improving roads, street lightings, public toilets, sewage collection and treatment facilities, as well as waste recycling and treatment facilities. Existing architectural environment like representative village houses in the countryside will also be rehabilitated.

On the preservation and revitalization fronts, CCO will coordinate the efforts of the departments concerned, and provide an integrated yet dedicated mechanism with resources for the conservation and sustainable development of the countryside in the long run. The objectives are to support NGOs and villagers in organizing diversified and innovative conservation activities on an interactive and collaborative basis, and to develop eco-tourism and other sustainable economic activities where appropriate.

As a priority, CCO will, in collaboration with NGOs on an interactive basis, organize diversified and innovative activities, including taking forward the planning of enhanced effort on countryside revitalization in Lai Chi Wo, and implementing an ecological conservation project in Sha Lo Tung. Depending on the effectiveness of these two projects and views of the stakeholders, the Government will consider extending the initiative progressively to other remote areas with conservation value.

- (3) The operation of hotels and guesthouses in Hong Kong is regulated by the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) ("the Ordinance"). Any premises which provide short-term sleeping accommodation, including homestay-like guesthouses in rural areas, if their mode of operation falls within the meaning of "hotels" and "guesthouses", that is, any premises whose occupier, proprietor or tenant holds out that, to the extent of his available accommodation, he will provide sleeping accommodation at a fee for any person presenting himself at the premises, should apply for and obtain a licence provided that the period for each letting is less than 28 days.

Under the existing regulatory regime, village-type houses in the New Territories can all along apply for and obtain a licence under the Ordinance to operate homestay-like guesthouses. The Office of Licensing Authority ("OLA") under the Home Affairs Department ("HAD") promulgated a guideline ("A Guide to Licence Applications for Holiday Flat") in 2014, which sets out the fire and building safety requirements for holiday flats. Such requirements are in general more relaxed than those for general guesthouses. The OLA will, upon receipt of each application, conduct site inspection, and will, without compromising the building and fire safety, adopt a flexible and pragmatic approach in determining the relevant requirements that the premises need to comply with. The OLA will consider alternative proposals if necessary. As of 30 September 2017, there are more than 140 village-type houses that have obtained Guesthouse (Holiday Flat) licences for lawful operation.

MR YIU SI-WING (in Cantonese): *President, the Secretary explains in the main reply that the Government will set up a CCO and has earmarked \$ 1 billion for it to coordinate conservation projects in the countryside. At the same time, the Government will develop sustainable economic activities, including eco-tourism, where appropriate. It can be said that everything is ready and only one thing is missing, that is, determination. May I ask the Secretary whether the Government will conduct any in-depth studies on further promoting Hong Kong's eco-tourism in rural areas other than Lai Chi Wo and Sha Lo Tung, such as the outlying islands? And, will it formulate improvement plans and timetables in the light of the respective features of these places?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, my answer is yes. Actually, as pointed out in my main reply, the policy address has stated clearly that the Government has earmarked \$1 billion for conservation and revitalization works. According to the information provided by the Environment Bureau, CCO staff are mostly professionals, including staff from works departments, the Architectural Services Department and AFCD and so on. CCO's objective is to identify sites or places in the remote countryside with conservation value for the development of green tourism. I have also pointed out in the main reply that we have taken forward two pilot projects, one at Lai Chi Wo and the other at Sha Lo Tung. If these two projects are found to be effective, we will consider extending the initiative progressively to other areas after we have gained the relevant experience. Therefore, in simple terms, my answer is yes.*

MR YIU SI-WING (in Cantonese): *President, besides Sha Lo Tung and Lai Chi Wo, does the Administration have a tangible timetable for promoting tourism development in other rural areas or the outlying islands?*

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, as I said just now, all must depend on the effectiveness of the two projects and the experience gained. Specifically, we will consider*

several major factors when determining whether a rural site is fit for the kind of conservation projects suggested by Mr YIU. Firstly, as I have explained in the main reply, sites within the Hong Kong UNESCO Global Geopark will be included because they are already world-class landmarks. Moreover, North East New Territories and various coastal areas of the outlying islands will also be included. And, all this will naturally lead us to consider which places will be of interest to tourists? Besides sites of high ecological and landscape value, perhaps we will also consider villages of cultural and heritage value.

I believe the two pilot projects will provide useful experience to AFCD and the new established CCO under the Environment Bureau. They will also serve as a compass pointing to the direction of further developing tourism in the remote countryside and the outlying islands.

MR KENNETH LAU (in Cantonese): *President, although the previous Government already reduced the size of the Frontier Closed Area ("FCA") in three stages from 2 800 hectares to 400 hectares, Sha Tau Kok town is still within the FCA. In the previous legislative session, I also asked the then Government whether it would consider relaxing the FCA restriction in Sha Tau Kok town, so that people could visit its historical buildings and travel to scenic spots such as Kat O, Ap Chau and Lai Chi Wo from the public pier there, with a view to enhancing the accessibility of these places. Nevertheless, the Government's reply disappointed me and the villagers.*

Given the present Government's talks about a new style of governance, may I ask whether it will really engage the public and reconsider reducing the size of FCA in order to promote green tourism in rural areas? May I ask the Secretary if he will relay my view to the Government and join hands with the Security Bureau to explore the opening of Sha Tau Kok town?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Mr Kenneth LAU for raising this supplementary question. My reply is that we have discussed in the inter-departmental meetings on tourism development chaired by the Financial Secretary.

Mr LAU should know very well that the Government has actually reduced the size of FCA and opened it as much as possible in order to release more land for development. But as Mr LAU has rightly said, Sha Tau Kok abuts the boundary, and we honestly still have some management concerns after our discussions with the Security Bureau. I can see Mr LAU's point that there is a fine pier over there, and it can provide the public with more convenient access to Yan Chau Tong and the isles Mr LAU has named. But we are not yet able to strike a balance between security, boundary control and development for the time being. I will be happy to hold further discussions on Mr LAU's view with the relevant government departments. But I also hope Mr LAU can understand that in the case of certain policies, we must still sort out a number of problems.

MR HOLDEN CHOW (in Cantonese): *President, the Government plans to develop green tourism, and now, both CCO and a funding of \$1 billion are in place. May I ask the Secretary to tell us how this \$1 billion will be used? Will the Government consider distributing the money to the various districts in the New Territories and ask their District Councils to propose road and environmental improvement works in the rural areas? I mean District Councils are to make recommendations first and then the \$1 billion will be used for such works. May I ask if he will consider this idea, or how will he deal with this matter?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr Holden CHOW for raising the supplementary question.

First of all, the use of the \$1 billion is quite flexible, because the Environment Bureau will do two things following the making of this recommendation in the policy address. First, we will establish CCO as I have mentioned just now in order to deal with issues in this respect. The second thing is what Mr CHOW has referred to—how the \$1 billion should be used. I can tell Mr CHOW that the \$1 billion will mainly be spent on improvement works in rural areas, such as those suggested by Mr Holden CHOW, so as to create tourism opportunities. It may be spent on facilities or environmental enhancement projects in various villages. As I have said, these works include the rehabilitation of representative village houses in the countryside. Another example is the provision of certain public facilities, such as road improvement, lighting, utility services, sewerage facilities and waste recovery. Revitalization

works aimed to accentuate the unique features of certain villages are also included. The Government will join hands with NGOs and local residents. In brief, I agree to the direction pointed out by Mr CHOW, and I will convey the relevant views to my colleagues in the Environment Bureau.

MR MARTIN LIAO (in Cantonese): *President, at present, some places in the countryside are popular and world-famous tourism spots. Some examples are the UNESCO Global Geoparks at Tung Ping Chau, Sharp Island, and Po Toi Island, which is also known as the "South Pole of Hong Kong".*

With their beautiful natural landscapes, these places are liked by tourists and recommended by the Hong Kong Tourism Board. But their infrastructure facilities, such as treated water supplies, electricity provision and transportation support, are not quite so satisfactory. With regard to these already world-famous tourism spots in the countryside, may I ask the Government whether it has devised a timetable for carrying out improvement works in these places as a matter of priority?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Mr LIAO for raising this supplementary question. We are all very delighted to see the designation and development of these places as UNESCO Global Geoparks, but in some cases, local residents may still find their infrastructure facilities not quite so satisfactory. One example is Tung Ping Chau, which has been mentioned by Mr LIAO. The place has not been provided with treated water and electricity supply. Environment Bureau staff have told me that the Bureau has received a donation from the Hong Kong Jockey Club Charities Trust for the purpose of ascertaining whether there are any better ways to tackle the water and power supplies for Tung Ping Chau. Since such places are in remote countryside areas, there are very few local residents. But the laying of power cables or pipelines would involve massive works. Therefore, in this study, the Environment Bureau will consider alternative forms of power supply, such as solar energy, alongside small-scale desalination, with a view to improving the water and power supply on that particular island. The Environment Bureau is aware of the situation and will pursue the matter.

MR LAU KWOK-FAN (in Cantonese): *President, green tourism is of course very good. But I suspect this may once again result in villagers having to foot the bill for the Government's generosity. Throughout the years, many rural property rights have been frozen for reasons of conservation, security or tourism initiatives, but it looks like CCO is not supposed to deal with such issues. What we are talking about here is different from the rural conservation fund we have been recommending. Anyway, let me focus on tourism today.*

Mr Kenneth LAU, Chairman of the Heung Yee Kuk, has talked about the FCA in Sha Tau Kok. In reply, the Secretary said the issue was complicated. But I wish to discuss with him the relatively simple case of Lin Ma Hang in Sha Tau Kok. Actually, Lin Ma Hang has been opened, and there are some sites worth visiting, such as historical buildings associated with the anti-Japanese war and some mine caves. Although Lin Ma Hang has been opened, a short section of road about 700 m long leading from Wang Lek to Lin Ma Hang Village is still managed by the Police as a boundary patrol road inside FCA. The problem here is that the village has been opened, but the road is still inside FCA, and tourists cannot reach the village by public transportation, such as minibus.

Now, if the Government is to open Lin Ma Hang for green tourism, should the relevant authorities also open the road section concerned? This is the first point. The second point is that as more and more people visit the mine caves, AFCD has erected metal gates at the entrances of the five mine caves. This has spoiled the natural scenery. How is the Government going to tackle similar issues in the course of developing countryside tourism?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, I thank Mr LAU for the supplementary question.*

In general, the Government will develop all sites having ecological value and tourism potentials, and this is also the task of CCO I mentioned in the main reply. But regarding the issues raised by the two Mr LAUs, I must say that in case boundary control is involved, it may not be possible to fully open a certain site for reasons of this special circumstance. Regarding such cases, I think we should continue discussions with local residents and the Security Bureau and see if we can strike a balance between the two for the convenience of tourists.

Moreover, I will relay views on the specific tourist attraction and other facilities mentioned by Mr LAU Kwok-fan just now to AFCD and see if we can come up with a better solution to improve the work in this area.

PRESIDENT (in Cantonese): Fifth question.

Withdrawal of Mandatory Provident Fund contributions for first home purchase

5. **MR PAUL TSE** (in Cantonese): *President, in reply to my question on the 1st of this month, the authorities indicated that the Mandatory Provident Fund Schemes Authority ("MPFA") was conducting a study on allowing Mandatory Provident Fund ("MPF") Schemes members to withdraw part of their MPF accumulated contributions before attaining the retirement age for first home purchase ("the MPF first home purchase arrangement"). The proposed arrangement has sent considerable reverberations across the community and, for consecutive days, the following public comments have come up: (i) in the MPF first home purchase arrangement, one can "at least secure a place to live in, and also obviate the need to pay fund management fees"; (ii) home ownership offers the best protection for a person's retirement life and, for those with no child, retirement protection can also be provided by way of reverse mortgage; (iii) proposals that allow flexible use of MPF contributions for down payment of home purchase should be supported; (iv) members of the public have the right to control their own assets, and the Government has no right to forcibly withhold part of their wages for retirement purpose; (v) it is undoubtedly more conducive to increasing the value of the personal assets of wage earners if members of the public can opt for early withdrawal of MPF contributions for home purchase to pay for part of the down payment or miscellaneous fees involved; (vi) the MPF first home purchase arrangement will force MPF trustees to lower their fund management fees and to enhance their investment performance, thereby leaving more returns in the hands of members of the public; and (vii) in the long run, it has always been the hope of employers and employees that the MPF system will be abolished so that they can keep money in their own hands which is far better than having their money nibbled up by fund managers. In this connection, will the Government inform this Council:*

- (1) *whether it knows the effectiveness of the Reverse Mortgage Programme since its launch in 2011; whether the authorities will, in the light of the above comments, study the implementation of the MPF first home purchase arrangement in parallel with reverse mortgage, so that the needs for first home purchase and the needs for retirement protection can be addressed in one go;*
- (2) *whether it has considered that the MPF first home purchase arrangement can help MPFA (which was ridiculed by some academics as being "unable to fend for itself" and having "failed to make ends meet for seven consecutive years") try its best in cutting the loss and enhance public confidence in MPFA's ability to monitor the MPF system, as well as urge MPF trustees to lower their fund management fees and enhance their investment performance; if so, of the details; and*
- (3) *of the anticipated time for the completion of the feasibility study on the MPF first home purchase arrangement, and whether it will undertake that in case the study finds the arrangement practicable, it will expeditiously implement the arrangement, so that prospective first-time home buyers will not miss the opportunity for acquiring a property when property prices fall to a level acceptable to them?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, the idea of allowing scheme members to withdraw part of their Mandatory Provident Fund ("MPF") accrued benefits before attaining retirement age for first home purchase is controversial. There are divergent opinions from the community, not only the supporting views as listed out by Mr TSE. In contrast, there are objections and reservations as summarized below:

- (1) The objective of the MPF is to help the public save for their retirement, not for home purchase. The idea goes against the retirement protection objective of the MPF;
- (2) The objective of the MPF is to accumulate wealth through long-term and regular mandatory investments with the benefit of cost averaging. If contributions are used as a lump sum for down

payment and when property price drops drastically, property owners will lose their retirement savings or even run into more debt when they are unable to repay their mortgage;

- (3) This idea goes against the Government's target to cool down property price;
- (4) This idea in effect encourages the public to purchase properties;
- (5) Given the overheated property market, it is not the right time to put the idea into practice as it will raise property prices through increased demand;
- (6) Such arrangement will increase exuberance risk by bringing a group of new buyers with marginal financial ability into the market;
- (7) Investment in real estate is way riskier than investment in MPF funds. MPF investment allows risk diversification whereas property purchase reduces diversification;
- (8) The priority should be improving the MPF System, including addressing the problem of high fees;
- (9) When comparing with other countries, Hong Kong's MPF mandatory contribution rate is relatively low, and the average balance of MPF accounts at \$180,000 is not meaningful in helping home purchase;
- (10) The MPF contribution rate has to be risen to make the proposal of allowing early withdrawal of MPF benefits for home purchase reasonable;
- (11) Need to address the question of whether the proceeds should be clawed back to the MPF after sale of the property purchased with the MPF withdrawal for down payment. If not, the early withdrawal of MPF benefits will be a leakage weakening its value for retirement; and
- (12) Need to consider the administrative burden in implementing the idea.

The Mandatory Provident Fund Schemes Authority ("MPFA") has only examined relevant arrangements in other countries, analysed the pros and cons and studied the feasibility of introducing such arrangement into Hong Kong. MPFA has not had a final proposal yet.

As I mentioned in my reply to Mr TSE's related question last time, the Government will consider all relevant justifications holistically, and study carefully whether they are congruous with the policy objectives of establishing the MPF System. I must emphasize that we need to manage the risk of the impact of rate hike cycle on asset prices. As a responsible Government, we should not assume ever rising property prices. The Government therefore will not act contrary to any counter-cyclical measures.

I now reply Mr TSE's question as follows:

- (1) The Reverse Mortgage Programme ("RMP") was launched in mid-2011 to provide retirees with an additional financial planning option to enhance their quality of life. Under the programme, a property owner can use his/her residential property in Hong Kong as security to borrow reverse mortgage loan from a bank. The participant can receive monthly payouts either over a fixed period of time or throughout his/her entire life, while staying in the property for the rest of his/her life. Up to end October 2017, RMP had recorded a total of 2 200 applications, with an average monthly payout to the participants at HK\$15,100. In the first 10 months of this year, the programme recorded 644 new applications, increased by 1.5 times year on year.

I wish to emphasize that reverse mortgage is a standing arrangement and any person meeting the eligibility criteria can apply for loans through this mechanism.

- (2) The Government does not think there is a direct relationship between allowing the withdrawal of MPF benefits for first home purchase and the investment performance of MPF funds. However, I must point out that the MPF System allows diversification of investment risks, but if MPF benefits are used for buying home, risk diversification will be reduced. Furthermore, the financial situation of MPFA and whether withdrawal of MPF benefits should be allowed for first home purchase are two separate matters. In my previous reply to a related question raised by Mr TSE, I have explained that MPFA's

operating expenses are mainly covered by the investment income generated from the Government's \$5 billion one-off Capital Grant provided in 1998. The financial deficit in recent years is due to volatility in the investment market against a low interest environment lately. Relying solely on non-recurrent investment return is insufficient for MPFA to meet its expenses, and hence its deficit in consecutive years. MPFA has never collected annual registration fees from MPF trustees to cover its operating expenses so far.

- (3) As demonstrated by the pros and cons presented in Mr TSE's main question and my reply just now, the study on whether the withdrawal of MPF benefits should be allowed for first home purchase is a very complex subject. We will give this matter full and focused deliberation to ensure that the proposal being floated will indeed achieve the intended benefits suggested by the proponents. We will not make property price projections. However, the Government has a responsibility to alert members of the public to the impact of rate hike cycle on property price. The public should not overstretch themselves financially for home purchase.

MR PAUL TSE (in Cantonese): *President, every policy has its pros and cons, naturally. But this year, the funds with the largest share of the MPF market either perform more poorly than the Tracker Fund or simply follow its strategy. It really does not make much sense to choose these funds. On the other hand, MPFA, itself responsible for monitoring MPF investments, has run into the red for seven consecutive years. It is indeed a negative investment example. MPFA once paid an annual rent of \$70 million for its office. It moved to the present site in Kwai Chung only after the one-off capital grant paid to it years ago had shrunk by \$1 billion. Even so, its CEO still receives an annual remuneration of \$5 million. That being the case, MPF has ended up giving trouble to retirees rather than helping them as originally intended.*

President, the greatest fear of most people, especially the middle class, is "no shelter" after retirement. That being the case and since the Government is now considering the idea of introducing the MPF first home purchase arrangement, will it also explore the implementation of this arrangement and RMP in parallel, so as to see if it is really possible to achieve both home purchase and retirement protection all at the same time? Will the authorities consider implementing these two measures as soon as possible?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, the Honourable Member has compared MPF with the Tracker Fund, saying that the former has performed worse than the latter, yielding poorer returns, in other words. We have long since pointed out that MPF is a form of long-term investments aimed at saving money for post-retirement needs. Hence, the period of investment can be as long as 30 to 40 years, during which cyclical and other fluctuations of the market and the economy are inevitable. For this reason, members of MPF schemes do not need to be overly concerned about any short-term market fluctuations. President, I want to explain in particular why we generally do not compare MPF returns with the returns of any individual types of investment products or indices. The main reason is that MPF investments actually cover many different kinds of assets in different places, and their constituents are markedly different from those of the Hang Seng Index and the Tracker Fund.

But of course, members of MPF schemes can choose any type of funds for investment and the Tracker Fund is also one of the options. We also know that MPF trustees will charge certain fees, and this is because they need to handle some additional administrative work when operating MPF schemes (There are also investment managers in the case of the Tracker Fund). Such administrative work, which includes verifying an employer's contributions to all his employees' MPF accounts, assisting in recovering defaulted employers' contributions and so on, will incur operating costs. As Members are concerned about such fees, we have been making efforts to introduce various measures to reduce MPF management fees, and we can see that some results have been achieved.

The Honourable Member wants to know whether it is possible to implement the MPF first home purchase arrangement and RMP in parallel. Let me see if I can grasp what he means by this. Does he mean that we should implement a scheme enabling an employee to withdraw his accrued MPF benefits for first home purchase, and that when the mortgage loan is fully repaid with no more instalments yet to pay, the employee can then make arrangements with an RMP operator for the payment of an annuity to him? Will the Honourable Member please explain further what he means by implementing the two schemes in parallel?

MR HO KAI-MING (in Cantonese): *President, the reply of the Government last time may make people have the misunderstanding or expectation that accrued MPF benefits can be withdrawn for first home purchase or property purchase in*

the future. Will the Government consider, for example, asking the Financial Services and the Treasury Bureau and the Labour and Welfare Bureau to conduct a joint study, an overall review, of the entire retirement protection system, covering the implementation or otherwise of a universal retirement protection scheme? If accrued MPF benefits can be withdrawn for home purchase, will the function of the MPF system as a pillar of retirement protection be undermined? Will the Government thus consider the implementation of a universal retirement protection scheme?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, if there is any specific proposal, we will of course be happy to study it. But President, as I said earlier, the proposed withdrawal of accrued MPF benefits for home purchase is itself a home purchase arrangement, and RMP is an annuity scheme. Under the RMP scheme of the Hong Kong Mortgage Corporation Limited, any person in possession of a mortgage-free property who is aged 55 or above as required can apply for RMP and receive an annuity. These are actually two separate schemes, so we cannot see how they can be reviewed together. Also, we must know what the objective of such a review is.

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

MR HO KAI-MING (in Cantonese): *My supplementary question is very simple. The Secretary is now studying the possibility of allowing the use of accrued MPF benefits for the purpose of home purchase. This will actually undermine one pillar of retirement protection. I would like to ask the Government whether it will implement a universal retirement protection scheme to make up for the damage.*

PRESIDENT (in Cantonese): Mr HO, you have already pointed out the part of your supplementary question which has not been answered. Secretary, do you have anything to add?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, universal retirement protection is a separate issue, and it is irrelevant to this question today.

MR CHUNG KWOK-PAN (in Cantonese): *President, to the Chinese people, property purchase is not just an investment but also a form of savings. They hope that their properties can appreciate in the long run. Their aim is not really short-term speculation, as mortgage tenures usually last as long as 20 to 30 years. I believe we can all see from past experience that property appreciation is definitely faster than the appreciation of investment savings in funds. Therefore, property purchase may well be the best form of retirement protection.*

The ninth reason why some people oppose the use of accrued MPF benefits for home purchase set out in the Secretary's main reply is that the average balance of Hong Kong's MPF accounts is only \$180,000. But I would think that this is merely an average figure. Actually, in some cases, the husband and the wife may each have accrued \$300,000 to \$400,000, and the two of them together may have accrued \$800,000 to \$900,000 in total. This is enough for the down payment of a property. But then, there is another big problem at present, the loan-to-value ratio is too low. Even if a person has saved \$1 million to \$2 million for down payment, he may still be unable to buy a really good property due to the loan-to-value ratio. Hence, apart from allowing the use of accrued MPF benefits for home purchase as a kind of retirement protection for the public, will the Secretary also consider improving or relaxing the loan-to-value ratio?

PRESIDENT (in Cantonese): Your supplementary question is not related to the main question.

(Mr WU Chi-wai stood up)

PRESIDENT (in Cantonese): Mr WU Chi-wai, what is your point?

MR WU CHI-WAI (in Cantonese): *President, I request a headcount.*

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

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

PRESIDENT (in Cantonese): Mr Paul TSE, please raise your question.

MR PAUL TSE (in Cantonese): *President, in fact, speaking of my proposal and the Secretary's reply, I do not think that my fellow Member should blame my proposal for undermining any pillar of retirement protection. Frankly speaking, MPF as a pillar of retirement protection is itself rotten. What we want to do now is just to offer one more choice to the public, especially the middle class. In this way, they can choose—choose, I must emphasize—to use their accrued MPF benefits for home purchase, or more preferably first home purchase, rather than for the original purpose of retirement protection.*

The Secretary may not quite understand why we should be talking about implementing RMP and the MPF first home purchase arrangement in parallel, as RMP is already in operation. In essence, we are saying that since there is already such a good measure of RMP, it will be wonderful if the public can choose to use their accrued MPF benefits for first home purchase, because in this way, the public can have one more choice—the choice of not having to keep their money in their MPF accounts, and to bear with all those management fees and the gradual nibbling up of their money.

For all these reasons, I think we must draw up a holistic plan which can offer one more option of retirement protection, and which can enable people to purchase their own homes and accumulate wealth at the same time. This option is better than forcing people to keep money in their MPF accounts. I hope that the Secretary can tell us whether he will thoroughly consider this direction.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, we will consider this direction, and we are still waiting for the detailed analysis from MPFA. As I said earlier, MPFA is doing an analysis on this proposal. MPFA will analyse the proposal from the policy point of view and ascertain whether it is consistent with the policy objective of providing retirement protection under the MPF System.

Also, MPFA must consider the concerns of different sectors and Members, and the feasibility and pros and cons of this proposal. We reckon that MPFA should be able to submit its recommendations and analysis next year, and we will then study its feasibility.

MR PAUL TSE (in Cantonese): *President, in part (2) of the main reply, the Secretary says that the existing regulatory and supervisory body of MPF schemes—Well, we all know that MPFA was given a one-off funding allocation of \$5 billion in 1998. But it has been running into the red over the years, partly due to its exorbitant office rental payments and CEO remuneration payments. As a result, the current balance of its funding allocation is only about \$4 billion and it is forced to move its office to Kwai Chung. But then, I am startled by the authorities' remark that MPFA has never collected any annual registration fees from MPF trustees.*

I hope that this is not the direction that they are considering. Can the Secretary tell us whether there is any measure to prevent MPFA from incurring losses year after year?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, generally, statutory bodies will collect fees from their members. They will collect fees from some companies or different types of members for their operation. In the case of MPFA, when it was established, there was already a provision in the ordinance allowing it to collect annual registration fees from trustees. However, due to the financial turmoil in 1997 and 1998, MPFA did not collect such fees from trustees when it was established. Of course, this provision is still in the ordinance. In regard to whether MPFA will invoke this provision in the future, we will not make any comments until after we have examined the actual situation.

MR PAUL TSE (in Cantonese): *I ask about the measure to prevent MPFA from incurring losses year after year ...*

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

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, as the Honourable Member just mentioned, MPFA has moved its office to Kwai Hing and this will save \$50 million in its rental payment annually. Besides, we also encourage MPFA to reduce costs as far as possible in its operation and other aspects. In fact, the most important aspect is the fees of MPF schemes, which are the concern of the middle class or the MPF participants as mentioned by the Honourable Member earlier, and they want to know how the various costs under the MPF System can be reduced.

In fact, we notice that the costs concerned have basically been lowered. Looking at the Fund Expense Ratio, which we often mention, we see that it was 2.1% 10 years ago but is 1.55% now. In regard to low fee funds, we also notice that among the 400-odd funds in the present market, over half of them are low fee funds. We also encourage them to lower the fund management fees. At present, the management fees of 229 funds have been reduced at a rate ranging from 0.52% to 57%. Hence, we have been putting efforts in many areas so that the operational effectiveness of MPF as mentioned by the Honourable Member earlier can be relatively enhanced.

PRESIDENT (in Cantonese): Last oral question.

Prevent leakage of confidential information of the Independent Commission Against Corruption

6. **DR ELIZABETH QUAT** (in Cantonese): *President, some members of a political party held a press conference in July last year, claiming that they had received information from some very senior personnel of the Independent Commission Against Corruption ("ICAC") and they had been informed by three insiders of ICAC that the personnel appointment for a senior post in ICAC had something to do with an investigation being conducted by ICAC at that time. Recently, one member from that political party told the press that during the period after the completion of the first trial of a case involving a former Chief Executive and before the start of the retrial of that case, ICAC had invited a banker to give statement in connection with that case but the invitation was declined. Some members of the public have relayed to me that in order to protect the reputation of those under investigation and in compliance with the confidentiality requirements, ICAC will not openly comment on individual cases, making it difficult for them to judge whether the remarks made by such political*

party members are true or not. They are therefore worried that such remarks may in the long run undermine public confidence in ICAC's adherence to the principle of confidentiality when conducting investigations. In this connection, will the Government inform this Council:

- (1) *given that section 30(1) of the Prevention of Bribery Ordinance provides that any person who, without lawful authority or reasonable excuse, discloses the identity of the person under investigation for suspected commission of the bribery crimes under the Ordinance or details of such investigation shall be guilty of an offence, of the respective numbers of prosecutions and convictions involving this section in each of the past three years; whether there has been an upward trend in the number of such cases in recent years; if so, whether counter-measures have been formulated;*
- (2) *whether ICAC reviewed its internal confidentiality procedure in the past three years to step up prevention of information leakage; if so, of the details, including the measures adopted to raise the awareness of ICAC staff so as to avoid their disclosure of confidential information on the investigations; and*
- (3) *whether it has assessed if the relevant provisions of the Prevention of Bribery Ordinance prohibit the disclosure by any person of ICAC's internal information containing confidential information; if it has assessed and the outcome is in the affirmative, of the number and details of prosecutions instituted in the past three years; if the assessment outcome is in the negative, the measures to be put in place to prevent any person from disclosure of ICAC's internal information, which will undermine public confidence in ICAC's adherence to the principle of confidentiality when conducting investigations?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the Independent Commission Against Corruption ("ICAC") has all along been aware of the high public expectation on the integrity and conduct of its officers. In particular, public confidence is anchored on the rigorous security procedures of handling any data relating to complaints and investigations or other confidential information. Therefore, ICAC attaches great importance to establishing a clear and reliable information security system which can effectively safeguard the

secrecy and security of all confidential information and data through management, investigator training as well as internal investigation and monitoring.

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

Regarding internal management, ICAC has been observing the "need to know" principle, i.e. all the confidential information will only be made available to officers who need it for discharging their duties. Besides, a well-defined system is in place in respect of the declaration and avoidance of conflict of interests. These mutually complementary measures ensure that all the confidential information will only be released and used where necessary and appropriate.

In terms of staff training, every ICAC investigator is required to familiarize himself/herself with all relevant legislation, internal rules and operational guidelines during the induction programmes, including section 30 of the Prevention of Bribery Ordinance ("POBO") about the offence to disclose information such as the persons being investigated, and the rules, guidelines and requirements about integrity, conduct and information confidentiality that ICAC officers have to follow under the Commission Standing Orders, as well as the possible disciplinary or criminal responsibilities to bear as a result of non-compliance. Serving officers at different ranks will also undergo various training programmes to refresh their knowledge.

In respect of internal investigation and monitoring, ICAC's independent Internal Investigation and Monitoring Group ("IIMG") will handle complaints against its officers for suspected improper disclosure of confidential information. For cases involving breach of section 30 of POBO, IIMG will conduct criminal investigation in accordance with the law and the established procedures, seek legal advice from the Department of Justice and report its findings to the independent Operations Review Committee. As for non-criminal complaints of breaching the internal code of conduct or operational rules, IIMG will conduct disciplinary investigation and report its findings to the independent ICAC Complaints Committee.

While the above measures and regime have always been effective, ICAC is fully committed to the unchanging pledge that it has made to the community and

the general public of Hong Kong i.e. to keep information relating to complaints and investigation in strict confidence. We hope that all sectors of our community will continue to trust ICAC and support its work.

My consolidated reply to the three parts of the question raised by Dr Elizabeth QUAT is set out below.

Section 30 of POBO provides that any person who, without lawful authority or reasonable excuse, discloses to the public the identity of the subject person of investigation or the fact that the subject person is so subject or any details of such investigation, shall be guilty of an offence. POBO also prescribes the conditions under which the disclosure mentioned above shall not be an offence or shall be regarded as having a reasonable excuse. It should be noted that POBO governs everyone, including members of the public and ICAC officers.

A total of five persons were prosecuted for breach of section 30 of POBO over the past three years (from January 2015 to October 2017). The cases involving three defendants prosecuted in 2017 are still sub judice, while the remaining two persons have been convicted and placed under community service orders. Although such kind of cases was taken to court occasionally, there is no notable upward or downward trend as their number is not large. ICAC will pay close attention to related development to decide whether adjustments to investigation strategies and measures are needed.

While ICAC does not publicly comment on the views of individuals or individual cases, it will handle in strict accordance with the law any case which is suspected to be against the law or regulations, in order to reinforce public confidence in ICAC's investigation.

As mentioned above, ICAC has always maintained its investigators' alertness to the principle of confidentiality and relevant issues via measures in three aspects, i.e. management, staff training as well as investigation and monitoring. ICAC investigators are very careful and rigorous in complying with the relevant rules when handling various kinds of confidential information. The system is well tested over time and proves to be effective in practice. Nevertheless, ICAC will keep a close watch on the needs for adjusting the existing regime and measures in a bid to move with the times and pursue excellence.

DR ELIZABETH QUAT (in Cantonese): *Deputy President, the reply of the Chief Secretary for Administration keeps stressing the effective and time-tested efforts of ICAC to maintain the strictest confidence. But what is the case in reality? The fact is that some people like Albert HO and Mr LAM Cheuk-ting of the Democratic Party have repeatedly claimed to have received certain internal information of ICAC. Through the media, they have made very extensive and concrete analyses and disclosure of many investigation details, including the time and subject of investigation, the witnesses contacted, and even the pressing of charges or otherwise. Major media have been reporting and spreading such "internal information" of ICAC for over one year already. But ICAC has given neither any response nor any denial so far. As I observe, it has not taken any enforcement actions at all. People may thus think that the information may well be true, so they will ask, "Is this what they call 'the strictest confidence', and are the POBO provisions forbidding information disclosure just a 'toothless tiger'?"*

DEPUTY PRESIDENT (in Cantonese): Dr QUAT, please state your supplementary question directly.

DR ELIZABETH QUAT (in Cantonese): *Deputy President, I want to know the Government's response on how this problem can be solved. Is there nothing it can do about this?*

DEPUTY PRESIDENT (in Cantonese): Chief Secretary for Administration, please reply.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, I thank Dr QUAT for her supplementary question. ICAC does not comment on any individual cases, but if it receives any complaints, it will surely handle them very seriously, referring them to its independent IIMG for actions under the law and the established procedures. According to records, no ICAC officials have been prosecuted under the ordinance concerned. But in case any such cases occur, we will take serious follow-up actions.

DEPUTY PRESIDENT (in Cantonese): Dr QUAT, which part of your supplementary question has not been answered?

DR ELIZABETH QUAT (in Cantonese): *The Secretary has not told me what actions he will take to handle this problem. Does his reply mean that what Mr LAM Cheuk-ting has said is not true?*

DEPUTY PRESIDENT (in Cantonese): Dr QUAT, you have already stated the part of your supplementary question that has not been answered. Secretary, do you have anything to add?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, perhaps let me reiterate here that ICAC does not publicly comment on any individual cases, but if it receives any complaints, it will handle them very seriously.

DR JUNIUS HO (in Cantonese): *Deputy President, I used to think that Secretary WONG Kam-sing's only expertise was waste recovery. But he is here today, answering our questions on ICAC in the capacity of Chief Secretary for Administration.*

According to the Chief Secretary for Administration, there have not been many cases of confidential information leakage and only a few cases of prosecution. My supplementary question is: what is the actual number of complaints received during the period? Will ICAC initiate investigation into a case involving someone who claims to have received confidential information?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, if Mr HO wants us to provide the actual figures and information, the relevant department will follow up his request if necessary.

I wish to point out that if ICAC receives any complaints, or suspects, that someone has committed a corruption offence or related offences, including the breach of section 30 of the Prevention of Bribery Ordinance ("POBO"), ICAC will follow up the cases in accordance with the established procedures under the law, subject to the availability of sufficient evidence. The relevant department can follow up these two circumstances.

MR WONG TING-KWONG (in Cantonese): *Can I ask the Acting Chief Secretary for Administration to tell us whether serving ICAC officials are the only ones governed by the confidentiality rules of ICAC? Are political figures and ex-ICAC officials exempt from such rules, and can they indiscreetly disclose the details of ICAC's investigation to the media and the public? Furthermore, may I ask whether people who claim to have received ICAC's internal information should still be allowed to disclose nonsense, to say that they have received certain inside information of ICAC, either before the microphones outside or right here in this Chamber?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President and Mr WONG, the answer is simple: the ordinance concerned governs both ICAC staff and people not belonging to ICAC. Any person who breaches the ordinance concerned is liable to prosecution. I have to reiterate here that as a law enforcement agency, ICAC is not supposed to openly comment on any individual cases. But if there is any evidence, the relevant department will take serious actions.

MR CHAN CHUN-YING (in Cantonese): *Deputy President, first, I must declare that I am a member of the ICAC Operations Review Committee and the ICAC Witness Protection Review Board. The Government says in the main reply that ICAC seeks to prevent the leakage of internal confidential information mainly by enhancing staff training and issuing internal guidelines. ICAC has established an internal investigation and monitoring mechanism, but I believe outsiders do not know much about this. Can I therefore ask the Acting Chief Secretary for Administration to tell us whether ICAC can automatically activate its internal investigation procedure in case any ICAC staff are suspected of any improper disclosure of confidential information? Or, must ICAC wait until it receives a complaint? It has been said that there was no prosecution. But can we know whether ICAC has ever activated the investigation procedure? How was the situation in the past few years?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, I thank the Honourable Member for the question. If the Member wishes to obtain the relevant information, the department concerned can provide supplementary information if necessary. In principle, ICAC will take actions in

case there is any complaint. And, even if no complaint is received, ICAC will still take actions in case anyone is suspected of contravening the ordinance concerned and there is relevant evidence.

MR LAM CHEUK-TING (in Cantonese): *Deputy President, Dr Elizabeth QUAT has just mentioned my name and said that the public might believe what I said as true. Deputy President, what I have said are surely things that I believe to be true to the best of my understanding, and they certainly deserve much greater credence than the doctoral degrees of some Members here.*

Deputy President, section 30 of POBO provides for a reasonable excuse. It is provided that if the disclosure (of information about ICAC investigation) involves an unlawful activity, abuse of power, serious neglect of duty, or other serious misconduct by the ICAC Commissioner, there shall be exemption. The preamble to this oral question refers to a press briefing in which former Member Albert HO and I described the unreasonable demotion of Rebecca LI, who was then Deputy Commissioner and Acting Head of Operations of ICAC. Can I therefore ask the Chief Secretary for Administration whether we should be granted exemption from criminal liability under section 30 of POBO, if the demotion involved the abuse of power, irregularities, or even unlawful conduct by the Commissioner?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, I reiterate here that we do not comment on any individual cases. Having said that, I must of course add that there is indeed the provision of a reasonable excuse or similar exemption arrangement under POBO in some specified circumstances.

MR LEUNG CHE-CHEUNG (in Cantonese): *Deputy President, Dr Elizabeth QUAT's oral question talks about the confidentiality of ICAC information, and it also refers to the public disclosure of a case by one Member present here. Speaking of whether the case was in fact an actual one, I would think that after hearing the story, the public will tend to regard it as an actual case. But can I ask whether there is any internal mechanism in ICAC to handle this? My question is not about this particular case. Rather, I want to know what will happen if ICAC itself observes that some of its staff have leaked certain investigation information to outsiders. We have had the experience of being*

interrogated by ICAC, and we know its investigators will say after the interrogation, "Do not tell anyone what questions we have asked you." Now, if any such information is subsequently leaked, and if I am the person concerned, what will I think? I will certainly think that the information must have been leaked by ICAC staff. It can't be me, right? Mr CHAN Chun-ying is thus right in asking whether there is any internal mechanism in ICAC that can be automatically activated to launch investigation in such circumstances. But then, there is also a problem with such a mechanism, because it involves people investigating other people in the same organization. Unlike the Complaints Against Police Office, which operates under a transparent system and the monitoring of the Independent Police Complaints Council, ICAC is not subject to any monitoring at all. What can be done then? Some people have now leaked so much information, but ICAC says it will not make any comments, and it simply ignores the case.

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Che-cheung, do you want to ask the Chief Secretary for Administration whether there is any internal investigation mechanism in ICAC?

MR LEUNG CHE-CHEUNG (in Cantonese): *My supplementary question is whether there is any transparent mechanism in ICAC that can command public trust.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President and Mr LEUNG, as I have already said in the main reply, there is already an established mechanism for the purpose. And, there are also various committees, such as IIMG and an independent ICAC Complaints Committee comprising non-official members. There is indeed an internal investigation mechanism in ICAC. And, there is also an independent committee to listen to relevant investigation findings. Hence, there is already a system of checks and balances.

MR CHAN HAN-PAN (in Cantonese): *Deputy President, just now, Mr LAM Cheuk-ting stood up and confirmed that what he said earlier were all facts and actual happenings inside ICAC. I was still a bit sceptical before that, but*

anyway, in this very Chamber, he himself has confirmed that all these are facts. Can I therefore ask the Acting Chief Secretary for Administration whether he will request ICAC to investigate this.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, I thank Mr CHAN for his supplementary question. I repeat that there is an established and also time-tested mechanism in ICAC which can enable it to take appropriate actions after receiving a complaint. If there is evidence, ICAC may also take further actions. As a result, let me repeat that while we do not comment on individual cases, the said mechanism is time-tested. I hope Members can have confidence in ICAC. This mechanism has stood the test of time and is able to balance various needs.

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

MR CHAN HAN-PAN (in Cantonese): *The Secretary has not answered my supplementary question. I am not asking him whether the mechanism is time-tested. Rather, I want to know if he will undertake to investigate the case, as Mr LAM Cheuk-ting has himself confirmed that what he said and disclosed are all actual happenings inside ICAC. Deputy President, my question is not about the presence or otherwise of any time-tested mechanism. Rather, I want to know if he will investigate the case.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN, you have already stated the part of your supplementary question that has not been answered. Please stop speaking. Secretary, do you have anything to add?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, as a law enforcement agency, ICAC will deal with the matter under the relevant law and mechanism. I think it is inappropriate for us to comment on individual cases here.

DEPUTY PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Manpower shortage in the elderly service sector**

7. **MR KWOK WAI-KEUNG** (in Chinese): *President, last month, the Secretary for Labour and Welfare pointed out, by citing the preliminary data of a recently completed survey on the manpower situation of subsidized residential care homes for the elderly and home care services teams, that the current vacancy rates of domestic helpers and personal care workers had been on the rise and already exceeded 18%. The Secretary also indicated that importation of foreign labour would only be a matter of time. Regarding the manpower shortage in the elderly service sector, will the Government inform this Council:*

- (1) *of the details of the aforesaid survey, including the (i) vacancy rates and (ii) existing remuneration packages of the various types of elderly service positions;*
- (2) *whether it knows the current total number of vacancies of elderly service positions; among them, of the respective numbers of vacancies of home managers, welfare workers, occupational therapists, physiotherapists, nurses, care workers, personal care workers, health workers and domestic helpers; of the respective wastage rates of holders of such positions in each of the past five years; the positions with higher wastage rates of their holders, and whether it has studied the reasons for that; and*
- (3) *whether it will, by making reference to the practice of the Task Force on Manpower Development of the Retail Industry set up in 2013, set up a task force on manpower development of the elderly service sector to review the manpower situation of the sector and put forward recommendations for improving its overall manpower development; if so, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): *President, the Government is very concerned about the manpower situation of the social welfare sector, and has implemented a number of measures to enhance the supply of*

frontline care staff and improve their work prospects. The measures include implementing Qualifications Framework ("QF") in the elderly service sector, organizing the Enrolled Nurse Training Programme for the social welfare sector, implementing the Navigation Scheme for Young Persons in Care Services, etc.

My reply to the Member's question is as follows:

- (1) To understand the manpower situation of frontline care workers in subsidized welfare services, the Social Welfare Department ("SWD") sought to collect relevant data from 69 subsidized non-government organizations in August 2017 through a questionnaire. These organizations were providing elderly and/or rehabilitation services, and the notional staff establishments of their subsidized service units consisted of the posts of personal care worker ("PCW"), home helper ("HH") and/or ward attendant ("WA").

Among the 64 questionnaires received, 62 organizations indicated that their subsidized elderly and/or rehabilitation service units had employed PCW, HH and/or WA. According to the information provided by the organizations, the staff establishment, staff strength and vacancy rate of the posts concerned on 31 July 2017 are as follows:

<i>Post (applicable to subsidized elderly and rehabilitation service units)</i>	<i>Staff Establishment</i>	<i>Staff Strength</i>	<i>Vacancy Rate</i>
PCW	7 403.5	6 073.9	18.0%
HH	1 318.0	1 070.5	18.8%
WA	1 643.5	1 384.4	15.8%

According to the findings of the questionnaire survey, information on the salary and allowance of the posts concerned on 31 July 2017 is as follows:

<i>Post (applicable to subsidized elderly and rehabilitation service units)</i>	<i>Average Starting Salary Point (\$)</i>	<i>Average Maximum Salary Point (\$)</i>	<i>Average Monthly Allowance (\$)</i>
PCW	13,157	16,449	789
HH	10,800	15,864	254
WA	12,349	14,703	889

- (2) Apart from the above information, SWD has no other figures on vacancies or wastage rates of posts in the elderly service sector.

According to the above questionnaire survey, over 90% of the organizations responded indicated that it was difficult to recruit PCW, HH and/or WA, and that increasing the salaries of these workers could help improve the manpower shortage problem.

- (3) As proposed in the 2017 Policy Agenda, SWD will provide additional resources for subsidized elderly service units to increase the salaries of PCW and HH (i.e. the salaries of PCW and HH will be increased by two pay points in the current calculation of the subsidy for salaries),⁽¹⁾ thereby enabling these service units to recruit and retain staff more effectively. This initiative will also cover similar posts in service units of subsidized rehabilitation services as well as family and child welfare services. In addition, as proposed in the 2017 Policy Agenda, SWD will launch a five-year scheme to provide full subsidies for home managers, health workers and care workers of all residential care homes for the elderly ("RCHEs") and residential care homes for persons with disabilities in the territory to enrol in QF-based training courses, so as to enhance their work prospects and attract more people to join the elderly service sector.

The Government will continue to closely monitor the manpower situation of the sector and explore suitable improvement measures.

- (1) For instance, for a PCW working in a subvented RCHE, SWD's monthly subsidy on salaries for the organization will be increased from about \$17,100 at present by about \$2,300 to about \$19,400, together with the subsidy for the Mandatory Provident Fund (employer's portion).

Transport services and traffic in Kowloon East

8. **MR WU CHI-WAI** (in Chinese): *President, with the incessant population growth in Kowloon East and Tseung Kwan O in recent years, serious traffic congestions have frequently occurred on several major roads in Kowloon East. The various stations along the MTR Kwun Tong Line and the MTR Tseung Kwan O Line are also overcrowded during peak hours. In this connection, will the Government inform this Council:*

- (1) *whether it knows the respective hourly average (i) patronages, (ii) loadings calculated based on an accommodation of six persons (standing) per square metre, and (iii) loadings calculated based on an accommodation of four persons (standing) per square metre, per direction on critical links of the Kwun Tong Line and the Tseung Kwan O Line during morning and evening peak hours in each year since 2013;*
- (2) *whether it knows if the MTR Corporation Limited ("MTRCL") implemented last year any passenger flow management measures at the various stations along the Kwun Tong Line and the Tseung Kwan O Line; if MTRCL did, set out the details of the measures by station;*
- (3) *whether it knows if MTRCL is now undertaking or planning to carry out station improvement works to ease passenger flow at the various stations along the Kwun Tong Line and the Tseung Kwan O Line; if MTRCL is, of the details and progress; of the progress of the several projects proposed by the government departments concerned and the Energizing Kowloon East Office under the Development Bureau to enhance pedestrian connectivity facilities in Kowloon East (including the construction of a pedestrian subway near the MTR Ngau Tau Kok Station) ;*
- (4) *of the latest progress of the planning work of the MTR East Kowloon Line, including whether or not the Government has completed examining the proposal submitted by MTRCL in July this year; the*

difference between the proposed alignment of the East Kowloon Line and that mentioned in the Railway Development Strategy 2014; the timing for consulting the public on the railway alignment and commencing the detailed design work of the project, as anticipated by the Government, with a view to achieving the target of commencing the railway project by 2025;

- (5) *given that the construction projects of the Central Kowloon Route and the Tseung Kwan O—Lam Tin Tunnel have commenced with specified completion dates, when the Government will submit the funding proposal for the construction project of the Trunk Road T2 connecting the route and the tunnel to the Finance Committee of this Council; of the anticipated commencement time of the project and the time to be taken for its completion; and*
- (6) *apart from the series of road and junction improvement measures proposed to tie in with the Anderson Road Quarry Development, whether it has conducted planning for other improvement measures for the roads in Kowloon East to alleviate the traffic congestions at the roads, such as Prince Edward Road East, Kwun Tong Road, Lei Yue Mun Road, New Clear Water Bay Road and Hip Wo Street?*

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

- (1) It has been the practice for the MTR Corporation Limited ("MTRCL") to compile the statistics of the passenger flow of individual railway lines based on the patronage and loading per hour per direction on critical links during the morning peaks. The patronage and loading per hour per direction of the Kwun Tong Line and the Tseung Kwan O Line during the morning peaks from 2013 to 2016 are tabulated below. The 2017 figures are yet to be available as MTRCL needs time to prepare the data.

<i>Rail line (per hour on critical links during the morning peaks)</i>	<i>Patronage/ Loading</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Kwun Tong Line (Shek Kip Mei to Prince Edward)	Patronage (passenger trip)	47 600	48 100	47 000	47 800
	Loading (Six persons [standing] per square metre)	67%	67%	66%	67%
	Loading (Four persons [standing] per square metre)	94%	95%	92%	94%
Tseung Kwan O Line (Yau Tong to Quarry Bay)	Patronage (passenger trip)	44 800	45 200	46 400	46 700
	Loading (Six persons [standing] per square metre)	72%	72%	69%	69%
	Loading (Four persons [standing] per square metre)	100.6%	102%	97%	97%

- (2) To ease passenger flow, MTRCL has been striving to enhance the carrying capacity of the railway network by adding train frequency and to reduce passenger waiting time through station management measures. MTRCL will adopt different management measures in the light of passenger distribution on individual railway lines and at stations. Apart from the general measures applicable to the entire system (see Annex), MTRCL has implemented the following passenger flow management measures at the Kwun Tong Line and the Tseung Kwan O Line in recent years.

Kwun Tong Line

MTRCL has completed the enhancement works at Exit C of Kowloon Bay Station in 2016 to further facilitate passengers' usage of the escalators in the middle of the station and the additional entry gates. The completion of the works has brought about a smooth passenger flow at the station and helped ease the passenger flow at Exit C during peak hours.

In recent years, MTRCL has arranged short-haul trips to run between busy stations as far as possible to increase capacity, if a gap between trains under the scheduled train services has opened up to allow safe running of additional trains. The aim is to maintain smooth train operations even at the busiest sections and during peak hours. To meet passenger demand during the morning peaks, some of the trains running along the Kwun Tong Line towards Whampoa or Ho Man Tin will not take passengers after dropping off passengers at Tiu Keng Leng Station and go direct to Wong Tai Sin Station to take passengers. This arrangement would be incorporated into the daily schedule of train service. MTRCL is considering applying this measure to other stations if circumstances so warranted.

New measures also include the closing of some entry gates at upstream stations during peak periods, particularly the stations along busy railway lines, to reduce the speed of passenger flow towards platforms. This will help avoid overcrowding at platforms and ensure, as far as possible, the availability of space on trains for carrying passengers at downstream stations, thereby alleviating congestion at the busiest parts of individual stations. Taking the Kwun Tong Line (towards Mong Kok) which is particularly busy during morning peak hours as an example, MTRCL will close some of the entry gates at upstream stations (Choi Hung to Wong Tai Sin stations) to reduce the speed of passenger flow towards platforms so that passengers at downstream stations can board the trains which are not at full capacity.

Tseung Kwan O Line

To increase the train capacity of the Tseung Kwan O Line, MTRCL has introduced a new "2+1" train service arrangement during the morning and evening peak periods since December 2014. Under the arrangement, every group of three trains would depart from North Point Station at intervals of 2.5 minutes, 2 minutes and 2 minutes (the frequency was a flat 2.5 minutes on average before the arrangement was put in place). The first two trains would head to Po Lam Station while the third train would terminate at LOHAS Park Station. More than 200 train trips in total have been increased weekly, thus boosting overall passenger carrying capacity during peak periods by 11.5%. To provide more convenience to passengers on the Tseung Kwan O Line, MTRCL further added 78 trips per week running after evening peak hours on weekdays and before morning peak hours on Saturdays in 2014 and 2015. This, together with the "2+1" additional train trips during peak periods, has increased the train frequency on the Tseung Kwan O Line by about 280 trips per week.

In the interim, MTRCL, through an upgrade of the signalling systems, will increase the overall carrying capacity and further enhance the overall reliability and service efficiency. The signalling system upgrading works for the Kwun Tong Line and Tseung Kwan O Line are targeted for completion in 2020 and 2021 respectively. Upon the completion of the upgrade of all signalling systems in 2026, the overall carrying capacity of these railway lines will be increased by about 10%.

- (3) Since Kwun Tong Station came into operation in 1979, the traffic flow in the area has been increasing with the development in the neighbourhood. MTRCL has all along been closely monitoring the surrounding developments and the change in passenger flow, and has implemented various measures of passenger flow management to maintain smooth train operations. To improve the passenger flow at busy exits during peak hours, MTRCL has also removed some shops, installed additional entry gates and widened the passageway for Kwun Tong Station. Currently, MTRCL is examining ways to further enhance station facilities, including the adjustment of entry

gates, provision of additional directional signs and increase of manpower, with a view to improving passenger flow in concourses and platforms during peak hours.

As the Kwun Tong Town Centre redevelopment project of the Urban Renewal Authority ("URA") is adjacent to Kwun Tong Station, URA has proposed the construction of a "podium" connecting Kwun Tong Station. This will provide additional circulation area for the station and divert passenger flow to other exits of the station, thus facilitating smooth passenger flow to/from the station concourse and platform. MTRCL welcomed the proposal in principle and will continue to communicate and coordinate with URA on the connectivity between the podium and Kwun Tong Station.

On the other hand, the Energizing Kowloon East Office ("EKEO") under the Development Bureau has formulated a number of short-, medium- and long-term pedestrian environment and traffic improvement proposals, which are being implemented by phases in Kowloon Bay and Kwun Tong Business Areas. So far, 56 quick-win/short-term improvement proposals have been implemented. They include the provision of pedestrian crossings, widening of footpaths and shortening of pedestrian crossing alignment. As regards the medium- and long-term improvement proposals in the Kwun Tong Business Areas, EKEO has commissioned the Highways Department ("HyD") to commence a consultancy study on the investigation and preliminary design of the improvement proposals near Ngau Tau Kok by the end of this year. The items to be studied include the extension of the pedestrian subway connecting to MTR Ngau Tau Kok Station, improvement of the nearby public transport interchange, face-lifting of Shun Yip Street subway across Kwun Tong Road, face-lifting of How Ming Lane and the nearby subway across Kwun Tong Road, beautification of Kwun Tong Road Sitting-out Area and Kwun Tong Road Rest Garden, improvement of the traffic-signal-controlled junction at Lai Yip Street and Wai Yip Street, and provision of more roadside greening space. The improvement proposals aim at providing a comfortable walking environment for pedestrians towards the Kwun Tong Business Areas and the waterfront.

Regarding the Kowloon Bay Business Areas, in order to relieve the existing congestion on the footbridge near the Exit B of MTR Kowloon Bay Station and enhance the connectivity between MTR Kowloon Bay Station and the future East Kowloon Cultural Centre, EKEO has commissioned HyD to study the provision of an additional footbridge. In June this year, the Kwun Tong District Council was consulted on, and gave support to, the proposal of constructing a new footbridge. The project was gazetted in November 2017 under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). Moreover, EKEO has planned to provide a new footbridge across Kwun Tong Road near Exit A of MTR Kowloon Bay Station so as to further enhance the barrier-free facilities in the district. EKEO has also commissioned HyD to study the provision of another footbridge across Wai Yip Street near Siu Yip Street. The investigation study is in progress.

- (4) As invited by the Transport and Housing Bureau, MTRCL submitted a proposal on the East Kowloon Line project to the Government at the end of July 2017. The Transport and Housing Bureau, HyD and relevant departments are currently assessing the contents of the proposal, including the alignment of the rail line, and have requested MTRCL to provide further and more detailed information so as to ensure that the proposal is practicable and brings the best benefits to the community. In line with established procedures, prior to the finalization of any new railway scheme, we will consult the public on the detailed alignment, locations of stations, mode of implementation, cost estimate, mode of financing, actual implementation timetable and other specifics. As regards such matters as the construction timetable and public consultation, they can only be confirmed upon completion of the assessment of the proposal.
- (5) The Government will seek funding approval from the Legislative Council in a timely manner for the main works of Trunk Road T2 to tie in with the completion date of the Central Kowloon Route as far as possible. The Civil Engineering and Development Department is currently engaged in the detailed design of Trunk Road T2, the completion of which will enable the Government to formulate a definite construction programme. Generally speaking, the construction of a large-scale tunnel project similar to Trunk Road T2 requires approximately five to six years for completion.

- (6) To relieve the traffic condition in Kowloon East area, the Government has implemented a number of traffic management measures on Prince Edward Road East, Kwun Tong Road, Clear Water Bay Road, New Clear Water Bay Road and Choi Hung Interchange. The measures include adding U-Turn facility, installing traffic directional signs to guide motorists to diversion routes, extending bus stops and public light bus stands, and enhancing road markings. The implementation of these measures has generally been completed. Meanwhile, the Government is also planning enhancement works to the roundabout at Lei Yue Mun Road and Kai Tin Road.

To support the Anderson Road Public Housing Development and Anderson Road Quarry Development, the Government has proposed a series of road and junction improvement measures. In addition, the Government has proposed constructing four pedestrian links connecting the Anderson Road Quarry Development area with the neighbouring housing estates, Kwun Tong Town Centre, MTR Kwun Tong Station and the proposed bus-bus interchange at the Tseung Kwan O Tunnel toll plaza. These links will serve to reduce the use of public transport feeder services by residents living on the hillside, thereby relieving the traffic load of the Kowloon East area. The construction works of the aforesaid pedestrian links have commenced progressively since March this year to dovetail with the population intake programme of the Anderson Road Quarry Development area scheduled for 2023-2024.

URA will also implement a number of traffic management measures in the Kwun Tung Town Centre Redevelopment Project to ease the traffic at the Kwun Tong Town Centre area (including Kwun Tong Road and Hip Wo Street). The measures include providing an additional left-turn lane to Hip Wo Street at the Kwun Tong Road roundabout, widening certain road sections of Hip Wo Street and other traffic management measures, in addition to relocating most of the bus stops and public light bus stands in the town centre to the public transport interchange in the redevelopment project. The above works are being implemented in stages and planned for phased completion from 2021 to 2024.

In the long run, the Government is progressively taking forward the construction of Route 6 (comprising the Tseung Kwan O—Lam Tin Tunnel, the Central Kowloon Route and Trunk Road T2), which will serve to substantially divert traffic from the road networks of Kowloon East and thus effectively alleviate traffic congestion in the district.

Annex

Passenger flow management measures adopted by the
Mass Transit Railway Corporation Limited
(Applicable to ordinary stations)

As observed by the Mass Transit Railway Corporation Limited ("MTRCL"), under normal circumstances, passengers will not uniformly occupy the space in train compartments. Train compartments that are closest to escalator landings generally attract more passengers, while those located at the far ends of a platform carry relatively fewer passengers. In view of this, MTRCL has implemented the following measures to even out passenger distribution on platforms and in trains to make passenger flow smoother and optimize the efficiency of train operations:

- (a) To better utilize the space on trains and facilitate the smooth alighting and boarding of passengers, MTRCL has launched a courtesy campaign to encourage passengers to move into the centre of the train compartment and let others alight first before boarding. Such message will be broadcasted through announcements on platforms and displayed regularly on passenger information panels to enhance passengers' awareness;
- (b) MTRCL continues to step up platform management measures across the whole network to achieve smoother alighting and boarding of passengers, thereby optimizing the efficiency of train operations during peak periods. More than 1 300 additional station staff were recruited in the past few years to assist and give directions to passengers so as to help rationalize passenger flow and allow on-time train departures;

- (c) Last year, MTRCL installed new door bottom guides on trains to reduce the chance of train doors being blocked by foreign objects and thus avoid the extra time spent by trains on platforms because of re-opening and re-closing of doors, in order to reduce the number of times of repeated opening and closing of train doors. In addition, the Door Chimes Standardization Programme has been rolled out along various railway lines to facilitate smooth train operation and to raise passenger awareness of door safety by providing clearer audio signals. Platform assistants are also deployed to encourage passengers to move towards the centre of train compartments after boarding, instead of staying near train doors;
- (d) MTRCL will continue to update and enhance passenger flow management measures at platforms to improve the alighting and boarding arrangement of passengers. MTRCL will review the measures from time to time, optimize the application, and introduce new measures as and when necessary, taking into account the actual situation (including the commencement of service of new railway lines). Before the implementation of new measures, MTRCL will put them on trial to ensure its smooth operation and effectiveness. MTRCL will also maintain communication with passengers to allow them to understand thoroughly the operation mode of the new measures. MTRCL will continue to step up its efforts on this front;
- (e) As part of its ongoing efforts to ensure a safe, efficient and high-quality railway service, MTRCL invests over several billion dollars annually to keep its railway assets and station facilities in their best condition and enhance their functions to provide better services; and
- (f) Besides, to alleviate the heavy loading of trains during peak periods, MTRCL has been offering the Early Bird Discount Promotion since September 2014. The main objective of the promotion programme is to encourage passengers to take MTR before the peak period so as to relieve the heavy train loading situation during the morning peak on the busiest sections of the network. Under this fare concession, an average daily of around 130 000 passenger trips enjoyed the discount, in which around 3.7% of the passenger trips of the morning peak period have been successfully transferred to the non-peak period.

Drugs used for treating patients with uncommon diseases

9. **DR FERNANDO CHEUNG** (in Chinese): *President, in the Policy Address she delivered last month, the Chief Executive mentioned that the Government and the Hospital Authority agreed to extend the scope of the assistance programme to provide subsidies for specific drug treatments for patients with special clinical needs according to individual circumstances, including subsidizing suitable patients to participate in compassionate programmes on the use of drugs of individual pharmaceutical companies. In this connection, will the Government inform this Council of the following information in respect of each of the drugs listed below which are used for treating patients with uncommon diseases: (i) its indications, (ii) whether it has been registered with the Pharmacy and Poisons Board, (iii) whether it is listed in the Drug Formulary of the Hospital Authority; if so, (iv) of the category in the Formulary to which it belongs (i.e. General Drug, Special Drug, Self-financed Item with Safety Net, Self-financed Item without Safety Net); if not, (v) whether the Government or the Hospital Authority has subsidized suitable patients to participate in the compassionate programmes on the use of that drug (set out in the table below)?*

Name of drugs	(i)	(ii)	(iii)	(iv)	(v)
1. 5-Htp					
2. Afinitor 2.5mg Tablets					
3. Afinitor 5mg Tablets					
4. Agrylin 0.5mg Capsules					
5. Aldurazyme 2.9mg/5ml					
6. Aldurazyme Concentrated Solution					
7. Ammonul Injection 50ml					
8. Anagrelide 0.5mg Cap.					
9. Antivenin Of D.Russellii					
10. Asadin Inj. 1mg/ml (Arsenic Trioxide)					
11. Asadin Inj. 1mg/ml 10ml					
12. Betaferon Inj. 0.3mg/2ml/vial					
13. Betaine HCL Withpepsin Cap.					
14. Bh4 (Tetrahydro-Biopterin Tablets) 10mg					
15. Buphenyl Tab. 500mg					
16. Carbaglu Tablets 200mg					
17. Carnitene 1g Chewable Tablets					

<i>Name of drugs</i>	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>	<i>(iv)</i>	<i>(v)</i>
18. <i>Carnitene 1gm Tab (Levocarnitine Chew Tab 1gm/tab)</i>					
19. <i>Carnitene Inj. 1gm</i>					
20. <i>Carnitene Injection 1g/5ml</i>					
21. <i>Cartnitene 1gm Tab.</i>					
22. <i>Cerezyme</i>					
23. <i>Cerezyme 400 Units (Imiglucerase)</i>					
24. <i>Cerezyme 400u</i>					
25. <i>Cerezyme Inj.</i>					
26. <i>Copaxone 20mg Solution For Injection</i>					
27. <i>Copaxone 20mg/ml, Pre- Filled Syringe For Injection</i>					
28. <i>Copaxone Inj. 20mg</i>					
29. <i>Cycloserine 250mg Cap.</i>					
30. <i>Cystadane Powder For Oral Sol'N 1gm/scoopful (Betaine Anhydrous)</i>					
31. <i>Cystagon Cap. 150mg</i>					
32. <i>Dantrolene 20mg IV</i>					
33. <i>Dilantin 30mg Cap.</i>					
34. <i>Dimaval Capsules</i>					
35. <i>Dimaval Injection Solution</i>					
36. <i>Dimersu Capsules 200mg</i>					
37. <i>Elaprase (Idursulfase) Injection</i>					
38. <i>Elaprase (Idursulfase) Solution For Intravenous Infusion 2mg/ml 6mg/vial</i>					
39. <i>Fabrazyme 35mg Inj.</i>					
40. <i>Flolan Inj.</i>					
41. <i>Flolan Injection 0.5mg</i>					
42. <i>Flolan Injection Epoprostenol 0.5mg 500mcg</i>					
43. <i>Gilenya Hard Capsules 0.5mg</i>					
44. <i>Glatiramer Acetate (Copaxo Ne) 20mg Solution For Injection, Pre-Filled Syringe</i>					
45. <i>Ilomedin-20</i>					
46. <i>Ilomedin-20 Inj.</i>					
47. <i>Imukin Inj.</i>					
48. <i>Increlex 10mg/ml 4ml</i>					
49. <i>Increlex 10mg/ml 5ml</i>					

<i>Name of drugs</i>	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>	<i>(iv)</i>	<i>(v)</i>
50. <i>Kelfer Capsules 250mg</i>					
51. <i>Kelfer Capsules 500mg</i>					
52. <i>K-Phos No. 2 (Beach Pharmaceuticals)</i>					
53. <i>Kuvan Tablets</i>					
54. <i>L-Arginine Hcl Inj. 30ml/vial</i>					
55. <i>Levocarnitin Oral Solution</i>					
56. <i>Lysodren Tab.</i>					
57. <i>Metalite 250 Capsules</i>					
58. <i>Myozyme 50mg Inj.</i>					
59. <i>Naglazyme Inj. 5mg/5ml/vial (Gal Sulfase)</i>					
60. <i>Nitoman Tablet 25mg</i>					
61. <i>Normosang 25mg/ml Concentrate For Solution For Infusion</i>					
62. <i>Normosang Inj. (Human Hemin 25mg/ml 10ml/amp)</i>					
63. <i>Ocarnit "Shiner" Injection 1g/5ml</i>					
64. <i>Opsumit Film Coated Tablets 10mg</i>					
65. <i>Orfadin Cap. 2mg</i>					
66. <i>Phenbuty 500mg Tablets</i>					
67. <i>Phosphate Solution</i>					
68. <i>Proglycem 50mg/ml 30ml/bot.</i>					
69. <i>Provigil</i>					
70. <i>Provigil Tablets 200mg</i>					
71. <i>Rebif Inj 22mcg</i>					
72. <i>Rebif Inj 44mcg</i>					
73. <i>Rebif Inj. 3miu</i>					
74. <i>Rebif Inj. 6miu</i>					
75. <i>Rebif Solution For Injection 132 Micrograms (36miu)</i>					
76. <i>Remodulin Inj. 1.0mg/ml 20ml</i>					
77. <i>Remodulin Inj. 5.0mg/ml 20ml</i>					
78. <i>Replagal 3.5mg Inj.</i>					
79. <i>Replagal 1mg/ml Concentration For Solution For 1mg/ml Infusion</i>					
80. <i>Sodium Benzoate Cap. 250mg</i>					
81. <i>Soliris Injection</i>					
82. <i>Stimol (Citrulline 1gm/10ml/sachet)</i>					
83. <i>Stimol Oral Solution 1g/10ml</i>					

<i>Name of drugs</i>	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>	<i>(iv)</i>	<i>(v)</i>
84. <i>Sucraid Oral Solution</i>					
85. <i>Syprine (Trientine Hcl 250mg/cap.)</i>					
86. <i>Tetrahydro-Biopterin (Bh4) 10mg Cap.</i>					
87. <i>Tetrahydro-Biopterin (Bh4) 50mg</i>					
88. <i>Thado Capsules 50mg</i>					
89. <i>Thyrogen Inj.</i>					
90. <i>Tobi Nebulizer Solution (Tobramycin) 300mg/5ml/amp</i>					
91. <i>Tracleer 62.5mg Film-Coated Tablets</i>					
92. <i>Tracleer 125mg Film-Coated Tablets</i>					
93. <i>Trientine Dihydrochloride 300mg/cap.</i>					
94. <i>Tysabri Solution For Infusion 300mg/15ml/vial (Natalizumab)</i>					
95. <i>Ucephan Oral Solution 100ml/bot.</i>					
96. <i>Ventavis</i>					
97. <i>Ventavis Nebuliser Solution 20mcg</i>					
98. <i>Vesanoid Soft Gelatin Capsules 10mg</i>					
99. <i>Volibris F.C. Tablet 10mg</i>					
100. <i>Volibris F.C. Tablet 5mg</i>					
101. <i>Volibris Film-Coated Tablets 10mg</i>					
102. <i>Volibris Film-Coated Tablets 5mg</i>					
103. <i>Votubia 2.5 Mg Tablets</i>					
104. <i>Votubia 5 Mg Tablets</i>					
105. <i>VSL#3 450 Billion Bacteria/packet</i>					
106. <i>Wilizin Capsules 25mg</i>					
107. <i>Wilizin Capsules 50mg</i>					
108. <i>Xenazine 12.5mg</i>					
109. <i>Xenazine 25mg</i>					
110. <i>Zadaxin Inj.</i>					
111. <i>Zavesca Capsules 100mg</i>					
112. <i>Zinc Acetate 25mg/cap.</i>					
113. <i>Zinc Acetate 50mg/cap.</i>					
114. <i>Zinca Capsules 25mg</i>					
115. <i>Zinca Capsules 50mg</i>					

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Government and the Hospital Authority ("HA") place high importance on providing optimal care for all patients and ensuring the use of public resources in the fairest and most effective way, with a view to assuring patients an equitable access to safe, efficacious and cost-effective drugs under the highly subsidized public health care system.

List of pharmaceutical products registered in Hong Kong has been uploaded on the website of the Department of Health's Drug Office <https://www.drugoffice.gov.hk/eps/do/en/consumer/reg_pharm_products/index.html>.

HA has implemented the Drug Formulary ("HADF") since 2005 with a view to ensuring equitable access by patients to cost-effective drugs of proven safety and efficacy through standardization of drug policy and drug utilization in all public hospitals and clinics. At present, HADF covers around 1 300 drugs. Full version of HADF is available at HA's website <<http://www.ha.org.hk/hadf/en-us/Updated-HA-Drug-Formulary/Drug-Formulary>>. Drugs in HADF are categorized into the following four groups:

- (1) General Drugs;
- (2) Special Drugs;
- (3) Self-financed Items ("SFIs") with Safety Net; and
- (4) SFIs without Safety Net.

HA has an established mechanism under which experts will evaluate new drugs regularly and determine whether a drug should be included in HADF. The evaluation and review processes follow an evidence-based approach, having regard to the three principal considerations of safety, efficacy and cost-effectiveness while taking into account other relevant factors, including international recommendations and practices, advance in technology, disease state, patient compliance, quality of life, actual experience in the use of drugs as well as views of professionals and patient groups.

Besides, the Government provides needy patients with subsidy, through the Community Care Fund ("CCF") Medical Assistance Programme (First Phase), to purchase specified self-financed cancer drugs which have not yet been brought

into the Samaritan Fund but have been rapidly accumulating medical scientific evidence and with relatively higher efficacy. With the advancement of medical technologies, new drugs including those for treating uncommon disorders appear in the market but they are ultra-expensive. In view of this, the Government and HA implemented the CCF Medical Assistance Programme—"Subsidy for Eligible Patients to Purchase Ultra-expensive Drugs (Including Those for Treating Uncommon Disorders)" in August 2017 to provide financial assistance for needy patients. Information about drug items supported by the above two CCF Medical Assistance Programmes is available on the HA's website <http://www.ha.org.hk/visitor/ha_visitor_index.asp?content_id=208076>.

Mental health services

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

- (1) *whether it knows the respective attendances of the services provided by each of the subvented Integrated Community Centre for Mental Wellness ("ICCMW") for the following persons in each of the past three years: (i) discharged mental patients aged 15 or above, (ii) persons with suspected mental health problems aged 15 or above, (iii) family members/carers of those two types of persons, and (iv) residents interested in understanding/improving their mental health;*
- (2) *given that only 15 out of the 24 existing ICCMWs operate in permanent premises, whether the Government has plans to provide permanent premises for the remaining nine ICCMWs; if so, of the implementation timetable, and whether it will, before permanent premises are provided to them, grant rent allowances to ICCMWs operating in smaller premises to facilitate their relocation to larger premises; if so, of the details (including whether the amount of allowance will be capped); if not, the reasons for that; of the principles based on which the Government determines the amount of subvention allocated to each ICCMW;*
- (3) *whether it has plans to increase the manpower for psychiatric services in order to implement the recommendations put forward by the Review Committee on Mental Health in its report released in*

April this year; if so, of the respective numbers of additional (i) psychiatrists, (ii) psychiatric nurses, (iii) community psychiatric nurses, (iv) clinical psychologists, (v) medical social workers and (vi) occupational therapists that it has planned to recruit in the coming five years, with a tabulated breakdown by service target (i.e. children and adolescents, adults and the elderly);

- (4) *as the Government has indicated in the Policy Address delivered in January this year that it will set up a standing advisory committee to review and follow up the development of mental health services, of the progress and schedule of the preparatory work for setting up the committee, as well as the time when the Government will announce the membership of the committee; and*
- (5) *whether it will establish a high-powered Mental Health Commission with members comprising various types of stakeholders (e.g. medical personnel, mentally ill persons and their carers, ex-mentally ill persons, social workers, social and welfare organizations, academics and concern groups) and responsibilities for drawing up a comprehensive policy on mental health services and keeping the policy reviewed from time to time as well as promoting the collaboration among various policy bureaux and relevant organizations in the area of mental health services; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, having consulted the Labour and Welfare Bureau, my reply to Dr KWOK Ka-ki's question is as follows:

- (1) The Integrated Community Centres for Mental Wellness ("ICCMWs") mainly provide services for members who are ex-mentally ill persons and persons with suspected mental health problems aged 15 or above, their family members/carers and participants in community engagement/public education activities. The number of people from the above mentioned four target groups who received ICCMW services in 2014-2015 to 2016-2017 is set out in the following table:

Year	Number of ICCMW members		(iii) Number of family members/carers	(iv) Number of participants in community engagement/public education activities
	(i) Ex-mentally ill persons	(ii) Persons with suspected mental health problems		
2014-2015	20 215	5 447	2 587	133 245
2015-2016	20 624	5 900	3 069	135 833
2016-2017	19 520	7 499	4 073	139 429

- (2) In 2010, the Government revamped the community mental health support services and set up ICCMWs in various districts to provide one-stop and district-based community mental health support services for ex-mentally ill persons and persons with suspected mental health problems, their families/carers and residents living in the district. Currently, 15 out of the 24 ICCMW service points are providing services at permanent accommodation. Five ICCMW service points have identified suitable sites/premises as permanent accommodation (four of them are carrying out or will carry out fitting-out/building works, while the other one is undergoing district consultation). The remaining four ICCMW service points have reserved sites at new or re-development projects, and are pending confirmation of detailed arrangement. Meanwhile, the Social Welfare Department fully subsidizes the operating costs of nine ICCMW service points, which are yet to have permanent accommodation or have an accommodation area falling short of the required standards, to set up temporary service points or offices in suitable commercial premises.

- (3) to (5)

The Government established the Advisory Committee on Mental Health ("the Advisory Committee") on 28 November 2017. The Advisory Committee comprises members from various sectors with a great wealth of expertise and experience including professionals from the health care, social service and education sectors, representatives from patient and carer advocacy groups, as well as lay persons with interest on mental health. The list of members is set out at Annex.

The Advisory Committee will advise the Government on mental health policies, including the establishment of more integral and comprehensive approaches to tackle multi-faceted mental health issues in Hong Kong. It will assist the Government in developing policies, strategies and measures to enhance mental health services in Hong Kong. It will follow up on and monitor the implementation of the recommendations of the 2017 Mental Health Review Report. The relevant bureaux will examine the resources and manpower required for the implementation of the recommendations and seek additional funding in accordance with established mechanism.

Annex

Advisory Committee on Mental Health
Membership List

Chairman

Mr WONG Yan-lung, SC

Non-Official Members

Healthcare Sector

Dr Felix CHAN Hon-wai (Service Director, Primary & Community Health Care, Hong Kong West Cluster, Hospital Authority)

Prof Eric CHEN Yu-hai (President, Hong Kong College of Psychiatrists)

Dr HUNG Se-fong (Specialist in Psychiatry)

Ms Glendy IP Suk-han (Nurse Consultant, Kwai Chung Hospital)

Prof Linda LAM Chiu-wa (Professor in psychiatry, Chinese University of Hong Kong)

Dr David LAU Ying-kit (Specialist in Psychiatry)

Dr Eugenie LEUNG Yeuk-sin (Clinical psychologist)

Dr Josephine Grace WONG Wing-san (Specialist in Psychiatry)

Social Service and Education Sectors

Mr CHUA Hoi-wai (Chief Executive, Hong Kong Council of Social Service)

Mr Frederick LAI Wing-hoi (Service Head, Youth & Community Service cum Community Development Service, Caritas Hong Kong)

Mr Dicky LAM Ka-hong (Principal, Kowloon Women's Welfare Club Li Ping Memorial School)

Mr James LAM Yat-fung (Principal, Lions College)

Prof Samson TSE Shu-ki (Professor in social work and social administration, University of Hong Kong)

Ms Anita WONG Yiu-ming (Elderly Services Director, Hong Kong Chinese Women's Club)

Prof Loretta YAM Yin-chun (Adjunct Professor in public health and primary care, Chinese University of Hong Kong)

Ms Sania YAU Sau-wai (Chief Executive Officer, New Life Psychiatric Rehabilitation Association)

Lay Persons

Ms Lily CHAN Lei-hung (Peer Support Worker, Castle Peak Hospital)

Miss Twiggy CHAN Cheuk-ki (Director, Boaz International Education Institute Ltd)

Mr William CHOY (Employer of ex-mentally ill persons)

Mr Stephen LEUNG Mung-hung (Advisor, Christian Oi Hip Fellowship)

Prof Naubahar SHARIF (Associate Professor in social science and public policy, Hong Kong University of Science and Technology)

Miss YUEN Shuk-yan (Community Organizer, Society for Community Organization)

Ms Shirley Marie Therese LOO (Representative of Equal Opportunities Commission)

Ex-officio Members

Permanent Secretary for Food and Health (Health) or representative

Permanent Secretary for Labour and Welfare or representative

Permanent Secretary for Education or representative

Director of Health or representative

Director of Social Welfare or representative

Director (Cluster Services), Hospital Authority

Chairman, Coordinating Committee in Psychiatry, Hospital Authority

Principal Assistant Secretary for Food and Health (Health)³ (Secretary)

Classification of primary and secondary school subjects as compulsory and independent compulsory subjects

11. **MR IP KIN-YUEN** (in Chinese): *President, at present, certain subjects at primary and secondary levels are classified as compulsory subjects and independent compulsory subjects by the Education Bureau ("EDB"). In this connection, will the Government inform this Council:*

- (1) *of the party who is responsible for deciding whether a certain subject should be classified as a compulsory, independent compulsory or other type of subject, as well as the procedure and criteria to be followed in making such a decision;*
- (2) *of the respective compulsory subjects and independent compulsory subjects at various primary and secondary levels at present; whether the relevant classification is applicable to schools of various finance types (including government, aided, caput, Direct Subsidy Scheme, as well as special schools);*
- (3) *whether schools of various finance types are required to set class arrangements and teaching timetables according to EDB's classification of subjects;*
- (4) *of the documents and channels through which EDB informs school management and teachers of the lists of compulsory subjects and independent compulsory subjects; and*
- (5) *as the Chief Executive has indicated in the Policy Address delivered by her last month that the Government will "include Chinese history as an independent compulsory subject for the junior secondary level" in the next school year, whether the Government has consulted the stakeholders before making that decision; if so, of the mechanisms through which and the dates on which the consultation was conducted; if not, the reasons for that; whether the Curriculum Development Council discussed the relevant arrangements beforehand; if so, of the dates and outcome of such discussion; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, my reply to the question raised by Mr IP Kin-yuen is as follows:

(1) to (4)

To promote students' lifelong learning and all-round development, the Education Bureau provides schools with a flexible and open curriculum framework covering eight Key Learning Areas ("KLAs") and suggested lesson time. According to their mission, characteristics and the needs of their students, schools may offer appropriate subjects at different learning stages at the primary and secondary levels, as well as allocate and integrate the suggested lesson time flexibly to provide students with broad and balanced learning experiences.

Most subject contents covered by the eight KLAs can be regarded as "compulsory". At different learning stages, individual KLAs are handled differently. For example, at the primary to junior secondary levels, English Language Education, Mathematics Education and Physical Education cover only one subject each, which can be regarded as "independent compulsory" on its own. The General Studies for primary schools, consisting of Science Education, Personal, Social and Humanities Education ("PSHE") as well as Technology Education, is a cross-KLA subject. Other KLAs have more than one subject. For example, at the primary to junior secondary levels, Chinese Language Education comprises Chinese Language and Putonghua while Arts Education covers at least two subjects, i.e. Visual Arts and Music. They are normally taught in an independent subject mode.

At the junior secondary level, Science Education is generally taught through the Science subject while PSHE may comprise a number of subjects, including Economics and Public Affairs ("EPA"), Life and Society ("L&S"), Religious Education, Geography, Chinese History and History. For these subjects in which parts of the contents are similar, such as for L&S and EPA, schools usually offer either one of the two. Apart from stipulating that schools need to offer Chinese History as an independent subject, the Education Bureau has not specified any other subjects under this KLA to be taught as

independent subjects. As regards Technology Education, a modular approach is recommended for flexibility in curriculum organization.

As for the senior secondary curriculum, there are four core subjects, i.e. Chinese Language, English Language, Mathematics and Liberal Studies, which are compulsory for all students. Students may also take other elective subjects according to their interests and abilities.

To help schools and teachers grasp the curriculum arrangements of various KLAs/subjects, we disseminate and elaborate relevant information through our website, circular memoranda and professional development programmes, etc. Schools and teachers can also learn more about the specific requirements and suggested lesson time for various learning stages from the Basic Education Curriculum Guide (Primary 1 to 6) (2014), the Secondary Education Curriculum Guide (2017) and various KLA/subject guides, etc. Apart from schools for children with intellectual disability that offer an adapted curriculum, the curriculum arrangements and suggested allocation of lesson time for various KLAs are applicable to all public sector schools and schools under the Direct Subsidy Scheme.

- (5) Since the issue of the Syllabuses for Secondary Schools: Chinese History (Secondary One to Three) in 1997, schools have been providing Chinese history education accordingly. The PSHE Key Learning Area Curriculum Guide ("the Guide") published in 2002 clearly states that "students in all types of schools will study Chinese history and culture, which is part of the Essential Content for Learning in PSHE". The Guide allows schools to provide Chinese history education in an independent subject mode or other modes (e.g. History and Culture). So far, over 90% of secondary schools offer Chinese History in an independent subject mode, while about 40 secondary schools incorporate Chinese history and world history into the subject of History and Culture, or adopt an integrated curriculum mode to teach Chinese history. From the above, it is evident that teaching Chinese History as a compulsory independent subject is a prevailing trend that aligns with the direction of the Policy Address. Over the years, the public have actively sought to make Chinese History an independent subject at the junior secondary

level. The Legislative Council even passed a motion on "Requiring the Teaching of Chinese History as an Independent Subject at Junior Secondary Level" in the meeting held on 16 November 2016. The announcement made in the 2017 Policy Address that Chinese History be included as an independent subject has addressed the requests of the community and the Legislative Council.

Given that about 40 secondary schools still adopt other modes in implementing Chinese history education, the Education Bureau invited all these schools and met with them between September and October 2017. During these meetings, representatives from these schools expressed that they understood the need to make changes and supported the provision of Chinese history education; but asked for flexibility and time to make the transition. We understand the needs and unique circumstances of these schools in respect of staffing arrangements, and the learning barriers of non-Chinese speaking students in studying Chinese History, etc. In this connection, we will allow them flexibility and time to make a smooth transition taking into full account their situations. Regarding the said arrangements, the Education Bureau has made it clear on various occasions, such as the consultation session on the revised junior secondary Chinese History curriculum and Principals' Liaison Meetings, that reasonable and appropriate transitional arrangements will be made for these schools to address their concerns. The Education Bureau will maintain communication with schools to provide appropriate support.

Real-time investor identification system for northbound cross-boundary stock trading

12. **MR KENNETH LEUNG** (in Chinese): *President, at present, investors can engage in cross-boundary stock trading through Shanghai-Hong Kong Stock Connect ("SH-HK Stock Connect") and Shenzhen-Hong Kong Stock Connect ("SZ-HK Stock Connect"). It has been reported that the Hong Kong Exchanges and Clearing Limited will implement next year a real-time investor identification system for northbound trading under SH-HK Stock Connect and SZ-HK Stock Connect ("real-name registration system"), and such an arrangement will give both the Mainland and Hong Kong regulators direct access to the data of traders'*

identities. The Chairman of the Securities and Futures Commission ("SFC") has indicated that public consultation is unnecessary as the proposed real-name registration system does not involve any revision to the Listing Rules. In this connection, will the Government inform this Council, whether it knows if SFC:

- (1) has assessed (i) the views of different stakeholders on the implementation of the real-name registration system, (ii) the difficulties that may arise in the implementation of the system and (iii) whether there are loopholes in the system to ensure that the implementation of the system will not affect the stability of the Hong Kong stock market; if SFC has assessed, of the outcome; if not, the reasons for that;*
- (2) has consulted the Office of the Privacy Commissioner for Personal Data on the arrangements for cross-boundary transfer of personal data involved in the proposed real-name registration system, including issues on the holding, processing or use of the personal data transferred to places outside Hong Kong by a person authorized by the data subject to make the transfer to ensure that the arrangements do not contravene the provisions of the Personal Data (Privacy) Ordinance (Cap. 486); if so, of the details; if not, the reasons for that; and*
- (3) has made reference to the experience of the stock markets in other places on the implementation of real-name registration systems; if so, of the places the experience of which reference has been made to and the conclusions drawn; if not, the reasons for that?*

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

- (1) Globally, there is a trend to impose investor identification requirements to enhance market surveillance (please see part (3) of our response for details). In view of the significant growth in and the increasing complexity of markets in Hong Kong, the Securities and Futures Commission ("SFC") has for some time been examining whether, and if so, possible options for introducing an investor identification model to improve its capability to conduct effective

surveillance of the Hong Kong markets. It will take time to reach a view on the way forward and, where necessary, work out details of a comprehensive model for the Hong Kong markets.

Separately, SFC is also considering an investor identification model for northbound trading activities under Stock Connect which will facilitate the China Securities Regulatory Commission ("CSRC") to perform its regulatory functions in the Mainland stock markets. As stated in the Agreement on Economic and Technical Cooperation under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement signed on 28 June 2017 by the Ministry of Commerce of the Central People's Government and the Hong Kong Special Administrative Region Government, a timetable would be set for the establishment of an investor identification mechanism under Stock Connect. The implementation of an investor identification regime will facilitate the further development of Stock Connect, including the expansion of the scope of eligible securities under Stock Connect.

SFC has been working closely with Hong Kong Exchanges and Clearing Limited ("HKEX") in the development of an investor identification regime taking into account market practices in Hong Kong. They have considered operational issues and concerns raised by market participants when developing the regime and also made reference to the experience in overseas markets. The proposed investor identification regime will not affect the functioning of the Hong Kong stock market or its stability. HKEX will soon publish an information paper on the investor identification model for northbound trading under Stock Connect.

SFC will also work with CSRC on a similar investor identification information system in respect of southbound trading.

- (2) During the course of exploring an investor identification model, SFC consulted the Office of the Privacy Commissioner for Personal Data to understand relevant requirements in the Personal Data (Privacy) Ordinance.

SFC has been working closely with HKEX to come up with an investor identification model that will comply with the applicable data privacy laws in the collection, use and transfer of relevant personal data.

- (3) In light of the growing size and complexity of the securities market, a number of overseas regulatory authorities have started to implement or impose investor identification requirements, to improve the effectiveness of market supervision activities. For instance, the European Securities and Market Authority and the U.S. Securities and Exchange Commission are preparing for the implementation of investor identification regimes as parts of the European Market in Financial Instruments Directive II and the U.S. Consolidated Audit Trail plan respectively. In Asia-Pacific region, the Australian Securities and Investments Commission has also introduced relevant clauses in its rules since March 2014 to require market participants to provide investor identification data for the purpose of placing buy and sell orders, trading and trade reporting.

During the course of exploring and introducing an investor identification model, SFC and HKEX have considered factors including (i) the "see-through" trading and settlement model in the Mainland market, (ii) the trading practices and measures in the Hong Kong market and the feasibility of the implementation of the model, and (iii) the investor identification models adopted or to be adopted in the above mentioned overseas regions.

Taking into consideration the above mentioned factors, SFC believes that the introduction of an investor identification regime under Stock Connect is aligned with the global approach to market supervision and facilitates the further development of Stock Connect.

Provision of marine insurance training

13. **MR HOLDEN CHOW** (in Chinese): *President, some members of the marine insurance industry have relayed that at present, the Government imposes restrictions of operating in Hong Kong on overseas companies which engage*

solely in marine insurance, and there are no marine insurance-related training programmes on offer in Hong Kong. As a result, it is difficult for those aspiring to join the marine insurance industry to acquire the relevant knowledge and to receive professional training. They are worried that such a situation will make it difficult for Hong Kong to maintain its leading position in the global maritime industry. In this connection, will the Government inform this Council:

- (1) whether it knows the existing number of marine insurance brokers in Hong Kong, and its percentage in the total number of local insurance practitioners;*
- (2) whether it knows the names of the marine insurance programmes currently offered by tertiary institutions and other organizations;*
- (3) given that the Hong Kong Institute of Vocational Education, the Maritime Services Training Institute and the Institute of Professional Education and Knowledge are jointly offering a professional certificate programme in marine insurance and the authorities will provide subsidies to the students, whether the authorities know the progress of preparation and implementation timetable of the programme as well as the details of the subsidies; and*
- (4) of (i) the amount of subsidies provided under the Maritime and Aviation Training Fund for offering marine insurance training programmes and its percentage in the total amount of subsidies given out in the year, and (ii) the number of marine insurance practitioners who benefited from the Fund, in each year since its establishment in 2014?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the HKSAR Government is committed to entrenching Hong Kong's position as an international maritime centre. One of our major tasks is to promote the development of high value-added maritime services, as well as nurture talents for the sector by collaborating with the maritime industry through the Hong Kong Maritime and Port Board ("HKMPB").

The marine insurance industry of Hong Kong has been growing steadily over the past decades. The total gross premium of insurance on ships in Hong Kong surged by almost 10% yearly on average in the past decade, which is higher than the annual average growth of around 7% for general insurance business. Besides, 12 out of the 13 members of the International Group of Protection and Indemnity Clubs have presence in Hong Kong, making us the largest representation outside London.

To nurture talents to support the long-term development of the maritime industry, the Government established the Maritime and Aviation Training Fund ("MATF") in April 2014 with a commitment of \$100 million. MATF seeks to assist and encourage young students and practitioners of the maritime and aviation sectors to receive maritime or aviation education and training, thereby enhancing the overall competitiveness and professional competency of the industries. In addition, in October 2016, the International Union of Marine Insurance ("IUMI") established its Asian Hub in Hong Kong, which is its first overseas presence outside its headquarters in Hamburg. One of the major work focuses of the Asian Hub is to further develop the manpower training market of marine insurance professionals in the Asia-Pacific region.

Our reply to the four-part question raised by Mr Holden CHOW is as follows:

- (1) At present, there are 89 insurance companies authorized by the Insurance Authority ("IA") to operate marine insurance business in Hong Kong. IA does not have statistics on the number of practitioners engaging in marine insurance.

For insurance brokers, at present, all insurance broker companies and their technical representatives are required to register with the Hong Kong Confederation of Insurance Brokers ("the Confederation") or the Professional Insurance Brokers Association ("the Association"). The Confederation and the Association do not keep specific records of the detailed business areas in which registered insurance brokers are involved, and hence they are unable to provide the relevant figures or percentage.

- (2) Currently, The Hong Kong Polytechnic University and the Maritime Services Training Institute and Institute of Professional Education And Knowledge under the Vocational Training Council ("VTC") offer maritime and logistics programmes of various qualifications, including master degree, bachelor degree and higher diploma programmes. Among them, a total of five elective modules are related to marine insurance, viz., "Practice in Marine Insurance", "Insurance in Shipping and Transport Logistics", "Law and Practice in Marine Insurance", "Maritime Law and Insurance" and "Marine and Aviation Insurance". In addition, individual local organizations, such as the Marine Insurance Club, also offer marine insurance programmes for industry practitioners.

Just on 20 November this year, The Hong Kong Federation of Insurers announced the launch of an "Executive Certificate in Marine Insurance" programme in collaboration with the University of Hong Kong School of Professional and Continuing Education. Being the first-ever training programme in Asia as recognized by IUMI, it targets professional practitioners in marine insurance and consists of 45-hour face-to-face learning and practical case studies. The programme is expected to be officially rolled out in May 2018.

Details of local training programmes regarding the maritime and port industry are uploaded onto the website of HKMPB, so as to furnish maritime industry practitioners with information on seminars and short-term training programmes on marine insurance organized by private organizations.

- (3) and (4)

At present, a Professional Training and Examination Refund Scheme ("ProTERS") is set up under the MATF for subsidizing maritime and aviation practitioners to take courses and/or examinations as approved by the Fund. Eligible applicants would be refunded with 80% of the fees after completing the approved courses or passing the examinations, subject to a cap of \$18,000.

ProTERS also supports maritime practitioners to take marine insurance training. As at September 2017, a total of 48 marine insurance practitioners applied for reimbursement of training fees. Except one unsuccessful application owing to the lack of required proof documents, the other 47 applications were all approved. The above applications accounted for about 3% of the total applications of ProTERS and involved an amount of almost \$60,000, which accounted for about 2% of the overall approved funding of the Scheme.

In addition, VTC is organizing a Professional Certificate in Marine Insurance programme. VTC has already consulted and considered the professional advice of the marine insurance sector, and formulated the programme content and curriculum. Currently, it is preparing for conducting internal academic assessment of the proposed programme and compiling teaching materials. The programme is expected to be launched in mid-2018 for recruitment of students. Since this programme is still under preparation, MATF has yet to receive any application from the course provider for inclusion of the said programme into the list of approved courses under ProTERS.

Use and disposal of drugs

14. **MR CHAN HAK-KAN** (in Chinese): *President, regarding the use and disposal of drugs, will the Government inform this Council:*

- (1) *of the quantity of antibiotics for human use imported to Hong Kong in each of the past three years;*
- (2) *whether it knows the quantity of antibiotics prescribed by public hospital doctors in each of the past three years, broken down by the targeted bacteria (if applicable);*
- (3) *whether it has compiled statistics on the respective numbers of patients who (i) were infected with antibiotic-resistant bacteria*

locally and (ii) developed serious complications after the use of drugs (and, among them, the number of those by whom the drugs used were antibiotics), in the past three years;

- (4) whether it has studied the situation and impact of abusive use of antibiotics in the past three years;*
- (5) of the quantity of expired drugs received by the Government in each of the past three years and, among them, the quantities of those transported to the Chemical Waste Treatment Centre for handling;*
- (6) whether it has compiled statistics on the quantity of drugs discarded at landfills in each of the past three years; whether it has studied the impact of those drugs on the ecological environment;*
- (7) as some overseas cases have shown that discarding drugs casually at landfills or sewage pipes may pollute the ecological environment and the compounds concerned may enter human body through the food chain, thus posing health hazards, whether the Government conducted laboratory tests in the past three years to see if the water bodies of reservoirs contained antibiotics and hormone-related compounds; if so, of the outcome;*
- (8) whether it knows the current number of collection points in Hong Kong for unused drugs, and the quantity of drugs collected by those collection points in each of the past three years; and*
- (9) whether it will consider cooperating with private medical practitioners and owners of pharmacies in setting up collection boxes for expired drugs at clinics and pharmacies, in order to ensure that the drugs concerned are handled properly; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, having consulted the relevant government departments and the Hospital Authority ("HA"), my reply to the nine parts of the question is as follows:

- (1) The Department of Health ("DH") does not maintain the annual figures on the quantities of antimicrobials imported to Hong Kong. However, following the launch of the Hong Kong Strategy and Action Plan on Antimicrobial Resistance this year, DH will continuously monitor antimicrobial use through different channels, including analysis of the data of supply of antimicrobials collected from wholesalers.
- (2) The overall amount of antimicrobials prescribed by public hospitals from 2014 to 2016 is set out as follows:

<i>Year</i>	<i>Overall amount of antimicrobials prescribed for acute patients in acute hospitals (defined daily dose per 1 000 bed days occupied)</i>
2014	874.3
2015	890.0
2016	904.4

Note:

Source: Clinical Data Analysis and Reporting System of HA

In interpreting the statistics about the trend of antimicrobial use, we should take into account a number of factors such as population age, multiple comorbidities, changing disease patterns and treatment. For instance, increasing complexity of medical conditions, wider use of immunomodulators/immunosuppressants and indwelling devices, and emergence of multi-drug-resistant organisms could affect the quantity of antimicrobials used.

HA currently adopts the Inter-hospital Multi-disciplinary Programme on Antimicrobial Chemo-therapy, which is jointly compiled by the Centre for Health Protection, HA, the two universities, private hospitals and the Hong Kong Medical Association, as the guidelines on the use of antimicrobials so as to ensure more prudent and appropriate use of antimicrobials in public hospitals.

As the treatment of patients with bacterial infection may involve more than one kind of antimicrobials, HA would not be able to provide the quantity of antimicrobials prescribed by public hospitals broken down by targeted bacterium.

- (3) Community-associated methicillin-resistant *Staphylococcus aureus* ("CA-MRSA") is a type of antimicrobial resistant bacteria. CA-MRSA infection is a statutory notifiable disease in Hong Kong. The number of CA-MRSA infection cases reported to DH in the past three years is shown in the following table:

<i>Year</i>	<i>Number of reported cases</i>
2015	1 047
2016	1 168
2017 (as of 31 October)	1 059

From 2015 to June 2017, DH also received a total of 1 101 reported cases of adverse drug reactions, of which 30 cases involved patients who had taken antimicrobials.

- (4) There are no statistics showing whether antimicrobials are being abused or not. In response to the recommendation of the Hong Kong Strategy and Action Plan on Antimicrobial Resistance, DH already established the Working Group on Antimicrobial Resistance One Health Surveillance in October 2017. The working group will monitor antimicrobial use through various channels, including analysing the trend of antimicrobial use in different sectors by making use of the data of supply collected from wholesalers, and monitoring antimicrobial use in medical institutions through the data collection platform of public hospitals and clinics. DH will also explore ways to encourage private medical practitioners to participate in the surveillance programme.

Moreover, antimicrobial resistance (including avoidance of antimicrobial overuse) has been identified as one of the thematic priorities of the Health and Medical Research Fund of the Food and Health Bureau. Researchers are welcome to submit applications for funding support through the annual open call of the fund.

(5), (6), (8) and (9)

Based on the principle of safe use of drugs, hospitals and clinics under HA will not reuse the drugs which have been prescribed and dispensed to patients. In accordance with the Waste Disposal Ordinance (Cap. 354), unwanted or waste medicine and injections generated by health care institutions such as hospitals and clinics are classified as chemical waste. The storage, collection, transport and disposal of such waste has to meet the stringent requirements laid down in the Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354H). These control measures do not apply to the disposal of medicine and injections arising from households. Given the generally small quantities of household residual medicine and injections, they are currently being handled together with general domestic solid wastes. The Government has no plans to provide household residual medicines collection services.

The quantities of unwanted or waste medicine and injections transported to the Chemical Waste Treatment Centre for incineration, or to landfills for disposal in the past three years are set out in the table below:

<i>Year</i>	<i>Quantity of unwanted or waste medicine and injections transported to the Chemical Waste Treatment Centre for incineration annually/(approximate percentage of overall treatment capacity) (tonnes)</i>	<i>Quantity of unwanted or waste medicine and injections disposed of at landfills annually/(approximate percentage of overall disposal) (tonnes)</i>
2014	370 (3%)	108 (0.002%)
2015	504 (4%)	0 (0%)
2016	695 (5%)	9 (0.0002%)

As illustrated by the above figures, the quantities of medicine and injections disposed of at landfills⁽¹⁾ are relatively small, and hence will not pollute the environment nor endanger public health.

Furthermore, DH has been educating members of the public about the correct use of medicines through its website, educational pamphlets and announcements of public interest on television. When dispensing medicines, the DH staff will also remind patients that the medication should be taken in accordance with the doctors' instructions shown on the labels, and should not be discontinued at will. Patients having any questions concerning the medicines they are taking should consult their doctors for advice.

- (7) Local water sources are collected from water gathering grounds ("WGGs") which are under good protection. The development in WGGs is strictly controlled to prevent pollution of water sources. The risk of water pollution in WGGs by landfills or through sewage pipes is minimal.

According to the study report on Pharmaceuticals in drinking-water published by the World Health Organization ("WHO") in 2012, the pharmaceutical residual concentrations detected in treated drinking water are usually well below 50 nanogram per litre (i.e. less than 1/1000 of the minimum therapeutic dose), suggesting a very low risk to human health. Hence, WHO does not consider it necessary to develop relevant guideline values and routine monitoring programmes for pharmaceutical residual concentrations in drinking water. Currently, the Water Supplies Department does not carry out routine monitoring programmes for pharmaceutical residues in drinking water. Nevertheless, it will continue to keep in view the latest international scientific evidence and developments in this regard, and review the requirements for monitoring the quality of drinking water in a regular manner to ensure its safety.

- (1) The landfills have been designed and constructed as a secure containment facility incorporating multilayer composite liner systems that cover the entire surface area of the sites. As the sites are lined, landfill gas and leachate generated within the landfills can be collected and treated. This ensures that there will not be any untreated discharges from the landfills causing environmental pollution.

Measures to enhance information security

15. **MR CHARLES PETER MOK** (in Chinese): *President, earlier on, hackers broke into the computer system of a local travel agency, encrypted the personal data of 200 000 customers stored therein and then blackmailed the agency. There are views that the crimes of hacker attacks have become increasingly serious, but the information security awareness of local enterprises is inadequate. On the other hand, quite a number of countries and regions have put in place cyber security strategies with a view to building a secure cyberspace. In this connection, will the Government inform this Council whether:*

- (1) *the authorities will review the existing cyber resilience of the various regulated industries (e.g. banking, tourism and public utilities) and require operators of those industries to attain ISO/IEC 27001 information security management system certifications for the specific scopes of their business;*
- (2) *whether the authorities will (i) assist local enterprises (especially small and medium enterprises) in assessing the adequacy of their information security measures and provide them with the relevant technical support, and (ii) provide them with more comprehensive training on information security, so as to enhance the levels of the information security management of those enterprises;*
- (3) *the authorities have, for the sake of nurturing more information security talents, plans to (i) encourage more information technology practitioners to join the information security profession, (ii) collaborate with industry associations in subsidizing employees to receive on-the-job training on information security and providing relevant job-matching service, and (iii) introduce measures to increase the interest of local students in joining the information security industry;*
- (4) *the authorities will review if the Personal Data (Privacy) Ordinance (Cap. 486) is still up-to-date amid the rapid development of information technology; whether they will increase the liabilities of data users in guarding against the leakage of personal data, and introduce a mandatory requirement for reporting data leakage incidents; and*

- (5) *the authorities will, for the sake of enhancing the cyber resilience of local enterprises, adopt the following strategies: (i) formulating the short, medium and long term specific action plans, (ii) advising and assisting various organizations to enhance their cyber security defence frameworks and recruit more information security professionals who have attained the certifications, (iii) requiring the enterprises concerned to conduct information security risk assessments, (iv) providing enterprises with training to develop their information security incident response capability, (v) strengthening information security of the supply chain, and (vi) continuously monitoring and conducting risk assessments of the information security of local enterprises?*

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese):

President, the Government attaches great importance to information security and cyber security. The Office of the Government Chief Information Officer ("OGCIO") and its Government Computer Emergency Response Team ("GovCERT") have been closely monitoring the overall cyber security situation in Hong Kong; and, in collaboration with the Cyber Security and Technology Crime Bureau ("CSTCB") under the Hong Kong Police Force ("HKPF") and the Hong Kong Computer Emergency Response Team Coordination Centre ("HKCERT") under the Hong Kong Productivity Council ("HKPC"), providing different stakeholders with support in relation to cyber security.

After consulting relevant bureaux and departments ("B/Ds"), our reply to the various parts of the question is as follows:

- (1) Based on the business characteristics of a particular industry, relevant regulatory agencies stipulate the regulatory ambit and measures of the information system, including information and data security, risk management, response to cyber threats, contingency arrangement, recovery of business operation, etc. OGCIO provides public and private organizations with information on internationally recognized standards on information security and practice guides through its "InfoSec" website, in order to facilitate them to take protective and preventive measures as appropriate according to their business needs. OGCIO also actively keeps in view the latest

development of the standard of information security management system ISO/IEC 27000 series, and regularly publishes and updates the article "An Overview of ISO/IEC 27000 family of Information Security Management System Standards" on its website for reference by the public and private organizations.

Moreover, CSTCB is dedicated to combating technology crime, increasing the capability for handling incidents of major cyber security or large-scale cyber attacks, and conducting timely cyber threat audits and analyses so as to prevent and detect cyber attacks on critical infrastructure.

(2) and (5)

Being the supporter and facilitator of information security in the community, OGCIO has been actively collaborating with different stakeholders to provide local enterprises (including small and medium enterprise ("SMEs")) with assistance in responding to information security incidents, security threat alerts, preventive guidelines and security education.

In regards to risk assessment, HKCERT launched the "SME Free Web Security Health Check Pilot Scheme" jointly with various local trade associations in 2016, to help SMEs check the security measures of their websites, suggest improvement measures, and verify the effectiveness of the measures after implementation.

The Innovation and Technology Commission rolled out the "Technology Voucher Programme" in November 2016 to assist local SMEs in using technology services and solutions. SMEs can apply for subsidy for solutions defending against cyber attacks so as to minimize the risk associated with information loss and cyber security.

On the other hand, CSTCB has been adopting a multi-agency approach in strengthening the reliability of enterprises' information system networks, as well as enhancing Hong Kong's capability of protecting relevant information system networks and resisting cyber

attacks. CSTCB will continue to detect syndicated and highly sophisticated technology crimes; carry out timely cyber threat audits and analyses; and conduct relevant thematic researches. CSTCB also rolls out various types of projects to boost enterprises' awareness of cyber security. Examples include: regularly hosting quarterly cyber security seminars since April 2016 covering different types of emerging cyber threats, as well as inviting cyber security experts to share on relevant counter-measures; partnering with the Hong Kong Monetary Authority and the Hong Kong Applied Science and Technology Research Institute to co-organize the "Cyber Security Summit 2016" in which the latest local and global trends of cyber attacks were discussed; jointly launching the "Cyber Security Professionals Awards Scheme" with GovCERT and HKCERT to recognize individuals in the cyber security field for their excellent performance and promote the importance of cyber security.

- (3) The Government is committed to working with the industry to nurture information security talents. We encourage tertiary institutions to provide information technology ("IT") practitioners with more information security programmes; work with professional information security associations to promote professional accreditation; train up more IT practitioners with professional knowledge and skills in information security; and encourage them to join the information security profession.

Regarding on-the-job training, HKPC, HKCERT and GovCERT have from time to time organized conferences, thematic seminars and workshops, including certificate courses on information security and the annual "Information Security Summit", in order to enhance IT practitioners' skills and knowledge of information security.

The Government has also been actively nurturing the interests of the youth in information security through organizing various activities. For example, teaming up with professional associations and Radio Television Hong Kong to conduct school visits and InfoSec Tours since 2008 to disseminate information security messages to over 62 000 teachers, students and parents; organizing the "Cyber

Security Competition" jointly with the University of Hong Kong in 2016 and 2017 to arouse students' interest in the information security profession and identify computer technology talents; and partnering with HKPF and HKCERT to organize the promotional event "Build a Secure Cyberspace" each year to enhance public understanding on information security.

- (4) According to the Constitutional and Mainland Affairs Bureau, the Office of the Privacy Commissioner for Personal Data ("PCPD") has been keeping a close watch on the requirements pertinent to the reporting of personal data leakage and the obligations of data processors in different jurisdictions. It is understood that, at present, only a small number of jurisdictions have mandatory requirements for data processors to report data leakage to authorities responsible for privacy or data protection. The Government has sought the public's views on the reporting mechanism for personal data leakage when conducting a review of the Personal Data (Privacy) Ordinance in 2009. Of the views received, the majority considered a voluntary reporting mechanism more preferable. PCPD subsequently issued the "Guidance on Data Breach Handling and the Giving of Breach Notifications" in June 2010, which was updated in October 2015. PCPD will continue to keep in view the effectiveness of the current voluntary reporting mechanism.

Processing of applications for Hire Car Permit-Tour Service

16. **MR YIU SI-WING** (in Chinese): *President, under the law, the Commissioner for Transport may for the purpose of authorizing the use of a private car for the carriage of clients of a designated travel agent, issue in respect of the private car a Hire Car Permit-Tour Service ("Permit"). Some members of the tourism industry have recently relayed to me that the Transport Department ("TD") takes a very long time to vet and approve applications for that type of Permits, and there has been a case in which the interval between the submission of all the information required and the granting of the Permit ("vetting and approval time") spanned 18 months, which is unacceptable. In this connection, will the Government inform this Council:*

- (1) *of the respective numbers of new Permit applications received and approved by TD in the past five years; the average and longest vetting and approval time taken in those cases; the number of those cases the vetting and approval time of which exceeded six months, as well as the general reasons why a longer vetting and approval time is needed for some cases;*
- (2) *given that under the existing procedure, Permit applications are first considered by the Contract Hire Car Permits Selection Board and a decision is then made by the Commissioner for Transport based on the Board's recommendations, whether (i) there was any delay in the past year caused by the failure of any Board member to reply to the Secretary of the Board on time, and (ii) TD has set a performance pledge on the time taken by the Board to consider Permit applications; if so, of the details; if not, the reasons for that; and*
- (3) *whether TD will review the existing mechanism and streamline the vetting and approval procedure for Permit applications with a view to shortening the vetting and approval time; if so, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, our reply to the various parts of the question raised by Mr YIU Si-wing is as follows:

- (1) and (2)

In accordance with the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) ("the Regulations"), the Commissioner for Transport ("the Commissioner") may issue to an applicant a Hire Car Permit—Tour Service only if he/she is of the opinion that the type of hire car service specified in the application is "reasonably required" as stipulated under section 14(3)(b) of the Regulations. The Commissioner also needs to consider a host of relevant factors as required under section 15(2) of the Regulations, including that the applicant must be the registered owner of the private car if the applicant is a tourist agent; if not, the applicant must be the owner of

the private car providing tour hire car service for a tour agent and has obtained written approval; the nature and availability of existing facilities provided by the applicant for visitors to tour Hong Kong; and that the applicant has the means and experience to enable him/her to provide visitors to Hong Kong with a suitable standard of tour hire car service. An applicant must provide sufficient information of the above items to support an application.

At present, upon receipt of an application, the Transport Department ("TD") will first check whether the applicant has submitted the relevant documents. If not, TD will follow up with the applicant. After receipt of the required documents, TD will, where necessary, request the applicant to provide additional supporting documents (such as travel agency's contract/agreement/recommendation letter, travel itinerary, the travel agency's records on using cars with hire car permits), and will contact the applicant to seek clarification on the relevant documents. The information and supporting documents submitted in each application vary, and the time required for an applicant to submit documents or respond to TD also differs. More complicated cases will need a longer processing time.

Upon obtaining all the relevant documents and completing assessment on an application, TD will submit the application to the Contract Hire Car Permits Selection Board ("the Board") for deliberation. The Board will make a recommendation to the Commissioner, who will then decide whether to approve or reject the application.

The time required by the Board to consider an application depends on the complexity of the application, and whether any member of the Board requests TD to follow up on the application, for example, further asking for supplementary information or clarification of the application. In general, it takes around one month for the Board to process an application.

From 2013 to 2017 (as of 31 October), TD has received a total of 80 new applications for Hire Car Permit—Tour Service, among which 66 have been vetted and 24 approved. The average vetting and approval time was about six months from the date when TD

obtained all the required information/supporting documents of the application. Among the 66 applications, 22 took more than six months (most of which took around seven months) to process. The longest processing time was 16 months (involving one case only) while the shortest only took two months. Overall speaking, cases requiring a longer processing time were the more complicated ones, or the ones which required the applicants to provide supplementary information and clarification.

Since the information and supporting documents submitted in each application vary, the processing time of TD for each application is different. Therefore, TD has not set any performance pledge on the vetting and approval of applications. Generally speaking, TD would complete the vetting and approval procedure within approximately four to six months after an applicant has submitted all the information.

- (3) TD understands the trade's expectation for shortening the vetting and approval time. It reviews the existing mechanism from time to time, and has implemented since 2015 enhancement measures with the "Hire Car Service Hiring Record" form converted into an e-fillable one so that applicants can input the trip data directly online. Applicants are encouraged to submit the forms by email with a view to shortening the processing time. TD has also reviewed the current procedure to explore ways to expedite the processing of applications, including flexible deployment of manpower to handle the applications.

In addition, TD has rolled out a series of new measures on hire car permits starting from February 2017 to enhance the vetting and approval system and regulatory regime for hire car service. Measures include the introduction of an optional "pre-application assessment" for any party who is interested in applying for hire car permits. Interested parties may make a request for "pre-application assessment" without the need to submit private car registration documents. This allows applicants to purchase vehicles only after knowing that their applications are likely to be approved. Such a measure provides greater flexibility and higher certainty for persons interested in applying for hire car permits, and will facilitate new

market entrants. It also enables TD and the Board to conduct advance examination of potential formal applications, thereby shortening the time needed for formal vetting and approval.

The reprovisioning of livestock farms and the development of the livestock industry

17. **MR STEVEN HO** (in Chinese): *President, some farmers affected by planned developments in recent years have relayed to me that, due to the strict regulations imposed by a number of laws (including the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub.leg. L) and the Waste Disposal Ordinance (Cap. 354)) on livestock farms, they have difficulties in identifying suitable sites for building new livestock farms or reprovisioning existing farms. It is also difficult for them to suitably increase the space and adopt more advance technology for livestock keeping (including enhancing biosecurity measures) through building new farms. In this connection, will the Government inform this Council:*

- (1) *of the distribution of those sites currently designated as (i) livestock waste prohibition areas, (ii) livestock waste control areas and (iii) livestock waste restriction areas (mark the locations and boundaries of such sites in different colours on a map); the respective numbers of (i) pig farms and (ii) chicken farms operating in those three types of areas in each of the past five years; the differences in respect of the restrictions (including the requirements and procedure regarding application for operating a livestock farm) imposed by the Government on the operation of livestock farms in those three types of areas;*
- (2) *of the sites which are in compliance with the relevant provisions of the two aforesaid pieces of legislation and other relevant legislation and are available to farmers for building new livestock farms or reprovisioning existing farms, as well as the areas of such sites (mark the locations of such sites on a map);*
- (3) *as farmers may, through the Agricultural Land Rehabilitation Scheme, identify sites for relocating their livestock farms, whether any farmers who had been affected by planned developments*

succeeded in identifying suitable sites for relocating their farms through the Scheme in the past three years; if so, of the details; if not, whether the Government has put in place new measures to help such farmers in re-provisioning their livestock farms and suitably expanding their farms to improve their livestock keeping technology; and

- (4) *whether it will, by making reference to the mode adopted by Macao of renting land on Hengqin Island from the Mainland authorities for its development, discuss with the Mainland authorities the renting of land or islands near Hong Kong for Hong Kong farmers to operate livestock farms and for other agriculture and fisheries related purposes; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, having consulted the Environment Bureau, my reply to the various parts of the question is as follows:

- (1) Under sections 15, 15A and 15AA of the Waste Disposal Ordinance (Cap. 354), Hong Kong is classified into three areas, namely Livestock Waste Prohibition, Control and Restriction Areas, as shown in Annex. Their control on the operation of livestock farms is generally as follows:
- (i) urban areas of Hong Kong are Livestock Waste Prohibition Areas, where livestock keeping is banned;
 - (ii) within Livestock Waste Control Areas, a livestock keeper must apply for licence from the Agriculture, Fisheries and Conservation Department ("AFCD") and comply with the Waste Disposal (Livestock Waste) Regulations (Cap. 354A); and
 - (iii) within Livestock Waste Restriction Areas (i.e. parts of New Territories and outlying islands), no livestock keeping is allowed, unless the relevant premises had been in use continuously for livestock keeping during the 12 months before 1994 and the livestock keeper holds a licence from

AFCO, or is authorized so to do by the Director of Environmental Protection, and the livestock keeping operation complies with the Waste Disposal (Livestock Waste) Regulations.

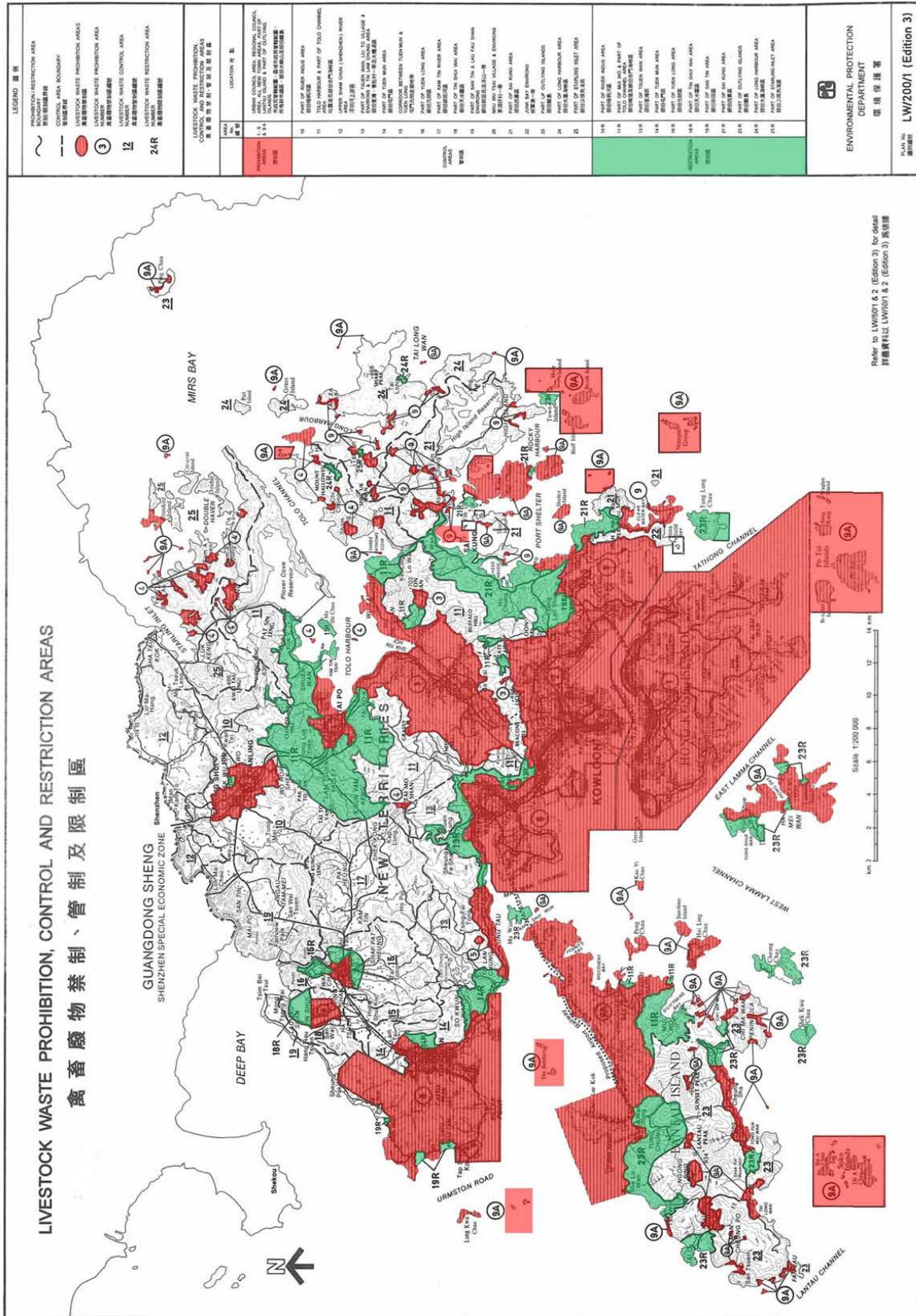
Over the past five years, the numbers of licensed livestock farms in the three areas are as follows:

<i>Year</i>	<i>Livestock Waste Prohibition Areas</i>		<i>Livestock Waste Control Areas</i>		<i>Livestock Waste Restriction Areas</i>		<i>Total</i>
	<i>Pig farms</i>	<i>Chicken farms</i>	<i>Pig farms</i>	<i>Chicken farms</i>	<i>Pig farms</i>	<i>Chicken farms</i>	
2013	0	0	42	27	1	3	73
2014	0	0	42	26	1	3	72
2015	0	0	42	26	1	3	72
2016	0	0	42	26	1	3	72
2017	0	0	42	26	1	3	72

(2) and (3)

In the event that a licensed livestock farm is affected by government development projects, the licensee may consider relocation. The relocation site must fulfil the requirements under the aforementioned Waste Disposal Ordinance and the relevant regulations governing the handling of livestock waste; the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L) with regard to livestock keeping control, biosecurity, environmental protection, etc.; as well as the relevant legislation and regulations relating to planning and lands. Whether an individual site is suitable for relocation would be subject to its actual circumstances, and thus we do not have the information of sites and land area available for relocation of livestock farms. Since 2014, there has not been any relocation of livestock farm arising from government development projects.

(4) The Government does not have any plan to take forward the relevant suggestion. As a matter of fact, the relevant suggestion involves very complicated and sensitive considerations.



Supply of residential units and sites for residential developments

18. **MS TANYA CHAN** (in Chinese): *President, regarding the supply of residential units and sites for residential developments in Hong Kong, will the Government inform this Council:*

- (1) *of the respective numbers of units of (i) public rental housing ("PRH"), (ii) subsidized sale housing and (iii) private residential developments, which were completed in each of the past five financial years and which are expected to be completed in the current and each of the next four financial years (set out in Table 1 and Table 2); whether it knows the respective numbers of vacant units of those three categories of residential units at present;*

Table 1

<i>Year</i>	<i>Number of units completed</i>		
	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>
<i>2016-2017</i>			
<i>2015-2016</i>			
<i>2014-2015</i>			
<i>2013-2014</i>			
<i>2012-2013</i>			
<i>Total</i>			

Table 2

<i>Year</i>	<i>Expected number of completed units</i>		
	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>
<i>2021-2022</i>			
<i>2020-2021</i>			
<i>2019-2020</i>			
<i>2018-2019</i>			
<i>2017-2018</i>			
<i>Total</i>			

- (2) *in respect of each of the 210 sites which the Government has identified as having housing development potential, of (i) its area, (ii) its existing use, (iii) the latest progress of amending the relevant statutory plan, and (iv) whether the new use proposed for it is (a) the*

development of subsidized housing (including PRH, as well as the Home Ownership Scheme, the Green Form Subsidized Home Ownership Scheme and the "Starter Homes" Scheme for Hong Kong Residents) or (b) private residential developments (set out in Table 3 by location of each site);

Table 3

Location	(i)	(ii)	(iii)	(iv)	
				(a)	(b)
1.					
2.					
...					
210.					
Total					

- (3) of the respective numbers of idle government residential sites and government sites leased out under short-term tenancies at present; in respect of each of the sites, (i) the area and (ii) the planning progress (set out in Table 4 and Table 5 by location of each site); whether the Government will undertake to accord priority to using the sites for the development of subsidized housing; if not, of the reasons for that;

Table 4: Idle government residential sites

Location	(i)	(ii)
1.		
2.		
...		
Total		

Table 5: Government sites leased out under short-term tenancies

Location	(i)	(ii)
1.		
2.		
...		
Total		

- (4) *of the specific criteria currently adopted by the Government for determining the numbers of residential sites put up for sale in a year and in each quarter, and whether it has regularly reviewed the land sale programme, in order to ensure that the supply of housing will meet the targets concerned; whether it has monitored private developers' progress in the development of their residential sites; if so, of the current number of such sites which are idle and, in respect of each of the sites, (i) the area and (ii) whether the developer concerned has plans to commence housing construction within the next decade (set out in Table 6 by location of each site); if it has not monitored, the reasons for that;*

Table 6

<i>Location</i>	<i>(i)</i>	<i>(ii)</i>
<i>1.</i>		
<i>2.</i>		
<i>...</i>		
<i>Total</i>		

- (5) *whether it has reviewed the current provisions in the conditions of sale of residential sites regarding the time limit on completion of residential development by the developer concerned, so as to ensure that the residential units concerned will be put up for sale in the market as scheduled; if so, of the details; if not, the reasons for that;*
- (6) *of (i) the surplus and (ii) the balances of cash and investment of the Hong Kong Housing Authority ("HA") in each of the past five financial years, and such estimated figures in the current and each of the next four financial years (set out in Table 7 and Table 8);*

Table 7

<i>Year</i>	<i>(i)</i>	<i>(ii)</i>
<i>2016-2017</i>		
<i>2015-2016</i>		
<i>2014-2015</i>		
<i>2013-2014</i>		
<i>2012-2013</i>		

Table 8

<i>Year</i>	<i>(i) (estimated)</i>	<i>(ii) (estimated)</i>
<i>2021-2022</i>		
<i>2020-2021</i>		
<i>2019-2020</i>		
<i>2018-2019</i>		
<i>2017-2018</i>		

- (7) *of (i) the amount of funds injected/to be injected by the Government into the Housing Reserve ("the Reserve"), and (ii) the actual/estimated expenditure involved in managing the Reserve (including the expenditure items), each year since its establishment in 2014 and in the current and each of the next four financial years (set out in Table 9 and Table 10); the latest arrangements regarding the Government using the Reserve for supporting HA to develop public housing, and its plan on allocation of funds from the Reserve to HA in the coming decade; and*

Table 9

<i>Year</i>	<i>(i)</i>	<i>(ii)</i>
<i>2016-2017</i>		
<i>2015-2016</i>		
<i>2014-2015</i>		
<i>Total</i>		

Table 10

<i>Year</i>	<i>(i) (estimated figures)</i>	<i>(ii) (estimated figures)</i>
<i>2021-2022</i>		
<i>2020-2021</i>		
<i>2019-2020</i>		
<i>2018-2019</i>		
<i>2017-2018</i>		
<i>Total</i>		

- (8) *whether it has plans to introduce additional categories of subsidized housing, including re-launching the Sandwich Class Housing Scheme; if so, of the details; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, having consulted the Transport and Housing Bureau, my reply to various parts of the question is as follows:

- (1) In the past five years, the number of completed public rental housing ("PRH") units, subsidized sale flats ("SSFs") and private residential units is as follows:

Public Housing⁽¹⁾

<i>Year</i>	<i>Number of completed PRH units</i>	<i>Number of completed SSFs</i>
2012-2013	13 114	-
2013-2014	14 057	-
2014-2015	9 938	-
2015-2016	14 264	988
2016-2017	11 416	3 017
Total	62 789	4 005

Private Residential Units⁽²⁾

<i>Year</i>	<i>Number of completed private residential units</i>
2012	10 149
2013	8 254
2014	15 719
2015	11 280
2016	14 595
Total	59 997

- (1) Figures include the completed PRH units and SSFs under the Hong Kong Housing Authority ("HA") and the Hong Kong Housing Society ("HKHS"), but do not include the 322 SSFs provided by the Urban Renewal Authority on a one-off basis in 2015-2016.
- (2) On private residential units, the Rating and Valuation Department ("RVD") publishes the above figures in calendar year on a regular basis. According to the "Hong Kong Property Review 2017" published by RVD in April 2017, private residential unit is defined as independent dwellings with separate cooking facilities and bathroom (and/or lavatory). It does not include village houses, rental estates built by HA and HKHS, units sold under the Tenants Purchase Scheme, SSFs and Government-owned quarters.

The estimated number of PRH units, SSFs and private residential units to be completed in future years is as follows:

Public Housing

<i>Year</i>	<i>Estimated number of PRH units to be completed</i>	<i>Estimated number of SSFs to be completed</i>
2017-2018	18 800	200
2018-2019	15 100	7 600
2019-2020	14 700	5 800
2020-2021	11 900	6 100
2021-2022	14 700	5 400
Total	75 200	25 100

Note:

Based on the forecast as at September 2017. Flat numbers are rounded to the nearest hundred and may not add up to the total due to rounding.

Private Residential Units⁽³⁾

<i>Year</i>	<i>Expected private residential units to be completed</i>
2017	17 122
2018	19 526

As at end September 2017, the number of vacant lettable PRH flats under the Hong Kong Housing Authority ("HA") was about 3 700 and the vacancy rate⁽⁴⁾ was around 0.5%. HA does not have information on the number of vacant SSFs.

- (3) On private housing, RVD publishes the above figures in calendar year on a regular basis. The Government has not compiled annual statistics of forecast completion figures for private residential units in 2019 and beyond. According to the "Hong Kong Property Review 2017" published by RVD in April 2017, private residential unit is defined as independent dwellings with separate cooking facilities and bathroom (and/or lavatory). It does not include village houses, rental estates built by HA and HKHS, units sold under the Tenants Purchase Scheme, SSFs and Government-owned quarters.
- (4) Vacancy rate refers to the percentage of "lettable vacant flats" (excluding those flats which have been offered for PRH applicants' consideration and are expected to be let out in the short term) out of the total lettable PRH stock.

At the third quarter of 2017, there were 230 vacant lettable PRH units⁽⁵⁾ under the Hong Kong Housing Society ("HKHS"). HKHS does not have information on the number of vacant SSFs.

According to the "Hong Kong Property Review 2017", there were 43 657 vacant private residential units as at end 2016, accounting for around 3.8% of the total stock in 2016.

- (2) The information of the some 210 sites with housing development potential are set out at Annex. For the sites already zoned or rezoned for housing development, the relevant information including land area and flat number are set out in the relevant public documents of the Town Planning Board ("TPB") (for details, please visit TPB's website <<http://www.info.gov.hk/tpb/index.html>>). As at early November 2017, among the some 210 sites, 103 had been zoned or rezoned for housing development, estimated to provide a total of about 122 200 flats (including about 74 900 public housing flats and about 47 300 private housing flats). Another 41 sites have their statutory rezoning procedures initiated, and subject to completion of the rezoning, these sites are estimated to provide a total of about 74 100 flats (including about 69 100 public housing flats and about 5 000 private housing flats). As for the remaining sites, pending the completion of technical studies, we will consult the District Councils and relevant stakeholders on the rezoning proposals setting out the relevant development details including land area and flat number, in accordance with the established procedures prior to submitting the proposals for TPB's consideration.
- (3) As at mid-November 2017, information on sites granted by way of short-term tenancy ("STT") is as follows:

<i>Location</i>	<i>Number of STT allocation</i>	<i>Area (hectare)</i>
Hong Kong East	167	19
Hong Kong West and South	509	55
Kowloon East	132	45

- (5) Lettable vacant units exclude units that have been offered for applicants' consideration and are expected to be let out in the short term.

<i>Location</i>	<i>Number of STT allocation</i>	<i>Area (hectare)</i>
Kowloon West	127	63
Islands	492	1 720*
North	452	56
Sai Kung	1 003	50
Sha Tin	314	56
Tuen Mun	304	49
Tai Po	531	44
Tsuen Wan and Kwai Tsing	277	143
Yuen Long	1 046	123
Sites for railway development projects	26	35
Total	5 380	2 458*

Note:

- * Including an STT let to the Airport Authority Hong Kong for land formation and related works of the Three-Runway System (1 640 hectares) and an STT let to the Kadoorie Farm for water conservation and agricultural use (55 hectares).

As indicated in previously promulgated information, sites granted by STT are used to support various different uses, including mainly works areas/sites required for PRH/Home Ownership Scheme ("HOS")/railway development projects/the airport Three-Runway System/public utilities, religious/community/other non-profit making uses, and open storage, container storage and temporary fee-paying car parks. Regarding STT sites granted for works areas/works sites for long-term development uses, upon completion of the construction works, a land lease for the long-term development use will be granted by the Lands Department, and the sites for infrastructure uses will then be handed over to the responsible organizations or departments for management and operation of the facilities concerned. In other words, these STTs were in fact issued as a transitional arrangement so that works can commence to implement the long-term development uses of the sites. Moreover, not all land is suitable for housing development.

There is no so-called "idle residential land" at present. If according to land use review results certain sites are identified to be suitable for housing development, we will handle these sites with priority, e.g. carrying out rezoning or incorporating them in new development area projects, in order to release their housing development potential. If these sites cannot be developed into housing development within a short time frame due to various factors such as the time required for technical studies, statutory procedures, resumption and clearance or infrastructure works, we will continue to arrange to put these sites to temporary use through STT or temporary Government land allocation.

(4) and (5)

It is the Government's general practice to compile and announce the annual Land Sale Programme before the commencement of a financial year. When compiling Land Sale Programmes, the Government takes into account various factors, including the private housing supply target of the Government, market conditions, progress of various procedures required (such as termination of STTs, infrastructure works, amendments to outline zoning plans, etc.), size and location of sites, estimated flat numbers that could be produced by the sites, projections on other sources of private housing supply, etc. Through the annual Land Sale Programme, we set out the relevant basic site information in advance, which provides the market with transparency of land supply and facilitates the necessary preparations by the market.

Subsequently, the Government then announces quarterly Land Sale Programmes, mainly taking into account the latest market conditions, the progress of readying the relevant sites, latest situation of overall supply, etc.

After purchasing a residential site through Government land sale or completing lease modification for residential development, the developer is required to complete the construction of a minimum gross floor area specified in the conditions of sale or the conditions of the lease modification, and obtain an occupation permit from the

Building Authority within the Building Covenant ("BC") period specified under the conditions. In general, the BC period for residential developments varies from 48 to 72 months. The Government sets an appropriate BC period for each development project by taking into account the actual circumstances of each project, including relevant factors such as its development scale and complexity.

- (6) For the past five years, the actual Surplus and Closing Cash and Investment Balance for HA are as follows:

<i>Year</i>	<i>Actual Surplus (\$)</i>	<i>Actual Closing Cash and Investment Balance (\$)⁽⁶⁾</i>
2012-2013	5.8 billion	69.2 billion
2013-2014	6.4 billion	70.0 billion
2014-2015	6.9 billion	66.6 billion
2015-2016	4.1 billion	57.0 billion
2016-2017	5.3 billion	49.1 billion

Note:

- (6) After deduction of construction expenditure.

Based on the 2016-2017 to 2020-2021 Budgets and Forecasts endorsed by HA in January 2017, the projected Surplus and Closing Cash and Investment Balance for the coming years are as follows:

<i>Year</i>	<i>Projected Surplus (\$)</i>	<i>Projected Closing Cash and Investment Balance (\$)</i>
2017-2018	5.6 billion	37.9 billion
2018-2019	7.0 billion	32.6 billion
2019-2020	5.1 billion	24.4 billion
2020-2021	7.4 billion	18.0 billion
2021-2022	Not yet available	Not yet available

- (7) The Housing Reserve and its accumulated investment return will be used to support the public housing development programme and related infrastructure. The Government set aside \$27 billion and

\$45 billion for the Housing Reserve in 2014-2015 and 2015-2016 respectively. The two injections and the interest accrued measure a total of about \$77 billion. The Government has no plan for further injection to the Housing Reserve at the moment.

There is no imminent need for HA to request Government's injection at this stage. When the Government and HA have reached consensus on the quantum and timing of funding injection, the Government will seek approval from the Finance Committee of Legislative Council at an appropriate time for funding to be drawn from the Housing Reserve to support HA's public housing development programmes. The Government has yet to incur or plan to incur any expenditure involved in the management of the Housing Reserve.

- (8) SSFs have been an important rung of the housing ladder. The 2017 Policy Address has put forth a series of measures to strive to build a housing ladder. Apart from the continued support to HA and HKHS' SSFs projects including HOS projects, the Government proposes that HA regularize the Green Form Subsidised Home Ownership Scheme⁽⁷⁾ and the Interim Scheme to extend the HOS Secondary Market to White Form buyers⁽⁸⁾, in order to assist low to middle-income families to move up the housing ladder. In addition, the Government will introduce the "Starter Homes" Pilot Scheme, with a view to reigniting the hopes of families with higher income of owning a home in the face of hiking property prices. Details of the Pilot Scheme will be finalized for announcement in mid-2018.
- (7) To further assist Green Formers (mainly current PRH tenants) to achieve home ownership and improve the housing ladder, HA introduced the Green Form Subsidised Home Ownership Scheme in 2016. Suitable flats among PRH developments under construction are identified for sale to Green Formers in the form of a pilot scheme, with prices lower than those of HOS flats.
- (8) In response to the home ownership aspirations of low to middle-income families, HA introduced two rounds of Interim Scheme in 2013 and 2015 respectively to allow White Formers to purchase SSFs with premium unpaid in the HOS Secondary Market.

Annex

Some 210 potential housing sites

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
Wan Chai	Lui Kee Education Services Centre and Wan Chai Polyclinic	G/IC	Rezoning in Progress	Private	(3)
	Total: 1 site				
Central and Western	Ka Wai Man Road Phase 1, Sai Wan	U	Rezoning in Progress	Public	(4)
	Ka Wai Man Road Phase 2, Sai Wan	U	Rezoning in Progress	Public	(4)
Total: 2 sites					
Eastern	Junction of Chai Wan Road, Wing Ping Street and San Ha Street, Chai Wan	O	Rezoning Completed	Public	(4)
	Between Cheung Man Road and Chai Wan Park	GB	Rezoning to be Initiated	Public	(4)
	Java Road, North Point	G/IC	Rezoning Completed	Public	(4)
	Behind Chai Wan Swimming Pool, Chai Wan	GB, G/IC	Rezoning to be Initiated	Public	(4)
	Hau Yuen Path, Braemar Hill	G/IC	Rezoning to be Initiated	Private	(4)
	Braemar Hill Road	G/IC	Rezoning to be Initiated	Private	(4)
	Next to St. Joan of Arc Secondary School, Braemar Hill	G/IC	Rezoning to be Initiated	Private	(4)
Total: 7 sites					

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
Southern	Junction of Shouson Hill Road West and Wong Chuk Hang Path, Shouson Hill	G/IC	Rezoning Completed	Private	(3)
	West of Wong Ma Kok Road (near Regalia Bay), Stanley	GB	Rezoning Completed	Private	(4)
	East of Wong Ma Kok Road (near Regalia Bay), Stanley	GB	(6)	Private	(4)
	Wah Fu North, Pok Fu Lam	O	Rezoning in Progress	Public	(4)
	Wah King Street, Pok Fu Lam	O, Road	Rezoning in Progress	Public	(4)
	Wah Lok Path, Pok Fu Lam	G/IC	Rezoning in Progress	Public	(4)
	Kai Lung Wan, Pok Fu Lam	GB	Rezoning in Progress	Public	(4)
	Lee Nam Road, Ap Lei Chau	OU	Rezoning Completed	Private	(4)
	Cape Road, Stanley (Previously known as Near Carmel Road (Cape Road, south to Ma Hang Estate), Stanley)	GB	Rezoning to be Initiated	Private	(4)
	Near Stanley Village Road (near Ma Hang Prison), Stanley	GB	Rezoning to be Initiated	Private	(4)
	LCSD Lower Shouson Hill Nursery, San Wan Village, Wong Chuk Hang	O	Rezoning to be Initiated	Private	(4)
	Red Hill Peninsula, Tai Tam	GB	Rezoning to be Initiated	Private	(4)
	Site 1, Nam Fung Road, Shouson Hill	GB	Rezoning to be Initiated	Private	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Site 2, Nam Fung Road, Shouson Hill	GB	Rezoning to be Initiated	Private	(4)
	Nam Fung Road (near Aberdeen Tunnel), Shouson Hill	GB	Rezoning to be Initiated	Private	(4)
	Total: 15 sites				
Kowloon City	Sheung Shing Street, Ho Man Tin	O	Rezoning Completed	Private	(4)
	Junction of Lung Cheung Road and Lion Rock Tunnel Road, Kowloon Tong	GB	Rezoning in Progress	Private	(4)
	Ko Shan Road, To Kwa Wan	G/IC	Rezoning to be Initiated	Public	(4)
	Mok Cheong Street, Ma Tau Kok	CDA	Rezoning Completed	Public	(4)
	Total: 4 sites				
Kwun Tong	Junction of Ko Chiu Road and Pik Wan Road, Yau Tong	G/IC	Rezoning Completed	Public	(3)
	Lei Yue Mun Path, Lei Yue Mun	G/IC	Rezoning Completed	Private	(3)
	Sau Ming Road, Kwun Tong	G/IC	Rezoning Completed	Public	(3)
	Choi Hing Road and Choi Hing Lane, Ngau Tau Kok	G/IC, GB, Road	Rezoning in Progress	Public	(4)
	Choi Wing Road, Ngau Tau Kok	G/IC	Rezoning in Progress	Public	(4)
	Junction of Shung Shun Street and Yan Yue Wai, Yau Tong	CDA	Rezoning Completed	Private	(4)
	Hiu Ming Street/Hiu Kwong Street, Kwun Tong	O, GB	Rezoning Completed	Public	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Ko Chiu Road, Yau Tong	G/IC	Rezoning Completed	Private	(4)
	Wang Chiu Road, Kowloon Bay (previously known as Opposite to Richland Gardens)	O	Rezoning in Progress	Public	(4)
	Yan Wing Street (near Lei Yue Mun Estate), Yau Tong	GB	Rezoning Completed	Public	(4)
	Po Lam Road (Near Po Tat Estate), Kwun Tong	GB	Rezoning to be Initiated	Public	(4)
	Ex-Cha Kwo Ling Kaoline Mine Site (private housing)	R(A)4, G/IC, O	Rezoning Completed	Private	(4)
	Ex-Cha Kwo Ling Kaoline Mine Site (public housing)	R(A)4	Rezoning Completed	Public	(4)
	Ting On Street, Ngau Tau Kok	G/IC	Rezoning in Progress	Public	(4)
	Public Transport Interchange near Kwong Tin Estate, Lam Tin	R(A)	Rezoning Completed	To be confirmed	(5)
	Public Transport Interchange near Lam Tin Estate, Lam Tin	R(A)	Rezoning Completed	To be confirmed	(5)
	Total: 16 sites				
Yau Tsim Mong	Junction of Soy Street and Shanghai Street, Mong Kok	G/IC	Rezoning in Progress	Private	(3)
	Reclamation Street/Shanghai Street, Mong Kok	G/IC	Rezoning in Progress	Private	(3)
	Junction of Anchor Street and Elm Street, Tai Kok Tsui	OU(B)	Rezoning in Progress	Private	(3)
	Total: 3 sites				

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
Wong Tai Sin	Fung Tak Road, Diamond Hill	GB	Rezoning to be Initiated	Public	(4)
	Fung Shing Street, Ngau Chi Wan	G/IC, O	Rezoning to be Initiated	Public	(5)
	Wong Tai Sin Community Centre, Ching Tak Street, Wang Tau Hom	G/IC	Rezoning to be Initiated	Public	(5)
	Total: 3 sites				
Sham Shui Po	Junction of Fuk Wa Street/Fuk Wing Street (East of Camp Street), Sham Shui Po	G/IC, R(A)7	Rezoning Completed	Private	(3)
	Junction of Fat Tseung Street West and Sham Mong Road, Sham Shui Po	G/IC, O	Rezoning Completed	Public	(3)
	North of Yin Ping Road, Tai Wo Ping	GB	Rezoning Completed	Private	(4)
	Chak On Road Driving Test Centre and its Adjoining Area, Sham Shui Po	G/IC, R(A)	Rezoning to be Initiated	Public	(5)
	Total: 4 sites				
Kwai Tsing	Tai Wo Hau Road Phase 1, Kwai Chung	R(A), O	Rezoning in Progress	Public	(4)
	Sai Shan Road, Tsing Yi (previously known as Near Mayfair Garden)	GB	Rezoning Completed	Private	(4)
	Lai Kong Street, Kwai Chung	G/IC	Rezoning in Progress	Private	(4)
	Tai Wo Hau Road Phase 2, Kwai Chung	G/IC, O	Rezoning in Progress	Public	(4)
	Near Cheung Wang Estate, Tsing Yi	GB, R(A)	Rezoning Completed	Private	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Container Port Road, Kwai Chung	OU (Container Related Uses), I, Road	Rezoning to be Initiated	Public	(4)
	San Kwai Street, Kwai Chung	V, G/IC	Rezoning to be Initiated	Public	(4)
	Wah King Hill Road, Kwai Chung (Previously known as Near Wonderland Villas, Kwai Chung)	GB, O	Rezoning to be Initiated	Private	(4)
	Near Mount Haven, Tsing Yi	GB, G/IC	Rezoning to be Initiated	Public	(4)
	Site 1, Shek Pai Street, Kwai Chung	GB	Rezoning to be Initiated	Public	(4)
	Site 2, Shek Pai Street, Kwai Chung	GB	Rezoning to be Initiated	Public	(4)
	Site 3, Shek Pai Street, Kwai Chung	GB, R(A)	Rezoning to be Initiated	Public	(4)
	Junction of Tsing Yi Road and Tsing Hung Road, Area 22B, Tsing Yi	O	Rezoning Completed	Public	(4)
	Public Transport Interchange near Lai Yiu Estate, Kwai Chung	R(A)	Rezoning Completed	To be confirmed	(5)
	Public Transport Interchange near Cheung Ching Estate, Tsing Yi	R(A)	Rezoning Completed	To be confirmed	(5)
	Total: 15 sites				
Tsuen Wan	Tsing Lung Tau, Sham Tseng, Tsuen Wan	U	Rezoning Completed	Private	(3)
	Sha Tsui Road, Tsuen Wan	I	Rezoning Completed	Public	(3)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Four "CDA" sites between Sha Tsui Road and Yeung Uk Road, Tsuen Wan	I	Rezoning Completed	Private	(3)
	Near Cheung Shan Estate, Tsuen Wan	O, R(A), G/IC	Rezoning to be Initiated	Public	(4)
	Po Fung Terrace, Tsuen Wan	GB	Rezoning to be Initiated	Private	(4)
	Castle Peak Road, Tsing Lung Tau	GB	Rezoning to be Initiated	Private	(4)
	Site 1, Route Twisk, Tsuen Wan	GB	Rezoning to be Initiated	Private	(4)
	Site 2, Route Twisk, Tsuen Wan	GB	Rezoning to be Initiated	Private	(4)
	East of the "V" zone, Lung Yue Road, Tsing Lung Tau	GB	Rezoning to be Initiated	Private	(4)
	South of Ma Wan	OU (Recreation & Tourism Related Uses)	Rezoning to be Initiated	Private	(5)
	Total: 13 sites				
Islands	Ex-Peng Chau Chi Yan Public School (northern portion), Peng Chau	G/IC	Rezoning Completed	Private	(3)
	Ngan Kwong Wan Road West, Mui Wo	G/IC	Rezoning Completed	Public	(3)
	Near Shan Ha, Tung Chung Road, Area 27, Tung Chung	G/IC	Rezoning Completed	Public	(4)
	Total: 3 sites				
Sai Kung	Junction of Pik Sha Road & Clear Water Bay Road	GB	Rezoning Completed	Private	(3)
	Tui Min Hoi, Hong Kin Road, Sai Kung	G/IC	Rezoning Completed	Private	(3)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Hong Tsuen Road, Sai Kung Tuk	G/IC(4)	Rezoning Completed	Private	(3)
	Anderson Road Quarry	OU (Mining & Quarrying)	Rezoning Completed	Public	(4)
	Anderson Road Quarry (upper quarry site)	OU (Mining & Quarrying)	Rezoning Completed	Private	(4)
	South of Chiu Shun Road, Tseung Kwan O	GB, G/IC	Rezoning in Progress	Public	(4)
	North of TKO Village, Tseung Kwan O	GB	Rezoning in Progress	Public	(4)
	East of Movie City, Tseung Kwan O	GB	Rezoning in Progress	Public	(4)
	West of Tsui Lam Estate, Tseung Kwan O	GB	Rezoning to be Initiated	Public	(4)
	Northwest of Ying Yip Road, Tseung Kwan O	GB	Rezoning in Progress	Public	(4)
	Bus Terminus South of Hong Sing Garden and North of Mau Wu Tsai, Tseung Kwan O	GB, G/IC	Rezoning to be Initiated	Public	(4)
	West of Yau Yue Wan Village, Tseung Kwan O	GB	Rezoning in Progress	Public	(4)
	South of Po Lam Road, Tseung Kwan O	GB	Rezoning to be Initiated	Public	(4)
	North of Po Lam Road South, Tseung Kwan O	GB	Rezoning to be Initiated	Public	(4)
	Near Ho Chung New Village, Ho Chung	G/IC	Rezoning to be Initiated	Private	(4)
	Nam Wai (Eastern Portion), Hebe Haven, Sai Kung	GB	Rezoning to be Initiated	Private	(5)
	Total: 16 sites				

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
Sha Tin	Pik Tin Street, Area 4D, Sha Tin	R(B)	Rezoning Completed	Public	(3)
	Mei Tin Estate, Area 4C, Sha Tin	R(A)	Rezoning Completed	Public	(3)
	Whitehead, Ma On Shan	CDA	Rezoning Completed	Private	(3)
	Shui Chuen O, Sha Tin	R(B), R(A), G/IC, O, GB, Road	Rezoning Completed	Public	(3)
	"R(B)3" site at Hang Kwong Street, Ma On Shan	G/IC	Rezoning Completed	Private	(3)
	Ma Kam Street, Ma On Shan	G/IC	Rezoning Completed	Private	(3)
	Kwei Tei Street, Fo Tan	I, GB, River Channel	Rezoning Completed	Public	(3)
	Wo Sheung Tun Street, Fo Tan	I, GB	Rezoning Completed	Public	(3)
	Lok Wo Sha Lane, Area 111, Ma On Shan	O	Rezoning Completed	Private	(4)
	Au Pui Wan Street, Area 16B, Fo Tan	I	Rezoning Completed	Public	(4)
	North of Tai Po Road near Garden Villa, Tai Wai	GB	Rezoning Completed	Private	(4)
	North of To Shek Service Reservoir, Sha Tin	GB	Rezoning Completed	Private	(4)
	Whitehead, Ma On Shan	G/IC	Rezoning Completed	Private	(4)
Junction of Hang Kin Street and Hang Ming Street, Area 90B, Ma On Shan	O	Rezoning Completed	Public	(4)	

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Ma On Shan Road (Northern Portion)	GB	Rezoning Completed	Public	(4)
	Ma On Shan Road (Southern Portion)	GB	Rezoning Completed	Public	(4)
	North of Lai Ping Road near Yung Ping Path, Kau To	GB, R(B)	Rezoning Completed	Private	(4)
	Shek Mun "O" site near Shek Mun Business Area, Sha Tin	O	(7)	Public	(4)
	Hang Tai Road, Area 86B, Ma On Shan	G/IC, Road	Rezoning Completed	Public	(4)
	Lower part of Ma On Shan Tsuen Road, Ma On Shan	GB	Rezoning to be Initiated	Public	(5)
	Upper part of Ma On Shan Tsuen Road, Ma On Shan	GB	Rezoning to be Initiated	Private	(5)
	Total: 21 sites				
Tai Po	Pak Shek Kok, Tai Po	REC	Rezoning Completed	Private	(3)
	Site 1A, Junction of Fo Chun Road and Pok Yin Road, Pak Shek Kok, Tai Po	OU (Science Park)	Rezoning Completed	Private	(4)
	Site 1B, Fo Chun Road, Pak Shek Kok, Tai Po	OU (Science Park)	Rezoning Completed	Private	(4)
	Site 1C, Chong San Road, Pak Shek Kok, Tai Po	OU (Science Park)	Rezoning Completed	Private	(4)
	Site 1D, Fo Yin Road, Pak Shek Kok, Tai Po	OU (Science Park)	Rezoning Completed	Private	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Lo Fai Road (Eastern Portion)	GB	Rezoning Completed	Private	(4)
	Lo Fai Road (Western Portion)	GB	Rezoning Completed	Private	(4)
	Shan Tong Road, Lai Chi Shan, Tai Po	GB	Rezoning Completed	Private	(4)
	Near Fung Yuen, Ting Kok	GB, G/IC	(8)	Private	(4)
	West of Nethersole Hospital, Tai Po	GB	(8)	Private	(4)
	Chung Nga Road East, Tai Po	G/IC	Rezoning Completed	Public	(4)
	Tai Po Road, Tai Po Kau (previously known as Near Junction of Tai Po Road and Yat Yiu Avenue)	R(C)	Rezoning Completed	Private	(4)
	Area 9, Tai Po	G/IC, GB	Rezoning Completed	Public	(4)
	Near Cheung Shue Tan Road, Tai Po Kau	GB	Rezoning Completed	Private	(4)
	Chung Nga Road West, Tai Po	GB, G/IC	Rezoning Completed	Public	(4)
	Junction of Yau King Lane and Pok Yin Road, Pak Shek Kok, Tai Po (previously known as Area 39, Tai Po)	G/IC	Rezoning in Progress	Private	(4)
	Ma Wo Road (near Classical Garden I & Chung Woo Ching Sai), Tai Po	GB	Rezoning in Progress	Private	(4)
	To Yuen Tung at Ma Wo Road, Tai Po	GB	Rezoning to be Initiated	Public	(4)
	East of Cheung Muk Tau, Ma On Shan (Cheung Muk Tau Site 1)	GB	Rezoning to be Initiated	Public	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	South of Symphony Bay, Ma On Shan (Cheung Muk Tau Site 2)	GB	Rezoning to be Initiated	Public	(4)
	Nam Wa Po, Kau Lung Hang, Tai Po	GB, AGR, OS	Rezoning to be Initiated	Public	(5)
	Tai Wo, Kau Lung Hang, Tai Po	GB, AGR	Rezoning to be Initiated	Public	(5)
	Total: 22 sites				
North	Ex-Kin Tak Public School, Kwu Tung South	G/IC, AGR	Rezoning Completed	Private	(3)
	Choi Yuen Road, Fanling Area 27	G/IC, O	Rezoning Completed	Public	(3)
	South of Yung Shing Court, Fanling Area 49	G/IC, GB	Rezoning Completed	Public	(3)
	Queen's Hill (public housing), Lung Yeuk Tau	G/IC(2)	Rezoning Completed	Public	(4)
	Queen's Hill (private housing), Lung Yeuk Tau	G/IC	Rezoning Completed	Private	(4)
	Pak Wo Road, Fanling	G/IC	(9)	Public	(4)
	Land at Former Fanling Magistracy, Fanling	G/IC	Rezoning to be Initiated	Public	(4)
	Fanling/Sheung Shui Area 30 near Po Shek Wu Road	I, OU (Bus Depot)	Rezoning to be Initiated	Public	(4)
	Ching Hiu Road, Sheung Shui	GB, G/IC	Rezoning to be Initiated	Public	(4)
	Area 48, Fanling/Sheung Shui	I, GB	Rezoning Completed	Public	(4)
	Fan Garden Site B1, Fanling	G/IC, R(C)1	Rezoning to be Initiated	Private	(5)
	Fan Garden Site B2, Fanling	G/IC, R(C)1	Rezoning to be Initiated	Private	(5)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Fan Garden Site A and its Adjoining Area, Fanling	G/IC, R(C)1	Rezoning to be Initiated	Public	(5)
	Po Shek Wu Road, Fanling	O	Rezoning to be Initiated	Public	(5)
	Junction of Castle Peak Road—Kwu Tung and Fan Kam Road, Near Tai Tau Leng, Fanling	GB, G/IC	Rezoning to be Initiated	Public	(5)
	Tong Hang, Fanling	GB, G/IC	Rezoning to be Initiated	Public	(5)
	Total: 16 sites				
Tuen Mun	Tseng Choi Street, Area 4, Tuen Mun	R(A)	Rezoning Completed	Private	(3)
	East of So Kwun Wat Road, Area 56, Tuen Mun	G/IC, O	Rezoning Completed	Private	(3)
	West of So Kwun Wat Road, Area 56, Tuen Mun	G/IC	Rezoning Completed	Private	(3)
	Tsun Wen Road, Tuen Mun	I	Rezoning Completed	Private	(3)
	Ex-Gordon Hard Camp Site, Area 48, Tuen Mun	G/IC, O	Rezoning Completed	Private	(4)
	Tsing Ha Lane, Area 20, Tuen Mun	R(B)8	Rezoning Completed	Private	(4)
	Ex-Perowne Barracks (near Kwun Tsing Road), Castle Peak Road—Castle Peak Bay Section, Area 48, Tuen Mun (Western Portion)	G/IC	Rezoning Completed	Private	(4)
	Junction of Hang Fu Street and Hoi Wing Road, Area 16, Tuen Mun	G/IC	Rezoning Completed	Private	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Hin Fat Lane, Castle Peak Road, Castle Peak Bay, Tuen Mun (Phase 1) (previously known as Ex-Hong Kong Christian Service Pui Oi School (Phase 1), Area 39, Tuen Mun)	G/IC, GB	Rezoning Completed	Public	(4)
	Hin Fat Lane, Castle Peak Road, Castle Peak Bay, Tuen Mun (Phase 2) (previously known as Ex-Hong Kong Christian Service Pui Oi School (Remaining portion), Area 39, Tuen Mun)	G/IC, GB	Rezoning in Progress	Public	(4)
	Area 29 West, Tuen Mun	G/IC, R(A)	Rezoning Completed	Public	(4)
	Area 2, Tuen Mun	G/IC	Rezoning Completed	Public	(4)
	Ex-Perowne Barracks (near Kwun Tsing Road), Castle Peak Road—Castle Peak Bay Section, Area 48, Tuen Mun (Eastern Portion)	G/IC	Rezoning Completed	Private	(4)
	North of Jade Cove, So Kwun Wat, Tuen Mun	GB	Rezoning Completed	Private	(4)
	Area 54 Site 5, Tuen Mun	G/IC, GB, Road	Rezoning Completed	Public	(4)
	Kei Lun Wei, Area 54, Tuen Mun	G/IC	Rezoning Completed	Public	(4)
	South of Kwun Chui Road, Area 56, Tuen Mun	GB, R(B)	Rezoning Completed	Private	(4)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Tuen Mun Kau Hui and Tin Hau Road, Tuen Mun	O	Rezoning in Progress	Public	(4)
	Tak Bond Dangerous Godowns and Highways Department Maintenance Depot, Tai Lam Chung, Tuen Mun	G/IC	Rezoning to be Initiated	Public	(4)
	Tseng Tau Sheung Tsuen South, Tuen Mun (previously known as East of Tuen Hing Road, Area 23, Tuen Mun)	GB, R(B)10	Rezoning in Progress	Public	(4)
	Wu Shan Recreational Park at Wu Shan Road and Lung Mun Road, Tuen Mun	GB	Rezoning in Progress	Public	(4)
	West of Lee Kam STFA Primary School, Tuen Mun	R(B)	Rezoning to be Initiated	Public	(4)
	Siu Sau (Northern Portion), So Kwun Wat, Tuen Mun	GB	Rezoning to be Initiated	Public	(4)
	San Hing Road, Tuen Mun (Phase 2)	R(E), GB	Rezoning to be Initiated	Public	(4)
	San Hing Road, Tuen Mun (Phase 1) (previously known as San Hing Road Extension, Tuen Mun)	GB	Rezoning to be Initiated	Public	(4)
	Hong Po Road, Tuen Mun	GB	Rezoning to be Initiated	Public	(4)
	North of The Aegean, So Kwun Wat, Tuen Mun	GB	Rezoning Completed	Private	(4)
	North of Fiona Garden, So Kwun Wat, Tuen Mun	GB	Rezoning Completed	Private	(4)
	Hang Fu Street, Area 16, Tuen Mun	G/IC	Rezoning in Progress	Public	(5)

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	South of Tuen Mun Town Lot No. 423, Castle Peak Road, Area 48, Tuen Mun	GB	Rezoning in Progress	Private	(5)
Total: 30 sites					
Yuen Long	Ex-Au Tau Departmental Quarters at Yau Shin Street, Yuen Long	G/IC, GB	Rezoning Completed	Public	(3)
	Tak Yip Street, Tung Tau, Yuen Long	OU	Rezoning Completed	Private	(3)
	Junction of Fu Yip Street and Wang Yip Street West, Yuen Long	OU(B)1	Rezoning Completed	Public	(3)
	Two "R(E)1" sites at Wang Yip Street West, Yuen Long	OU, OU(B)1	Rezoning Completed	Private	(3)
	Au Tau, Yuen Long (previously known as Ha Ko Po Tsuen, Kam Tin North)	U	Rezoning Completed	Private	(4)
	Tin Wah Road Phase 1, Lau Fau Shan	R(C)	Rezoning to be Initiated	Public	(4)
	Chung Yip Road, Nam Sang Wai, Yuen Long (previously known as Shan Pui Ho East Road (Next to Hong Kong School of Motoring), Yuen Long)	R(D)1	Rezoning to be Initiated	Private	(4)
	Long Bin Interim Housing Phase 1, Yuen Long	O	Rezoning in Progress	Public	(4)
	Kam Sheung Road Site 6, Kam Tin South	AGR	Rezoning in Progress	Public	(4)
Kam Sheung Road Site 1, Kam Tin South	AGR	Rezoning in Progress	Public	(4)	

<i>District</i>	<i>Location⁽¹⁾</i>	<i>Original Zoning</i>	<i>Latest Rezoning Progress (as at 3.11.2017)</i>	<i>Original Housing Type⁽²⁾</i>	<i>Year of Announcement</i>
	Wang Chau Phase 1, Yuen Long	GB	Rezoning Completed	Public	(4)
	Tin Wah Road Phase 2, Lau Fau Shan	R(C), GB	Rezoning to be Initiated	Public	(4)
	Near Tan Kwai Tsuen (Northern Portion), Yuen Long	GB	Rezoning to be Initiated	Public	(4)
	Near Tan Kwai Tsuen (Southern Portion), Yuen Long	GB	Rezoning in Progress	Public	(4)
	Long Bin Interim Housing Phase 2, Yuen Long	O, R(B)1	Rezoning in Progress	Public	(4)
	Kam Sheung Road Site 4a, Kam Tin South	OU (Rural Use)	Rezoning in Progress	Public	(4)
	Kam Sheung Road Site 4b, Kam Tin South	OU (Rural Use)	Rezoning to be Initiated	Public	(4)
	Kam Sheung Road Site 5a, Kam Tin South	AGR	Rezoning to be Initiated	Public	(4)
	Near Junction of Castle Peak Road and Kam Tin Road, Au Tau, Yuen Long	GB	Rezoning to be Initiated	Public	(5)
	Wang Chau Phases 2 and 3, Yuen Long	GB, OS	Rezoning to be Initiated	Public	(5)
	Tai Yuk Road, Area 13, Yuen Long	GIC, R(B)	Rezoning to be Initiated	To be confirmed	(5)
	Tung Shing Lei, Yuen Long	U	Rezoning to be Initiated	Public	(5)
	"REC" site, Ping Shan, Yuen Long	REC	Rezoning to be Initiated	Public	(5)
	Total: 24 sites				
Total	215 sites				

Notes:

Abbreviation:

AGR	Agriculture
CDA	Comprehensive Development Area
GB	Green Belt
G/IC	Government, Institution or Community
I	Industrial
O	Open Space
OS	Open Storage
OU	Other Specified Uses
OU (Bus Depot)	Other Specified Uses annotated Bus Depot
OU (Container Related Uses)	Other Specified Uses annotated Container Related Uses
OU (Rural Use)	Other Specified Uses annotated Rural Use
OU (Mining & Quarrying)	Other Specified Uses annotated Mining & Quarrying
OU (Recreation & Tourism Related Uses)	Other Specified Uses annotated Recreation & Tourism Related Uses
OU (Science Park)	Other Specified Uses annotated Science Park
R(A)/R(B)/R(C)/R(D)/R(E)	Residential (Group A)/Residential (Group B)/Residential (Group C)/ Residential (Group D)/Residential (Group E)
REC	Recreation
Road	Area shown as 'Road' on the OZP
U	Undetermined
V	Village Type Development

- (1) The estimated site and flat numbers are subject to technical and other assessments and changes.
- (2) The housing type is for reference only, and may be subject to changes depending on practical considerations.
- (3) Short to Medium Term Housing Sites from Various Initiatives to Increase Land Supply announced in the 2013 Policy Address. (42 Sites)
- (4) Some 150 Potential Housing Sites to be made available in the Five Years of 2014-2015 to 2018-2019. (Announced in the 2014 Policy Address)
- (5) 26 Potential Housing Sites to be Made Available in the Five Years of 2019-2020 to 2023-2024. (Announced in the 2017 Policy Address)
- (6) The Town Planning Board ("TPB") decided to retain the "GB" zone of the site east of Wong Ma Kok Road, Stanley on 27 February 2015.
- (7) TPB decided to revert back the "O" zone of the site near Shek Mun Business Area, Sha Tin on 22 September 2017.
- (8) Two sites, involving about 1 300 flats, were recommended to be reverted back to "GB"/ "G/IC" zones after TPB's hearing of representations/comments relating to amendments to the Tai Po Outline Zoning Plan on 13 February 2015.
- (9) A planning application (No. A/FSS/254) was submitted to TPB for the site zoned "G/IC" at Pak Wo Road, Fanling, under section 16 of the Town Planning Ordinance, for residential development with elderly flat and residential care home for the elderly. The application was approved with conditions by the Rural and New Town Planning Committee of TPB on 3 February 2017.

Source of Information: Written reply by the Secretary for Development to the Legislative Council Question 12 at the meeting of 8 November 2017.

Mainland residents' applications for One-way Permits to settle in Hong Kong

19. **DR FERNANDO CHEUNG** (in Chinese): *President, over the years, Mainland residents who wish to come to settle in Hong Kong must apply for Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits")("OWPs") from the Public Security Bureau Offices where their household registrations are kept. According to the guidelines on Mainland residents' applications for proceeding to settle in Hong Kong published by the Mainland Public Security Bureau, Mainland residents to whom any one of the following situations is applicable may apply to proceed to settle in Hong Kong: (i) one's spouse is settled in Hong Kong (who may at the same time apply for bringing along his/her children aged under 18); (ii) one is aged above 18, under 60 and needs to go to Hong Kong to take care of his/her parents settled in Hong Kong both of whom are aged above 60 and have no children in Hong Kong; (iii) one is aged above 60, has no children on the Mainland, and is dependent on his/her children aged above 18 settled in Hong Kong; (iv) one is aged under 18 and is dependent on his/her parents settled in Hong Kong; and (v) one is a child of a Hong Kong permanent resident. In this connection, will the Government inform this Council:*

- (1) *of the number of Mainland residents who came to settle in Hong Kong on OWPs in each of the past 10 years, together with breakdowns by the age group to which they belonged (i.e. 0 to 15, 16 to 24, 25 to 40, 41 to 64 and 65 years old or above) and gender;*
- (2) *of breakdowns, of the number of Mainland residents who came to settle in Hong Kong on OWPs in each of the past 10 years, by the following reasons for which they were issued OWPs: (i) to reunite with one's spouse (who was not accompanied by any children aged under 18), (ii) to reunite with one's spouse (who was accompanied by his/her children aged under 18), (iii) to take care of parents, (iv) being dependent on his/her parents, (v) being dependent on his/her children and (vi) other reasons;*
- (3) *in respect of the cases in which OWPs were issued for "other reasons" as mentioned in (2), of the 10 most common situations; and*

- (4) *whether it will subject the entry of Mainland residents who come to settle in Hong Kong on OWPs to its vetting and approval; if so, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, according to Article 22 of the Basic Law and the interpretation by the Standing Committee of the National People's Congress in 1999, Mainland residents who wish to enter Hong Kong for whatever reason must apply to the relevant authorities of their residential districts for approval in accordance with the relevant national laws and administrative regulations, and must hold valid documents issued by the relevant authorities. Accordingly, Mainland residents who wish to settle in Hong Kong for family reunion must apply for Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits" ("OWPs")) from the exit and entry administration offices of the public security authority at the places of their household registration in the Mainland. My reply to the question is as follows:

- (1) The numbers of holders of OWPs entering Hong Kong from 2007 to 2016 and their breakdown by age group and gender are as follows:

		2007	2008	2009	2010	2011
0-4	Male	1 393	1 555	1 683	1 690	1 445
	Female	1 289	1 487	1 595	1 654	1 385
5-14	Male	3 332	3 754	3 424	2 745	2 427
	Female	3 053	3 379	3 031	2 464	2 206
15-24	Male	2 230	3 033	2 997	2 659	2 686
	Female	2 284	3 084	3 327	3 162	3 028
25-34	Male	1 069	1 098	1 621	1 665	1 742
	Female	9 620	12 116	16 318	12 927	11 745
35-44	Male	2 074	2 255	2 153	1 955	3 058
	Female	4 298	5 933	8 018	7 256	8 156
45-54	Male	926	1 082	1 031	895	1 344
	Female	1 065	1 546	2 152	2 277	2 731
55-64	Male	241	283	292	296	404
	Female	549	585	560	614	673
65+	Male	142	158	159	151	138
	Female	300	262	226	214	211
Total	Male	11 407	13 218	13 360	12 056	13 244
	Female	22 458	28 392	35 227	30 568	30 135
	Both sexes	33 865	41 610	48 587	42 624	43 379

		2012	2013	2014	2015	2016
0-4	Male	1 371	1 693	2 092	1 678	1 838
	Female	1 378	1 582	1 890	1 569	1 703
5-14	Male	2 198	2 023	2 004	1 928	3 440
	Female	1 978	1 936	1 883	1 740	3 048
15-24	Male	2 319	2 027	2 086	2 410	5 660
	Female	2 484	2 325	2 321	2 380	5 160
25-34	Male	2 697	2 258	1 716	1 808	2 069
	Female	11 273	10 543	9 649	8 644	9 370
35-44	Male	6 331	4 172	3 244	2 676	3 725
	Female	11 446	8 373	7 587	6 911	8 299
45-54	Male	2 885	1 821	1 291	1 650	4 189
	Female	4 456	3 069	2 420	2 686	4 700
55-64	Male	1 346	975	665	709	1 492
	Female	1 898	1 647	1 125	1 012	1 674
65+	Male	247	258	244	262	586
	Female	339	329	279	275	434
Total	Male	19 394	15 227	13 342	13 121	22 999
	Female	35 252	29 804	27 154	25 217	34 388
	Both sexes	54 646	45 031	40 496	38 338	57 387

(2) and (3)

A breakdown of the numbers of holders of OWPs entering Hong Kong by category from 2007 to 2016 is as follows:

	2007	2008	2009	2010	2011
Holders of Certificate of Entitlement	4 487	4 490	5 025	4 662	3 758
Spouses separated for 10 years or more and their accompanying children	823	1 041	829	651	619
Other categories	28 555	36 079	42 733	37 311	39 002
Total	33 865	41 610	48 587	42 624	43 379

	2012	2013	2014	2015	2016
Holders of Certificate of Entitlement	3 750	4 329	4 938	3 655	3 508
Spouses separated for 10 years or more and their accompanying children	733	742	791	753	870
Other categories	50 163	39 960	34 767	33 930	53 009
Total	54 646	45 031	40 496	38 338	57 387

Notes:

- (1) Arrivals under "other categories" include those who come to Hong Kong for reunion with their spouses separated for less than 10 years and their accompanying children aged under 18; who are aged above 18 and under 60 and need to come to Hong Kong to take care of their parents settled in Hong Kong both of whom are aged above 60 and have no children in Hong Kong; who are aged above 60 and have no children in the Mainland, and have to depend on their children aged above 18 settled in Hong Kong; or who are aged under 18 and have to depend on their parents settled in Hong Kong; "overage children"; etc.
- (2) The above figures are compiled from the statistics based on the information collected from holders of Permit for Proceeding to Hong Kong and Macao upon their entry into Hong Kong.
- (4) OWPs are documents issued by the relevant authorities in the Mainland. The application, approval and issuance of OWPs fall within the remit of the Mainland authorities. The Immigration Department ("ImmD") facilitates the processing of OWP applications by the Mainland authorities at case level, including issuing Certificates of Entitlement to the Right of Abode to children of Hong Kong permanent residents, and when necessary, rendering assistance in verifying the supporting documents submitted by the applicants and their claimed relationship with relatives in Hong Kong (e.g. husband and wife, parent and child). Where a case is found to be suspicious or when factual discrepancies are identified, ImmD will inform the Mainland authorities and request the applicant to provide further documentary proof. ImmD will also assist the Mainland authorities in investigating cases involving OWPs obtained through unlawful means. The Government of the Hong Kong Special Administrative Region does not consider that there is any need or justification to request the Mainland authorities to consider changing the existing OWP scheme or approval arrangements.

Shifting of responsibilities among government departments, public utilities and other organizations

20. **MR PAUL TSE** (in Chinese): *President, a number of District Councillors, members of local organizations and owners' corporations ("OCs") in the districts of Kwun Tong and Wong Tai Sin have relayed to me that the greatest hindrance to improving district administration and enhancing community facilities is the shifting of responsibilities among government departments, public organizations and other organizations such as MTR Corporation Limited ("MTRCL") and Link Asset Management Limited ("the Link"), as well as their bureaucratic practices. Examples include: (i) the Housing Department ("HD"), the Food and Environmental Hygiene Department and the Link in respect of the rodent control and hygiene problem in the vicinity of Tsui Ping North Shopping Circuit; (ii) HD and the Link in respect of the responsibility of repairing the communal facilities of Tsui Ping (South) Estate; (iii) HD and The Hong Kong and China Gas Company Limited in respect of the responsibility of repairing the gas pipes of Chuk Yuen (North) Estate; (iv) the Lands Department ("LandsD"), HD and MTRCL in respect of the proposal to retrofit covers for the barrier-free access at the exits of Lok Fu Station and Yau Tong Station; (v) the Highways Department ("HyD") and LandsD in respect of the problem that the cover of a covered walkway constructed by HyD outside Fung Chuen Court in Wong Tai Sin being extremely close to the trees, making the OC of the Court being unable to prune the trees; and (vi) the Civil Engineering and Development Department, the Food and Health Bureau and the Hospital Authority in respect of the proposal to build lifts and a footbridge between the United Christian Hospital and the Sau Ming Road Park. In all these incidents, there is shifting of responsibilities among the parties involved, resulting in indefinite delay in the implementation of proposals for improvement of community facilities. In this connection, will the Government inform this Council:*

- (1) *of the policy bureau or government department that members of local communities may approach to seek assistance when they encounter shifting of responsibilities among a number of government departments;*
- (2) *of the long-term policy and measures put in place to resolve the problems of unclear delineation of responsibilities, bureaucratic practices and a lack of accountability;*

- (3) *whether it will consider establishing an inter-departmental organization to take the lead in resolving problems that involve a number of government departments, public organization, public utility companies, and organizations such as MTRCL and the Link; and*
- (4) *whether it has assessed if it should first examine the ways to resolve the problems of bureaucratic practices and shifting of responsibilities among government departments before implementing the proposals to augment the civil service establishment by at least 3% and to establish a civil service college in the financial year of 2018-2019 as set out in the Policy Address; if it has assessed, of the details; if not, whether it will conduct such an assessment immediately?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, having consulted the relevant Policy Bureau, our consolidated reply to the various parts of Mr Paul TSE's question is as follows:

Government departments have been coordinating efforts under various mechanisms, with a view to providing the needed district facilities and resolving district management issues. Various departments have, on a need-basis, established interdepartmental committees or working groups, to coordinate works and efforts of the relevant departments on specific subjects. At district level, District Councils ("DCs") and the committees under DCs will discuss problems of concern to the district (including the district problems involving public organizations and public utility companies) and provide feedback and recommendations to the concerned departments, and the concerned Policy Bureaux and departments will follow-up having regards to circumstances of individual cases. The District Management Committee ("DMC") also serves as a forum to discuss and resolve district issues. DMCs are chaired by District Officers and comprise representatives of B/Ds that have frequent work contacts with DCs, with the presence of Chairmen, Vice-chairmen and Committee Chairmen of the DCs concerned. In addition, chaired by the Permanent Secretary for Home Affairs, the Steering Committee on District Administration, comprising representatives from relevant departments, provides a platform for interdepartmental discussion and consultation to enable the departments to make concerted efforts to address district issues such as street management etc. If

there are problems that could not be resolved, it shall be escalated to the Chief Secretary of Administration for coordinating the relevant bureau and departments to follow-up.

Furthermore, each Principal Official ("PO") of the current-term Government will visit all of the 18 districts in the first two years after assumption of office to have in-depth discussion with the DC members and enhance their communication with the local community. These district visits allow POs to directly listen to the views of the community and truly understand districts' needs, thereby facilitating better coordination of efforts by relevant departments. Following the POs' district visits, District Offices will refer to the relevant B/Ds matters that require follow-up, with a view to facilitating their collaboration and coordination for resolving the problems. Where needed, the Chief Secretary of Administration will also take part in coordinating and providing steer on how to follow up with the district problems that involve various departments, such as the problem concerning car-parking etc.

In this year's Policy Address, the Chief Executive stated that she would ask the Heads of Departments to streamline administration, foster innovation and collaboration, in order to support civil servants to cope with the increasing workload. The Chief Executive also suggested that a new civil service college should be established to further enhance training for civil servants for equipping them with the necessary skills to tackle new challenges. These initiatives complement the Government's promotion of better collaboration among B/Ds, in particular in district administration, to tackle issues and take forward public service effectively. The Civil Service Bureau states that, where justified, it will consider augmenting the civil service establishment as appropriate, in order to provide the manpower needed for the collaboration work among B/Ds.

Monitoring of the surgeries and part-time doctors in public hospitals

21. **DR ELIZABETH QUAT** (in Chinese): *President, it has been reported that last month, a private medical practitioner who was also a part-time Associate Professor in the Li Ka Shing Faculty of Medicine of the University of Hong Kong left the operating theatre in the midst of supervising a liver transplant which was underway in Queen Mary Hospital ("QMH"), and went to a private hospital to perform a surgery for another patient. The chief surgeon paused the surgery to wait for the return of the supervising doctor, resulting in a three-hour*

delay in the completion of the liver transplant surgery. QMH has initiated an investigation into the incident. Some members of the public have expressed concern about the monitoring by the Hospital Authority ("HA") of the surgeries carried out in public hospitals and their part-time doctors. In this connection, will the Government inform this Council if it knows:

- (1) whether a part-time doctor of a public hospital is required to inform the management of the hospital concerned and obtain its consent before leaving the hospital during a surgery to perform surgeries in another hospital;*
- (2) whether there were surgeries performed in public hospitals in the past three years which were not completed or were delayed in completion because the doctor-in-charge performed more than one surgery at the same time; the measures to be taken by HA to address such problem;*
- (3) whether HA has drawn up any manpower backup plan and notification mechanism in respect of a public hospital doctor leaving the operating theatre in the midst of a surgery for whatever reasons; if so, of the details;*
- (4) the division of responsibilities between the supervising doctor and the chief surgeon in a surgery performed in a public hospital; whether the chief surgeon has the authority to complete a surgery in the absence of the supervising doctor; if not, the measures put in place by HA to prevent the recurrence of incidents in which the doctor-in-charge leaves the operating theatre in the midst of a surgery;*
- (5) the current number of private medical practitioners working as part-time doctors for HA, and whether any full-time doctors of HA work as part-time doctors in the private healthcare system; if so, of their number;*
- (6) how HA's part-time doctors compare with their full-time counterparts at present in terms of number and remuneration package;*

- (7) *the reasons why HA employs private medical practitioners to work as part-time doctors; whether HA has put in place a comprehensive system or guidelines to monitor the performance of those doctors in order to maintain the quality of public healthcare services; and*
- (8) *the number of medical incidents in the past decade caused by the negligence of those part-time doctors, and set out in a table the details and investigation outcome of each incident; the measures to be taken by HA to reduce the occurrence of such kind of medical incidents?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to the various parts of the question raised by Dr Elizabeth QUAT is as follows:

- (1) to (4)

The Hospital Authority ("HA") provides treatment for patients in the form of clinical management teams. In general, "major" and "ultra major" operations are performed by surgical teams. If a surgeon of the team needs to leave the operating theatre in the midst of an operation to handle emergency clinical work, the remaining surgeons will continue to perform the operation in hand. Arrangement will be made for an appropriate surgeon to substitute if necessary. The surgeon who needs to leave the operating theatre will give a detailed account of the clinical situation of the patient to the surgeon(s) taking over to ensure that the operation could be completed smoothly.

- (5) As at 30 September 2017, there were 366 part-time doctors working in HA, providing support equivalent to about 132 full-time doctors. According to the human resources policy of HA, an employee should obtain prior approval before he/she can undertake part-time outside work. Under normal circumstances, full-time employees are not allowed to engage in paid part-time outside work which is related to their profession.

- (6) As at 30 September 2017, there were 5 853 full-time doctors working in HA. The remuneration of an HA contract part-time doctor is calculated on the basis of the number of hours worked with reference to remuneration of a contract full-time doctor, taking into account the nature of clinical work involved.
- (7) HA employs part-time doctors having regard to, mainly, the demand for manpower in various specialties, the expertise and experience required for service development as well as training needs. HA has established code of practice and assessment mechanism to monitor the performance of part-time doctors.
- (8) HA has implemented the Sentinel Event and Serious Untoward Events Policy since 2007. The policy is not intended to blame individual staff member or hospital, but to encourage staff members to report promptly any sentinel events and serious untoward events in an open manner, with a view to conducting early investigation and learning lessons from the events to prevent similar medical incidents from happening in the future. In case of medical incidents, including those outside the scope of specified sentinel and serious untoward events to be reported, the hospitals concerned can report the incidents to the HA Head Office via the Advanced Incident Reporting System. The hospital clusters concerned and the HA Head Office will take appropriate actions, such as conducting investigation and reviews, having regard to the nature of the incidents. Where necessary, they can adopt the same follow-up procedures as those for handling sentinel and serious untoward events and HA can 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.

In most cases, patients in hospitals of HA receive professional services provided by a medical team instead of an individual type of doctors (such as full-time or part-time doctors). Hence, HA does not maintain the statistics of medical incidents caused by the negligence of individual types of doctors.

Extension of fibre-based network to villages in remote locations and to tenement buildings in urban areas

22. **MS STARRY LEE** (in Chinese): *President, in the Policy Address she delivered recently, the Chief Executive has proposed that "the Government takes the lead to provide telecommunications companies with financial incentives in the form of subsidies to encourage the extension of fibre-based network to villages in remote locations. The plan will cover about 380 villages currently without high-speed broadband network coverage and is expected to benefit nearly 170 000 villagers" ("the village fibre network plan"). On the other hand, there are at present quite a number of tenement buildings in urban areas having access to fixed network broadband service ("FNBS"), which is provided by a single FNBS operator and has an Internet access speed of 8 Mbps only, but the operator concerned charges users in these tenement buildings, owing to a lack of competition, a service fee which doubles that other users are charged. In this connection, will the Government inform this Council:*

- (1) *of the details of the village fibre network plan, including the names of the villages involved, the estimated expenditure and the implementation timetable;*
- (2) *whether it knows the number of tenement buildings currently not covered by fibre-based networks and the number of residents in such buildings (with a breakdown by District Council district);*
- (3) *whether the authorities will make reference to the village fibre network plan and formulate measures to encourage FNBS operators to extend their fibre-based networks to tenement buildings; if so, of the details; if not, the reasons for that; and*
- (4) *whether the authorities will examine the inclusion in the licence conditions a requirement for the licensees to extend their fibre-based networks to tenement buildings upon the renewal of licences or issuance of new licences for FNBS operators; if so, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): *President, at present, the progress of extending network coverage by fixed network operators ("FNOs") to villages in remote locations in the New Territories and the outlying islands is slow and unsatisfactory due to the high*

costs of network installation and the small number of subscribers. In line with the "people-oriented" philosophy of the current-term Government, the Chief Executive proposed in the Policy Address that the Government would take the lead to provide FNOs with financial incentives in the form of subsidies to encourage the extension of fibre-based networks to villages in remote locations for provision of high speed broadband services to villagers.

Our reply to the four parts of Member's question is as follows:

- (1) The subsidy scheme will cover nine districts (including Islands, North, Sai Kung, Sha Tin, Tai Po, Tsuen Wan, Kwai Tsing, Tuen Mun and Yuen Long) targeting those villages which currently have access only to basic broadband services at a speed of 10 Mbps or below. The Office of the Communications Authority ("OFCA") has already commenced preparatory work for the subsidy scheme, including requesting FNOs to provide information on their current network coverage, technical standards, network extension plans and the relevant network design, etc., with a view to assisting in the formulation of the details of the scheme (including finalizing the list of villages to be covered by the scheme, requirements on the fibre-based networks and broadband services to be offered, form of subsidies and implementation timetable).

The scheme will be implemented through tender by district, and FNOs will be invited to submit bids for the tenders. Separately, FNOs receiving subsidies will be required to open up part of the newly installed underground facilities and fibre-based networks for other FNOs to use so as to introduce competition.

We plan to consult the relevant District Councils and the Panel on Information Technology and Broadcasting of the Legislative Council in the first half of 2018, and seek approval of the Finance Committee of the Legislative Council for the necessary funding for the scheme subsequently. Once the scheme is approved by the Legislative Council, tendering work by district will commence immediately to enable the villagers in relevant locations to enjoy high speed broadband services as early as possible.

- (2) At present, over 80% of the residential units in Hong Kong (about 2.3 million residential units) are covered by fibre-based networks. OFCA does not have information on the number of buildings without fibre-based network coverage by age of buildings.

(3) and (4)

The reason for some old or tenement buildings in urban areas not having access to high speed broadband services is different from that of villages in remote locations. As a matter of fact, old or tenement buildings located in urban areas are already close to the existing fibre-based networks of FNOs, and they are only in lack of commercial agreements between the incorporated owners/owners' committees/property management companies of the buildings and FNOs for the installation of fibre network equipment and blockwiring systems inside the buildings. Once such agreements are reached, residents living in these buildings can readily enjoy high speed broadband services as in the case of other buildings in urban areas.

Notwithstanding this, OFCA will continue to encourage FNOs to invest in extension of their networks and will provide facilitating measures, including assisting FNOs to lay telecommunications facilities in public streets, so as to speed up the rollout of their networks to different parts of the territory. If OFCA receives enquiries or complaints regarding the failure of fixed broadband services in satisfying the demand of residents in individual locations (including residents of old or tenement buildings), OFCA will refer such enquiries or complaints to FNOs and encourage them to improve their network coverage in those locations to enable the residents to enjoy high speed broadband services of better quality.

As a matter of fact, we note that some FNOs have been actively extending their fibre-based networks to cover old buildings in urban areas in recent years.

Further, unlike residents in villages in remote locations, residents in urban areas generally can enjoy high speed mobile broadband services provided by mobile network operators. Currently, the speed of mobile broadband services can reach as high as 600 Mbps, which is comparable to that of fixed broadband services. While the charges of high speed mobile broadband services are generally higher than those of fixed broadband services, they still offer an additional choice to residents in urban areas.

GOVERNMENT MOTION

DEPUTY PRESIDENT (in Cantonese): Government motion. This Council now continues the debate on the proposed resolution under the Criminal Procedure Ordinance to approve the Legal Aid in Criminal Cases (Amendment) Rules 2017.

I first call upon Mr KWONG Chun-yu to continue to speak.

Stand-over item: Government motion on "Proposed resolution under the Criminal Procedure Ordinance" (since the meeting of 12 July 2017)

PROPOSED RESOLUTION UNDER THE CRIMINAL PROCEDURE ORDINANCE

Continuation of debate on motion which was moved on 22 November 2017

MR KWONG CHUN-YU (in Cantonese): The meeting was adjourned midway through my speech last week. Today, I will continue to speak on the amendments to the Legal Aid in Criminal Cases Rules and discuss the adequacy or otherwise of the 4% upward adjustment of the relevant fees based on the accumulated changes in the Consumer Price Index (C). I will also bring up another issue in my discussion, the issue of adjusting the fee levels in the biennial review of legal aid on the sole basis of the Consumer Price Index ("CPI") each time. If we want the laws of Hong Kong to be fair to everybody, be they the poor or the rich, shouldn't we introduce more desirable changes?

Actually, during this amendment exercise, we heard various Members say in their speeches last week that the upward fee adjustment this time was merely based on CPI. This amendment exercise is unable to address the question of whether more reasonable treatment can be accorded to different people who have nowhere to turn to for assistance in the face of legal matters.

Let us further look at CPI that serves as the basis of this fee review. As Members know, the four CPIs in Hong Kong are actually very general. CPI(A), CPI(B) and CPI(C) are compiled based on the expenditure patterns of households in the relatively low, medium and relatively high expenditure ranges respectively. What does this mean? Members can realize that they are some very

macroscopic indicators. CPI(A), CPI(B) and CPI(C) respectively cover around 50%, 30% and 10% of the households in the territory, with reference to the monthly average expenditure of these three groups of households within the relevant reference period. These indicators are very, very macroscopic and unable to bring the fee levels now recommended in the proposed resolution under the Criminal Procedure Ordinance closer to the levels in the actual market.

As we mentioned last time, inadequate resources may lead to varying quality of duty lawyer services. The quality has to depend on luck, meaning to say that if one is lucky, one may be assigned a good lawyer and receive better legal support.

Deputy President, I myself have handled many cases for assistance from the public. Those in need of assistance were miserable, especially grass-roots people. They did not know what to do in the face of lawsuits, hoping that someone could come to their rescue. One case for assistance has left a deep impression on me. Never involved in any lawsuit before, the defendant concerned was accused of misconduct by the Government and required to appear in court. What she could do was trying to find a duty lawyer in the morning that day. That day, I accompanied her to see a duty lawyer, and the duty lawyer she met was a very good one. I have a deep impression of that duty lawyer. His hair grey, he was believably a reputable lawyer of high standing. Colleagues passing by would invariably give him a nod. At the time, I was also a bit stunned as I was merely a District Council ("DC") member offering company to a member of the public. Explaining the facts of the case, he first showed me his authority, telling me that the presence of DC members in court was nothing unusual as they were likewise members of the public. I said to him, "I understand your point. But this madam beside me is terrified deep down her heart. The only help we can offer to this person from the grass roots is to accompany her to see a duty lawyer." Having understood the reason for my presence, he focused on the facts of the case and assisted that madam in receiving reasonable protection in law. The penalty imposed on that defendant in the end was not quite so severe.

What has left the most profound impression on me is that this high-standing barrister is also a preacher or priest in church. One or two weeks later, he shared this matter in his sermon. I then realized that he himself also felt sad upon seeing that people from different social strata in Hong Kong did not know what to do in the face of lawsuits and would feel fear. However, can the

existing system in Hong Kong really enable everybody to receive fair treatment legal proceedings? Or, is it correct to say that what is said in the community should rather be the case? The law cannot manipulate rich people, but only rich people can manipulate the law. But speaking of those without the means, they very often do not know what to do when facing legal proceedings and are left totally helpless ...

(Mr CHU Hoi-dick stood up)

DEPUTY PRESIDENT (in Cantonese): Mr KWONG, please hold on. Mr CHU Hoi-dick, do you wish to raise a point of order?

MR CHU HOI-DICK (in Cantonese): Deputy President, I request a headcount.

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

(After the summoning bell had been rung, a number of Members returned to the Chamber, but some Members were talking among themselves and did not return to their seats)

DEPUTY PRESIDENT (in Cantonese): Will Members please return to their seats and keep quiet. Mr KWONG Chun-yu, please continue with your speech.

MR KWONG CHUN-YU (in Cantonese): That was a near miss. I continue with my speech. Just now, I said that CPI(C) was a very macroscopic indicator. If this macroscopic indicator is to be adopted in this amendment exercise concerning the Criminal Procedure Ordinance, can we bring the fee levels under the legal aid system on par with the fee levels in the actual market? I am very doubtful about this.

In fact, this biennial review mechanism was introduced on the basis of the decision made by the Finance Committee of the then Legislative Council back in October 1992. At the time, the Administration decided that a review of the

relevant fees should be conducted once every two years, and the extent of adjustment shall be no greater than the changes in CPI(C) within the reference period. When conducting the review, the Government would mainly consider the inflation or deflation situation during the reference period and also the presence or otherwise of any difficulties in engaging counsel or solicitors. The decision was made in October 1992, and almost 20 years have passed in a blink of an eye. In the process, the authorities have all along refused to review the fee arrangements for duty lawyers. As we have noticed, the authorities also significantly raised the fees for legal aid in criminal cases in 2015-2016 to reflect the increases of lawyers' fees over the years. However, the extent of the relevant adjustment has not been reflected in the fees for duty lawyers which are now under our discussion ...

DEPUTY PRESIDENT (in Cantonese): Mr KWONG Chun-yu, I remind you that as I pointed out at the previous meeting, this Council has debated this proposed resolution for over seven hours. You are the 23rd Member who speaks. And the arguments you advanced just now, including the importance of the legal aid system and the necessity to review the fees for duty lawyers, have already been put forward by certain Members during our previous debate lasting over seven hours. I remind Honourable Members to be concise in their later speeches and to avoid repeating their arguments.

MR KWONG CHUN-YU (in Cantonese): Yes, Deputy President. I now continue with my speech. In fact, it is not appropriate to adjust the fees and resources for duty lawyers on the pure basis of CPI changes. Why do I have to describe the background of setting up this mechanism? Because I want to emphasize that the decision was made in 1992, but it has not undergone any review after the passage of 20 years since then.

Members can likewise notice the changes during these 20 years. At present, there are roughly 1 200 barristers and solicitors on the duty lawyer list. Some experienced practitioners in the legal sector have said that there were fewer lawyers on the duty lawyer list many years ago, in contrast to 1 200 lawyers on the list at present. However, as the number of people required to appear in court for breaking the law has dropped, some industry practitioners have said that it has turned increasingly difficult for lawyers to act as duty lawyers on a full-time basis owing to a declining number of defendants appearing in Magistrates' Courts.

This also implies a severe inadequacy of resources. People may argue that it is not necessary for lawyers to act as full-time duty lawyers. But if we take a closer look, we can see that the situation is not solely related to lawyers. Honourable Members, this may be related to those people who are watching the television live broadcast because this pertains to the question of how to provide equal treatment to ordinary people before the law. We hope that the legal system of Hong Kong, especially the duty lawyer and legal aid systems now under discussion, can be more down to earth rather than remaining stagnant as in the past 20 years.

For these reasons, Deputy President, we can see that the existing mechanism is actually very frustrating. The reason is that as those who have received duty lawyer services will know, if a service recipient is required to appear in court at 10 o'clock, his duty lawyer has to arrive at 9 o'clock and meet with the service recipient. Generally, a meeting of some 10 minutes is already very good. The duty lawyer can only spend some 10 minutes on understanding the case of the service recipient, probably seeking to ascertain his plea, his personal circumstances, as well as the grounds for his mitigation ...

DEPUTY PRESIDENT (in Cantonese): Mr KWONG Chun-yu, please hold on. I already reminded you just now that certain Members had discussed the need to review the fee arrangements for duty lawyers before. As this Council has debated this proposed resolution for over eight hours, you should refrain from repeating the arguments already put forth by other Members before. Please expeditiously put forth new arguments; otherwise, I will stop you from speaking.

MR KWONG CHUN-YU (in Cantonese): Deputy President, I came to the Chamber at a later time, and I did not have the opportunity to listen to the speeches of all Members like you did. Actually, I have tried to be as concise as possible.

DEPUTY PRESIDENT (in Cantonese): Mr KWONG, at the meeting last week, I already gave a clear summary of Members' arguments and reminded Members not to make any repetition. In my capacity as Deputy President, I am duty-bound to balance the use of our meeting time. The debate on this proposed resolution has exceeded eight hours. You should put forth new arguments.

MR KWONG CHUN-YU (in Cantonese): Deputy President, the point I was about to discuss is very important: As the existing mechanism is so deplorable, why should we insist on conducting a review once every two years and adjusting the fees based on CPI all the same? The ultimate victim of this arrangement is ordinary people rather than lawyers. This point is very important. The case I discussed in great length just now is my personal experience. I do not believe other Members could have talked about my personal experience of arriving in court at 9 o'clock to meet with the duty lawyer. The time for consultation was very short, and before I could finish talking about the facts of the case, the lawyer already hastened to say, "Alright. We now go into the courtroom. You may decide whether to plead guilty or not guilty." Deputy President, this incident has left a profound impression on me and is also my personal experience. So, I wish to talk about it here. As Members also understand, if we agree that the law should help different people, we should also agree that the rich and the poor should receive more or less the same treatment. But how is the current situation of Hong Kong? The current situation of Hong Kong is deplorable, in the sense that its systems of providing legal aid lawyers and a legal consultation hotline are not as advance as those in foreign countries, and the legal consultation services offered to an individual involved in a lawsuit during the time from arrest to remand in police custody are not as comprehensive as those provided in foreign countries. I wonder if any Member has talked about this point. But as a DC member with 10 years of experience in serving the community, I have got involved in various cases and seen the anxiety of grass-roots people caught in lawsuits. So, I discuss ...

DEPUTY PRESIDENT (in Cantonese): Mr KWONG Chun-yu. I must remind you again and give you the last warning.

MR KWONG CHUN-YU (in Cantonese): Deputy President, I understand your point.

DEPUTY PRESIDENT (in Cantonese): Members need not talk about their personal experience in their speeches; neither should they repeat the arguments put forth by other Members before. Even if a Member has to quote an argument put forth by another Member, he should also be as concise as possible. The

theme of this proposed resolution is very simple, and that is: Adjusting the fees for the three legal aid services based on CPI changes. Do you have any new arguments?

MR KWONG CHUN-YU (in Cantonese): Deputy President, alright. Deputy President, I was about to say that it was inappropriate to adjust the relevant fees on the sole basis of the CPI concerned.

Deputy President, I now request an adjournment of the motion under Rule 40(1) of the Rules of Procedure.

Motion under Rule 40(1) of the Rules of Procedure that the debate be now adjourned

DEPUTY PRESIDENT (in Cantonese): As Mr KWONG Chun-yu has moved the motion that the debate be now adjourned, this Council will deal with this motion first.

First of all, I will call upon Mr KWONG Chun-yu to speak. Members who wish to speak will please press the "Request to speak" button.

I wish to remind Members that the theme of the proposed resolution under the Criminal Procedure Ordinance is about raising the fees in various categories by 4% in accordance with the movement in CPI(C) during the reference period, namely fees payable to counsel and solicitors undertaking criminal litigation work on behalf of the Legal Aid Department (i.e. criminal legal aid fees), prosecution fees and duty lawyer fees.

The scope of the motion now moved by Mr KWONG Chun-yu is actually very narrow, that is: Whether one supports the adjournment of the debate on the proposed resolution. Members should not make use of the debate to discuss the specific contents of the proposed resolution, including the movements in the fees, nor should they even expand beyond that to the entire system of legal aid. They shall not introduce matter irrelevant to the subject under discussion.

Mr KWONG Chun-yu, please speak on the motion.

MR KWONG CHUN-YU (in Cantonese): Deputy President, we all know that this motion is moved against the backdrop of the biennial review and adjustment of criminal legal aid fees in accordance with Consumer Price Index (C) ("CPI(C)"). It has been made clear in various Members' speeches that the present rates of legal aid fees are out of tune with the market and can no longer reflect the current market situation.

Some people may think that we should let the Government do the review first and come back to this Council for discussion two years later. Yet, starting from 1992, the Government has been conducting reviews based solely on the movements in the CPI instead of carrying out any genuine review. In case those ordinary citizens now watching this meeting on television have unfortunately broken the law or are facing legal problems, how can they obtain appropriate legal assistance? We should, at least, make it easier for members of the public to be provided with duty lawyer services and legal aid in order to achieve equality for all before the law.

Why do I dwell on the background here? The reason is that two years will pass very quickly, and if we do not grasp the opportunity and seriously deal with the issue today, the situation will remain the same two years after two years. Is this something we want to see? Thus, I would rather engage in a more detailed discussion here, so as to bring home to the Government that it must seriously review the entire system. This is the right timing and if we fail to make good use of the opportunity to conduct an exhaustive review now, even after another 100 years, the Government will still keep coming to this Council talking about the increases in the CPI(C). In this way, the number of duty lawyers will continue to be low, the legal aid services provided will continue to vary in quality. In a situation like this, even though some lawyers want to offer help, the system itself will make it difficult for them to render the required services.

Deputy President, why do we want to demand a review on the entire system at this moment? Well, no one will try to stop it if the Government wants to propose increases in the various fees, but the point is that an increase by 4% is far from enough. Besides, it turns out that people involved in legal proceedings who need to use duty lawyer service find that they can only explain their cases to the duty lawyer in 10 minutes right before the hearing starts, and it is not even possible for them to contact the duty lawyer one day earlier. Deputy President, I doubt whether it is really so impossible for us or the Government to also review and improve the entire system on this very occasion.

Take a look at some relevant figures: Hong Kong's Duty Lawyer Scheme served 26 634 people in 2015 and 25 096 in 2016. In view of such a huge demand, we should take this opportunity to rectify all the gray areas, but the Deputy President said that other Members might have already proposed a review on the system. Yet, until when should we wait if we do not proceed with the review now?

Last year, the Legislative Council approved a 50% increase in the counsel fees for criminal legal aid cases, from \$1,530 to \$2,300 per hour. At the same time, the solicitor fees for criminal legal aid cases was also be adjusted upward by 25% from \$800 to \$1,000 per hour. These do not seem to be significant figures, but such legal aid is of great significance to the grass-roots people. They will have to seek help when they are involved in lawsuits, under arrest or being wrongly charged with any offences and do not know how to deal with those situations. How can we help them with this now? They have to spend six weeks waiting for the legal advice service provided by District Offices but the consultation lasts only half an hour. Hence, if we still do nothing in this review to improve the situation, it will only lead to more instances of injustice. With an improved system, people may well be able to receive timely legal assistance, and this may settle their problems earlier or even change the outcomes of their cases.

Deputy President, I just want to talk about one murder case that occurred in 2015, in which an intellectually disabled man was wrongly charged with the offence of manslaughter. As a result, disciplinary actions were taken against various police officers. This case reminds us that those mentally-ill people who are not capable of expressing themselves actually need legal aid, and this is precisely relevant to today's motion. We are reviewing the levels of solicitor and counsel fees for legal aid cases today, but we demand that while focusing on the rate of increase, we also review in parallel ways to enable more people to use legal aid service.

In Hong Kong, all are equal before the law, and never should Hong Kong be a place where the rich knows better the ways to manipulate law to their advantage. We can see that the legal aid services are getting better and better in overseas jurisdictions. For example, in Australia, there are over 200 government-funded community legal centers run by NGOs which familiar with the social groups using the legal aid service, where they rely on the established system and in-practice training for their volunteer lawyers to assure the quality of service. To alleviate the financial burden on NGOs and lawyers, the community

legal centres take out Professional Indemnity Insurance by bulk purchase. Currently, every local lawyer practising in the United States endeavours to render at least—without fee—50 hours of pro bono publico legal services per year as required by the American Bar Association. Yet, in Hong Kong all must depend on the initiative of lawyers. Many lawyers doubtlessly want to pitch in. Of the 1 200 duty lawyers, many are indeed so dedicated to helping people. I did once share my experience of coming across one of these lawyers, but the problem lies in that every time the Government conducts a review, it only makes reference to the CPI. This being the case, will a member of the public facing legal proceedings be given due legal protection under the existing system? Of course not. It did happen that someone remanded in custody still failed to obtain legal service even after making repeated requests. It was not until he was about to appear in court before the judge that he could meet the duty lawyer face to face. We are definitely not happy about this. This is not something we feel pleased to see.

At present, the biggest problem is that when a member of the public is detained by the police, especially a person who is formally charged, there will be a gap between the time he is detained and the time due for his appearance in court. No duty lawyer will be assigned to discuss with him how to defend himself in court in this period. Of course, this issue can be referred to the Panel on Administration of Justice and Legal Services for discussion. However, if we bring up the issue for discussion at this Council meeting during the debate on the biennial review of the criminal legal aid fees, the Government will possibly not only adjust the fees in accordance with the CPI, but will also put forth a proposal to improve the system next time with a view to preventing any instances of injustice ... we have already come across quite a lot of such instances. Thus, I hope the Government will proceed to conduct a genuine review having regard to this.

Article 25 of the Basic Law expressly provides that all Hong Kong residents shall be equal before the law. But can we really achieve equality for all in practice? The rich can hire lawyers, while the poor can apply for legal aid, but how long do they have to wait? Let us take a look at the requests for free legal advice service alone at various District Offices—I got nine sets of figures on hand, but I will only mention one or two at this moment—in 2016, the waiting time in the Central and Western District is 6.3 weeks and that in the Eastern District is 5.9 weeks. Given such a long waiting time, can urgent cases possibly be duly dealt with? We learn from the news that there are quite a number of

cases in which members of the public did not know what to do when they got involved in legal proceedings. Unaware that they could either seek help from Members of both District Councils and the Legislative Council or seek legal advice service, they might end up in suicide or simply evade the issue. We will not be glad to see this happen. Therefore, my specific question is: why has the Government only conducted a review of the fees once every two years based on the CPI since 1992? The Government obviously regards this as a routine job which requires only with slight adjustments of the fees. I believe pan-democratic Members and many pro-establishment Members both think that it is necessary to come up with ways to improve the current situation. One example is that a legal aid recipient can only meet the duty lawyer right before appearing in court. This is not satisfactory. But this is a fact. No wonder why people describe the free legal consultation service provided by the Government as "half-hearted". Many people say that some volunteer lawyers and duty lawyers are not so committed. These lawyers have come to be called "no-duty lawyers" because they provide "half-hearted" service. I do not know if this is true but undeniably, there is an acute shortage of resources at present, and the Government has been reluctant to introduce any reform.

The rate of unrepresented civil litigants in Hong Kong has persistently exceeded one third. This rate has been dismissed as unreasonable, and because of this, both the prosecution or the defence must explain the court proceedings and judgment principles to the litigants in great detail. This will not only waste the precious time of the court but will also significantly prolong hearing proceedings, waste judicial resources and litigation costs, and adversely affect the operation of the entire judicial system. In that case, why don't we make improvements at root? Very simply, while increasing the solicitor and counsel fees for legal aid cases, the authorities should also consult members of the profession on how to increase the devotion of lawyers rendering legal aid services. They should be made to realize that as duty lawyers, they can help people in need, so their work is very meaningful. In fact, as far as I know, many duty lawyers do realize that they are actually helping the needy. In that case, why does the Government still refuse to reform the existing system? Why has it still stuck to the practice of adjusting just several items of fees in a biennial review? If I do not bring pressure to bear on the Government as much as possible today, it will never do any serious reflection. Two years later, it will do the same thing once again. Is this something we wish to see? Is this something desired by the common people watching the television broadcast now?

The current situation really worries us and so we need to defend the judicial system in Hong Kong. Not only should we consider major issues, but we must also look into some minor ones because every livelihood issue is a big issue. If we can bring forth the reform of the entire legal aid system this time, we will do good to frontline duty lawyers, and in turn benefit the general public directly. So I really cannot see why the Government has to upset us in this way. The opinions of many people and the surveys conducted by social welfare organizations can all show that the public are often reluctant to seek such "half-hearted" legal consultation service. This is really ironic, isn't it? As we boast of equality before the law in Hong Kong regardless of wealth, as we claim that no one will be deprived of due legal support through lack of means, we should not simply adjust the solicitor and counsel fees based on CPI(C) and then call it a day. I am not asking for a big increase, though I mentioned last time that a lawyer had once described his daily income as astronomical. But then, I must still ask how much we pay duty lawyers for their service. Well, it is only a few thousand dollars. Some thus say that the pay is just a "chicken rib"—something tasteless but a bit of a waste to throw away. They also say that duty lawyers are basically doing a difficult job for almost nothing. Why can't we offer them payments closer to market levels? To say the very least, when it comes to resource allocation, we should not simply adjust the fees based on CPI(C) almost as a matter of routine. If we still do not introduce any reform, when are we supposed to do so?

Mr Junius HO once said that we should not keep talking about one single issue. I can remember his saying so. In the present case, I likewise think that this review of the solicitor and counsel fees should not be repeated over and over again, for four or five times. Every time, the review is just based on CPI, so why don't we just have one single review instead? By this, I mean one single review that serves the purpose of ensuring the legal assistance everyone is entitled to and the aim of offering legal aid lawyers reasonable remuneration. Only such a review can bring forth a win-win situation.

In fact, when the counsel fees for criminal legal aid cases were approved by the Legislative Council earlier on, the President of the Law Society of Hong Kong already said that with the current resources, it would be difficult to attract solicitors and counsel with more than five years of post-qualification experience to engage in criminal legal aid service, and lawyers with longer experience would not be willing to pitch in at all. Therefore, I am very grateful to the lawyers who are willing to provide such service ... I mentioned a very capable lawyer just

now. He told me Mr Albert HO was his student. But I do not know which subject he taught. Mr HO said he might be one of his teachers in university. I was lucky enough to meet such a good lawyer. He was never bad to me because of my young age, nor was he bad to the kaifong beside me. Quite the contrary, he acted for the kaifong very seriously in his court case, and he was eventually given a lighter sentence.

Therefore, Deputy President, when I propose this adjournment motion now, I actually hope that we can take this opportunity to discuss the issue in greater detail in this Chamber. At least, we must exert more pressure on the Government so that it will see its own inadequacies. Ladies and gentlemen, are we prepare to let the standard of duty lawyer service remain at this present level? Should they be so perfunctory? The answer is surely no. In fact, there are still many lawyers with the heart to make a difference. In that case, can we improve the system? Should we examine whether the resolution passed by the Finance Committee of the Legislative Council in October 1992 is already outdated? Can we keep abreast of the times? Why should we condone such perfunctory reviews and allow the Government to muddle through year after year with this same old trick? We should not do so. Now is the time for us to seriously consider how we can protect each and every Hong Kong citizen. This echoes my earlier reference to the Basic Law provision on equality for all Hong Kong residents before the law. No one shall suffer any injustice due to his inability to retain a lawyer to represent him in court due to insufficient means or poverty. If we do not want any more injustice, we must solemnly conduct proper reviews.

I so submit, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the debate be now adjourned.

I have allowed Mr KWONG Chun-yu to speak for 15 minutes just now to state his reasons for moving the adjournment motion. His reasons are: first, he is dissatisfied with the current arrangement of biennial review of fees under the legal aid system in accordance with the movement in the CPI; second, he requests the Home Affairs Department to review the existing Duty Lawyer Scheme, covering the significant differences between the existing solicitor and counsel fees for legal aid fees and the market rates.

As I have already stated that the scope of the adjournment motion moved by Mr KWONG Chun-yu is very narrow, Members should focus on whether they support the motion. They should not make use of the debate to discuss the specific contents of the proposed resolution or the contents that have already been discussed by other Members just now.

Rule 41(1) of the Rules of Procedure ("RoP") provides that a Member shall not introduce matter irrelevant to the subject. RoP 45(1) further provides that a Member shall not persist in irrelevance or tedious repetition of his own or other Members' arguments. If I find that a Member is in breach of these provisions, I will strictly enforce the RoP and direct the Member to discontinue his speech.

Will Members please take note of the above matters.

DEPUTY PRESIDENT (in Cantonese): Does the Secretary for Home Affairs wish to speak?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Deputy President, I heard you say that the discussion on this motion has been going on for almost eight hours, and it is the third week I come to this Council to deal with the issue. In fact, the scope of discussion on the 4% increase is relatively narrow and proposals other than this belong to other areas of review and may not necessarily fall into the scope of today's discussion. Therefore, I hope that Members will grant early approval to the current proposal, so as to expeditiously give effect to the raise in the solicitor and counsel fees for legal aid cases. Meanwhile, we have consulted the two legal professional bodies on the proposal. They also look forward to its early passage by the Legislative Council.

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

MS CLAUDIA MO: I hope that government officials are not getting impatient, because we are here doing our hard work, right?

I speak in support of the adjournment proposal moved by our Honourable colleague Mr KWONG Chun-yu. Some Members were saying that this is a very

simple issue, so let us not spend too much time on it. They did not quite say "waste" too much time on it. Now, it is a matter of simplicity versus complexity. They may think that it is all very simple, as it is all about the connection with Consumer Price Index (C), and for the raise of payment by a meagre 4%, it is just almost irrelevant, and if you do not like it, just vote against it. No, it is not that simple, we have to look at the issue that is associated. You may disagree, but we have every right to voice our thoughts on this matter.

My query number one is: Why is there such a really huge gap between criminal and civil court proceedings when it comes to legal aid? Does it actually involve some devoid of intelligence or is it a matter of calculation? On the part of the Government, of course, it cannot just say: "This is a very minor and straightforward issue, so either you agree or disagree." I disagree with your disagreement with us.

For my second query, I would strongly urge the Government ... the official concerned is gone, anyway, not that official who is supposedly in charge of this, because he is in charge of home affairs and I think he would not know much about judicial or legal matters. The Government as a whole should consider the independence of the Legal Aid Department ("LAD"). Please allow me to take some time to proceed with my two arguments which I consider are strong arguments.

The whole thing is rather curious, very unpleasant if not actually dreadful. In this affair as proposed by the Government, it just could not explain why there is such a huge margin between the two types of court proceedings or court cases when it comes to using public money as legal aid for those who are being either sued by the Government or who would want to actively sue the Government.

In life, we often tend to talk about equality, but nothing, nobody are absolutely equal, not even twins, right? We talk about fairness, and fairness is even more important than equality. I always tell my university students: "You can never be equal with your mother." Why? Well, it is because that is your mother, full-stop, and that is it. For the Government, it cannot just stick to its way and say, "That is how we do things, that is the convention, that is the tradition, so, bear with it. And you want us to consider something else? It is going to take time, bear with us, again." No, I think Hong Kong people have waited for long enough for many issues for the Government to consider.

Now, I am not rambling on, and neither am I rambling off. I am making a point here. Of course, we have very passionate lawyers who are all keen about doing justice for this society, and this whole business about the 4% raise is not just mean, it is almost like something spiteful. Some people would say: "If you pay peanuts, you get monkeys." This does not apply here. I should think that most lawyers just couldn't care less if it is a 4% or 14%, or for that matter even 40% hike in the payment. Most of them, I should think. But it is a matter of appreciation, some basic fairness in the mechanism in a system, don't you think?

What is the meaning of this? He gets paid \$100 because he is doing a civil case, but I am doing not just pro bono, I need to pay extra for my own cause in order to help out this defendant under the system of LAD, and the payment simply does not cover what I need to spend on it. Maybe parking charges alone are expensive and are more than what I am getting paid for that legal aid. There are that sort of things. It is insulting to people in the legal profession, especially those with some noble unselfish kind of devotion to the profession.

As a defendant in a criminal case as Mr KWONG Chun-yu was pointing out just now, I surely would hope, would need, would want some expert service rendered to me, if I were a beneficiary of some legal aid in my criminal case, right? But if my lawyer is not feeling that appreciated, nothing of that is my fault but the whole system is so off-putting, how is it going to work? To many lawyers, there are exceptions of course, but to them, the legal profession is not just a job, it is a calling, a devotion.

DEPUTY PRESIDENT (in Cantonese): Ms MO, I have already reminded Members not to repeat their arguments. Regarding the discrepancy you pointed out between the relevant fees under the legal aid system and market fees, Mr KWONG Chun-yu already discussed this point clearly just now, and you yourself have also elaborated on it. Please focus your discussion on your support or otherwise for the adjournment motion moved by Mr KWONG.

MS CLAUDIA MO: Yes, I am not rambling off ... OK. I never got sidetracked. I am on track all this time. I am urging the government not to dampen the zest of our lawyers, especially the young ones, who actually need some income to help some people in society. But what we are having here is actually quite an unjustifiable pronouncement on the inferiority of criminal

proceedings when it comes to legal aid, of course. It is simply not fair and I was talking about fairness. There is a gap. Do you remember? The first thing that I mentioned just now is the gap between the two types of judicial cases, right? So, I am done with my point one.

I am now proceeding to my point two and that is the independence of LAD. It is a government department. And so, if a group of people are working on law, they belong to part of the executive branch, i.e. the Government. How could it ever claim to be absolutely independent? Look at the Independent Commission Against Corruption of Hong Kong ("ICAC") which is supposed to be independent, but it is answerable to the Chief Executive. As a result, on and off, there are accusations all the time that ICAC may not be 100% independent. So, that is my point again. I need the Government to properly reconsider or to have a proper rethink on LAD's status. Please make it more independent.

Just let it out of the government mechanism ...

DEPUTY PRESIDENT (in Cantonese): Ms MO, I must remind you that the theme of this proposed resolution concerns the 4% upward adjustment of three types of fees under the legal aid system on the basis of changes in the Consumer Price Index (C). The viewpoint on the insufficient independence of LAD you raised a moment ago is outside the contents of this proposed resolution. For this reason, it cannot serve as a ground for your support or otherwise for this adjournment motion. Having said that, I still allowed you to elaborate on it for quite some time just now. You have clearly stated your stance on this point. I hope you can stop going any further into the details on this viewpoint. Please raise a new viewpoint; otherwise, I will stop you from speaking.

MS CLAUDIA MO: I know. I would like to discuss with you, in that case, the association of the Horse of Troy then, the connecting links, the Horse of Troy. Do you know what I am talking about? Do you know much about Greek mythology? We are just not sure what is behind this. As I was saying, it is either devoid of intelligence or is saturated with calculations. It is because the Government thinks that most major judicial review cases raised by members of the public against the Government are civil cases, and hence we need to take much more care of the civil side. That is the Government's thinking or the other way round. I do not know.

Therefore, what I am saying is, what is inside that horse? Do you know what I mean? I should not say Horse of Troy, maybe I should just say Trojan Horse, then you would know what I am talking about. We just do not know what the calculations behind this kind of Government's thinking are. My points are just valid. Last time, I was comparing LAD to Radio Television Hong Kong ("RTHK"). I clearly remembered that you were frowning at the mentioned of RTHK but they are comparable. Today, I was just now talking about ICAC. It is the same thing, perception is everything these days ...

DEPUTY PRESIDENT (in Cantonese): Ms MO, I remind you again that this viewpoint is irrelevant to the adjournment motion. I allowed you to explain it just now, and you have already stated your stance clearly.

MS CLAUDIA MO: OK. There is another thing I would like the Government to seriously think about, and that is not to unnecessarily provoke our legal profession ...

(Dr KWOK Ka-ki stood up)

DEPUTY PRESIDENT (in Cantonese): Ms MO, please hold on. Dr KWOK Ka-ki, do you wish to raise a point of order?

DR KWOK KA-KI (in Cantonese): Deputy President, there is a lack of quorum in the Chamber. I request a headcount.

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

(After the summoning bell had been rung, a number of Members returned to the Chamber, but some Members were talking among themselves and did not return to their seats)

DEPUTY PRESIDENT (in Cantonese): Will Members please return to their seats and keep quiet. Ms Claudia MO, please continue with your speech.

MS CLAUDIA MO: I know you are trying very hard to cut me short but I hope you are not a difficult person to explain things to. Seriously, the government officials' thoughtlessness as displayed in this matter is unthinkable, and it always puzzles me as to why there is such a phenomenon as presented right in front of us, right under our nose. They almost completely disregard the feelings of the legal profession. It is rampant, so blatant and so clear. And then the public perception of what the Government, or how the Government, rather, is treating two separate and different court proceedings is that it just couldn't care less. Hence, I think you should allow this Council to try to make sure that the Government gets the message that this demand, this urge, will get etched in the heads and in the minds of government officials and will not just let this pass lightly and casually. We do not want the Government to think that it is just one of the millions of tiny things that they deal with in this Council and that they do not need to pay too much attention to what some of these people have to say or think.

There is another thing. Before I sit down, I do object to the repeated suggestion that we are not allowed to repeat what others have had to say. First of all, you have to allow the fact that great minds think alike. I echo some Members' opinions, and I do not see what is wrong with that. And the second thing is, very often I agree, or somebody would agree, with somebody's comments except not wholly, only partly, and there is a debating point there. That is obvious, right? And so you have to give people some time to elaborate on what they really think of the issue at hand, why they perfectly agree with somebody or some specific comments. But then, in part, others would say "But"—there is a "But"—then we need to argue thoroughly, completely, and so on and so forth. Therefore, you cannot just say, "You are repeating." If I am repeating myself, then that is not desirable, that is for sure, but if I am repeating others, what you say will be such an accusation. This is just not very fair. And I thank you for the time.

MR JAMES TO (in Cantonese): Deputy President, even though this is an adjournment debate, I still think that I should declare my interests. I am a practising solicitor in Hong Kong, and I am on the Legal Aid Panel of the Legal Aid Department. I rarely act for aided persons in criminal cases, but I should still make a declaration of interests.

Deputy President, Mr KWONG has moved this adjournment motion, and when I spoke earlier on, I already expressed my dissatisfaction with the proposed formula for computing solicitor and counsel fees in criminal legal aid cases and also with the basis of the whole system. I think many aspects are in need of review and reform. But I will not repeat what I have said. One point I want to raise, however, is that when we consider whether we should support this adjournment motion, we must think about the implication. The successful adjournment of a motion debate requires majority support in this Council, so we must realize that any such adjournment will necessarily deliver a certain message to the Government or society. If the message comes with a consensus and sharp focus, it may become a powerful force that can drive or persuade the Government to proceed in the direction of achieving our goal. But we must also consider the downside to it. If we adjourn this motion debate, will the Government, after giving due notice to this Council under the Rules of Procedure, move another motion on the 4% fee increase again?

Suppose the adjournment motion can have the support of a sufficient number of Members, and further suppose we can thus deliver a clear message that we are dissatisfied with the basic formula of fees computation, and that our aim is to overhaul this system, then we must consider how many people will be impacted by the adjournment of the motion on the proposed 4% increase. We must also consider whether the adjournment is good or bad. These are what we need to discuss next.

Deputy President, let me talk about the impact first. Actually, the impact will just be negligible, in the sense that the Consumer Price Index (C) ("CPI(C)") has increased by 4% only, and the rate of fee increase is thus very low. You know, a 4% fee increase is proposed because the rate of fee increase computed under the formula must be in line with the inflation rate. For the time being, let me first set aside the formula, the CPI(C). Let me just assume that it is proper for the time being. In that case, then, I would say that any fee increase, however slight, must be better than no increase at all. Having said so, however, I must tell the Deputy President one more thing. No lawyers will possibly be lured to render legal aid services just by this 4% fee increase. And, even without this increase, the number of lawyers willing to do so will not decrease either. Neither will be the case, I must say.

Frankly, the solicitor and counsel fees under the existing legal aid system are way below the fees chargeable in the private market. I can even say with absolute certainty that this 4% increase is definitely not a factor considered by my

university classmates, seniors and juniors who take legal aid cases. In other words, they will not stop taking legal aid cases because the proposed 4% increase is not passed this time or is deferred until the next review. I think what is more important is instead the message our action delivers, the message that lawyers who previously did not participate in legal aid services will not change their minds due to this 4% fee increase. But of course, I must say I do not think that anything more absurd and illogical than this will ever occur. I mean I do not believe that lawyers will refuse to take legal aid cases when the Government increases the solicitor and counsel fees but will instead do so when there is no fee increase. I do not think such an absurd and illogical phenomenon will ever happen. Hence, it is the message to be delivered that matters.

What will legal aid lawyers think if they observe that while the Legislative Council clearly needs to endorse the proposed 4% fee increase to reflect the effect of inflation, Members (They are supposed to represent the people, not lawyers) still want to give the government proposal a setback for reasons of constitutional equity, justice under the law, a more equitable legal aid system and the need to increase the possibility of engaging lawyers with more experience to represent aided persons? This must be a setback to the Government, because it is supposed to implement measures based on its policies, and it is supposed to increase the solicitor and counsel fees under the legal aid system after doing a review. Anyway, what will legal aid lawyers think if they know that Members are dissatisfied with the present formula and want an overhaul of the system? Members must realize that such an overhaul ... I do know that Members' views may have differed on this subject. Pro-establishment Members seldom speak on this subject. I hope they can express their views, because this subject is not exclusive to democratic Members. Many Members were previously President of the Law Society and some have practised law for a long time. It cannot be possible that they have no views or feelings about this subject.

How will people feel if they learn that a review was conducted only after the legal aid system had operated for some 20 years from 1992 to 2016, and that the fees level after the review is still far lower than the level in the private market (with included or excluded items unreasonably disproportionate to a legal firm's cost structure of income and expenditure, for example)? How will people feel when Members thus move an adjournment motion? I think many people will be more than happy indeed. I also think that even though legal practitioners will thus lose this 4% of fees increase, their impetus for rendering legal aid services and serving the community will be greatly boosted when they know that the

Legislative Council has sent a unanimous message to the Government, forcing it overhaul the system.

Another point is that the adjournment motion, if passed, will exert very heavy pressure on the Government or even persuade it to introduce changes. It is very political, in the sense that it will thwart a proposal which the Government has hitherto regarded as only proper, as having no need for any further amendment or review. The passage of the adjournment motion will mean that it is supported by many Members, and this will certainly exert very heavy pressure on the Government.

Deputy President, every time after a motion with no legislative effect is passed, the Government will invariably say lots of things. But in the end, it will do nothing further. Or, it will just tell the Legislative Council that it will report the progress regarding the motion after a period of time, say, half a year. Honestly, excuse me for being frank, many such words are just rubbish, something that infuriates the motion mover. I know many Members will not read such progress reports. In my own case, I will certainly read the progress report if I have anything to do with the motion concerned. If I was the mover of the motion concerned, or if I was one of the movers of the amendments, I will definitely read the progress report, regardless of whether the motion was passed. And, every time after reading such a report, I will be very angry.

But please remember that this very motion is a motion moved by the Government under the law, or under a statutory mechanism, with the purpose of adjusting the increase rate of solicitor and counsel fees. Members may vote down the proposed adjustment. But they must note that if the Government formally introduces an adjustment under the law, either by amending the principal ordinance or by moving a resolution, the proposed adjustment will carry legislative effect. Members must note that the proposed adjustment will carry legislative effect. In case this legislative proposal of the Government suffers a major setback, and many Members, including pro-establishment Members, voice their disagreement to the existing policy of the Government or to its arguments ... Of course, I do not expect Members who are also Executive Council Members to support the adjournment motion, because they may be bound by Executive Council discipline. But if many other Members who do not belong to the legal sector also support the adjournment motion, their support will be of very great symbolic significance.

Deputy President, the Government may decide not to resubmit a fees increase proposal to the Legislative Council, or it may also adamantly refuse to launch any reform or review. But can it just call it a day in that case? Actually, it cannot. The reason is that under the existing policy, it must review the fees level using the formula set out by the law. And, in case this proposed fees increase is thwarted, and the Government does not submit another fees increase or conduct any review after the passage of a certain period of time later, or even two years, I believe someone may well apply for a judicial review, querying why the Government does not adhere to the existing policy or formula for computing the fees level. In that case, the Government will find it even more difficult to explain its case. I of course dare not say that the applicant for judicial review will surely win. But I must point out that the Government is obligated to introduce adjustment on the basis of the formula set out by the law.

Alternatively, Deputy President, the Government may of course choose to submit a revised adjustment proposal three months later. Well, the CPI(C) by then may have risen by yet another 0.5% against the rate over the past two and a quarter years. So, the Government may just slothfully propose a 4.5% increase, just to make sure that it will not lose in any judicial review. But can it get away in this way? Deputy President, if the Government does so, it must pray that the odds are in its favour.

We can easily imagine what will happen if this adjournment motion is really passed and the Government really chooses this slothful tactic. We can easily imagine the consequence if the Government refuses to be reasonable, ruling out any review, resubmitting the old proposal, and saying that Members can always vote it down once again if they do not happen to like it. Deputy President, the Government must realize that things will never work out if it really comes back three months later with the aforesaid 4.5% fees increase based on the latest CPI(C). You can imagine what will happen in case the Government still stubbornly rules out any review and comes back with a 4.5% increase three months later after we have passed this adjournment motion, rejected the 4% increase and demanded a thorough review by the Government. I am sure that if the Government behaves in this way, Members who support this adjournment motion today will not let the Government go and they will definitely continue to put up opposition.

The Government may well say that while we can likewise reject the 4.5% increase, we must bear in mind that the fees discrepancies will widen still further

in that case. But Deputy President, the point here is not just about money. The point here is: our rejection may make people think that government proposals are always met with setbacks in the Legislative Council, and that government attempts to implement its policy objectives are always frustrated. The Government may well argue that it is the Legislative Council which rejects its proposal, so it is not the one to blame anyway. But with all its emphasis on public image, reputation, popularity and accountability, the Government cannot possibly get away in this way.

Deputy President, some Members may advise me to accept the 4% increase first. Many a time, when it comes to Comprehensive Social Security Assistance or bus fare concessions, we will hear this advice. We are often asked to accept the Government's proposal first and bring pressure to bear on it later. Deputy President, I cannot possibly do so. You know, an occasion like this, where we are all forced to sit here to speak on a government proposal, is very hard to come by. Understandably, some Members may choose not to speak, and I have no comment on their choice. But then, if we let the Government implement the fees increase first and ask it to review the system later, where is the review going to take place anyway? The Panel on Administration of Justice and Legal Services? But can the Panel ever be better than a motion debate like this, in which our approval and disapproval can be clearly shown, and where we can give the Government a real sense of defeat? (*The buzzer sounded*) ... This is thus the best occasion.

DEPUTY PRESIDENT (in Cantonese): Your speaking time is up.

MR KENNETH LEUNG: I am now speaking on the motion moved by Mr KWONG Chun-yu to adjourn the debate on the proposed resolution under the Criminal Procedure Ordinance.

Deputy President, as you rightly pointed out, the proposed resolution is simple because what we are doing here is just to increase the fees payable to duty lawyers, which would be reviewed every two years and it now comes to the time that we have to review them. We have to compile the rates in accordance with a basket of indexes, namely the Consumer Price Index (C) which consists of more luxurious consumer goods.

I will be very focused in my speech as you, Deputy President, have pointed out that we need to be very focused and set out our reasons if we are going to support this motion to adjourn the debate on the resolution; or explain the reasons why we are not supporting the motion. I am not going to repeat what I said in my speech last week when the resolution was discussed. I want to very potently set out three main baselines or directions which I would consider, and if anyone, but not all, of these criteria has been satisfied, I would be more tempted to support Mr KWONG's motion to adjourn the debate.

The three criteria are: firstly, if the Government can come up with a better mechanism for the calculation of the adjustment rates within six months, I would rather leave the proposed adjustment at the moment. It is because adjustments made too frequently would be a disturbance to people using the legal aid service. This is the first criterion one, which I would like to elaborate later.

As for the second criterion, if the Government can, within the next six months, come up with a more comprehensive overhaul of the current legal aid system and, as pointed out by many of our friends here in their speech, bridge the gaps in the current legal aid system, I would rather not touch this part for the time being to introduce a mere increment of 4% in the duty lawyer rates. This is just a very piecemeal fix of a very important system, especially for people who are under criminal investigation or facing a criminal charge, and who do not have the means to pay for all these charges.

The third criterion would be quite easy to understand, and I could think of a quite straightforward reason why I should not support this motion. Just come to think of it, we are left to choose between no increment at all, that is, to maintain the status quo and do nothing to revise the fees or rates, and a very mechanical adjustment of 4%. Or would that 4% increment do so much harm, be that a real harm or perceived harm, to the profession or people using the professional service that we should not honour the adjustment and I should support Mr KWONG's motion to adjourn the debate on the resolution? But, actually, on the basis of the third criterion alone, I do not see a single point why I should not support the resolution, or we should try to convince other Members not to support the same. Having said so, although the third criterion could be quite straightforward and well satisfied, let me go back to discuss the first criterion, which is about the kind of adjustment or the mechanism to be used by the Government.

Deputy President, I do believe or you may kindly clarify that the Secretary for Home Affairs would be the public officer to reply in the current debate. If the Secretary for Home Affairs undertakes in his speech that we would be given a better adjustment mechanism within six months, I would probably try to support Mr KWONG's motion to adjourn the debate for the reason I have already outlined, that is, it would not be satisfactory to merely have an interim adjustment.

If the Secretary for Home Affairs gives us a broad outline of an alternative mechanism to adjust the index by, for example, trying to link it with another basket of goods, I do not think it is a good idea at all, because what we need to do is to give a reasonable return and remuneration to lawyers who have given up their time and chargeable work to support pro bono work so that justice may be carried out in this society, and they therefore should be remunerated at an appropriate rate. I am not saying that they should be remunerated at a commercial rate which I think is sometimes quite high and quite unaffordable to ordinary citizens. In fact, one of the very key elements of the rule of lawyers is to ensure people's accessibility to justice and affordable legal assistance.

I am not trying to suggest that we should link up the whole thing with the commercial practice, but if we look at the matter in a more indirect way, I would think and I do not know whether the Secretary will agree that it would be better to link up the adjustment with the salary trend of the lawyers involved, no matter they are commercial lawyers or lawyers of practising chambers. In this way, the adjustment is more linked to the market trend and of course, I am not suggesting that this can fully reflect the upward or downward trend because the rate of adjustment would then be too much. But at least, it is a much better mechanism than using a composite Consumer Price Index.

In fact, many of these adjustments made by the Government under this subsidiary legislation are linked with the Consumer Price Index (C), but I cannot think of a legitimate reason why the Consumer Price Index (C) should be chosen to make an upward or downward adjustment to duty lawyer fees. As a matter of fact, the Consumer Price Index (C) is also used for other types of fee adjustment, but up to this point, I have not heard of any valid or detailed explanation ... from the Government why it should be the case, and what is the linkage ...

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, I remind you that this Council is debating on the adjournment motion right now, but you are discussing the appropriateness of taking into account changes in Consumer Price Index (C) when adjusting legal aid fees. Please focus your speech on the subject being discussed.

MR KENNETH LEUNG: Alright, I will drop this point because I just want the Secretary for Home Affairs to give an undertaking. If we can do it, we can then drop this adjustment, and it is as simple as that. The first criterion has already been dealt with, and with regard to the second criterion, some people say that the criminal legal aid system we are talking about is full of gaps, pitfalls, and so on. It sounds so but I think at least we do have some form of legal aid to provide to our citizens and this legal aid covers three aspects, namely the Free Legal Advice Scheme, the Magistrates' Courts Scheme which is the subject of this particular ordinance, and free legal advice given by NGOs.

However, I would like the Government to examine whether they can, within the next six months, come up with a supplementary scheme which can improve the aid given to citizens by covering the proceedings stage, especially the application process for legal aid, which is in itself a process that requires legal analysis but is now not covered by the legal aid scheme.

With regard to the overhaul of the legal aid system, even if the Government is going to make an undertaking, my decision to vote in support of or against the adjournment motion would still hinge on the creditability of the Government in honouring its undertaking. If the Government is going to do it, I would probably wait and drop this piecemeal amendment.

Another big problem we are facing about the legal aid scheme is the regulatory issues. First of all, one very important factor which I think the fee adjustment does not cover is the indemnity insurance rules. In fact, the current indemnity insurance rules would restrict the ability of retired practitioners and even legal academics to do pro bono work, and they cannot act as pro bono lawyers in magistrates' courts. It seems that the legal aid scheme has not covered that kind of premiums for the payment of indemnity insurance, which could be quite hefty for individual practitioners.

Why is it that the legal aid fees are just payable to practitioners as service fees without taking into account the kind of extra exposure these practitioners would be facing in terms of indemnity insurance? In fact, the inherent risks have not been addressed because as I have already pointed out, some of these lawyers cannot actually provide legal aid even the Government is paying them, because they are not qualified to take out a valid indemnity insurance. In addition, the current indemnity insurance rules also make things impossible for NGOs because Deputy President, the legal aid scheme also covers free legal advice services operated by NGOs and The Law Society of Hong Kong. Now ...

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please do not elaborate in detail your views on the current legal aid system. Your justifications for adopting this as a criterion to determine whether you should vote in support of or against the adjournment motion have already been clearly recorded.

MR KENNETH LEUNG: Alright. If the fees are going to be increased, I would also like to see that they are increased to include additional premiums paid for professional indemnity insurance, because we do not have enough supply of lawyers. Even if we increase the fees, we do not have enough lawyers in the pool. In fact, the pool of lawyers is there but many of them are not eligible to get a coverage for indemnity insurance. This is a big problem why this scheme is not operating as it is.

If the Government can give me an undertaking of fixing the problem within six months, I wonder why we cannot wait for a more accessible and comprehensive legal aid scheme, so that more people can be benefited and there would be more human resources to address the needs and the woes of citizens.

It is true that if you are going to magistrates' courts now, you will get a duty lawyer to do the job. However, one other thing we are not being told is: the legal aid scheme is there, the fees have been paid out, but how about its value for money? Has this scheme ever been audited? What kind of value we are deriving from this scheme? We are not determining its value merely based on the number of people using the scheme. Hence, if we are just increasing the fees by 4%, does it mean that its efficiency or value for money will also be enhanced

by 4%? Has any formal survey of satisfaction been conducted by The Law Society of Hong Kong and the Home Affairs Department on users of the scheme, so that their satisfaction of the services provided are properly graded? We are not doing charity here, Deputy President.

It is a very important function that we must assess the value for the legal services provided. Therefore, if the Government can come up with a very comprehensive scheme, I would probably support the adjournment motion. I think I would refer to the Secretary's answer to my first two questions before I make up my mind to vote in support of or against the motion. As I have already mentioned in my arguments concerning the third criterion, the Government actually did something to increase the rates, and I do not see any reason to object, but let me see. Thank you.

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, thank you for your thoughtful and friendly reminder addressed to Mr KWONG Chun-yu and all Members.

Deputy President, I was the first person speaking on the motion relating to the Legal Aid in Criminal Cases (Amendment) Rules 2017 ("the Amendment Rules"). You would recall that I did not point out clearly at that time if I would support its passage. This was because everyone knew that, and even pro-establishment Members who had spoken on it knew that we should only pocket the Amendment Rules first. Because with just the 4% increase, which is not sufficient to buy the salt which is salty enough and the vinegar which is sour enough. It would be a pity to let go or vote down on it. For that reason, some Members may opt to abstain when it is put to vote.

(THE PRESIDENT resumed the Chair)

I wish to thank Mr KWONG Chun-yu for moving this adjournment motion and giving me a chance to speak on it and to show my support. I have eight reasons for supporting the adjournment motion, but I will not spend too much time to elaborate each reason. First, Members could not improve the existing system by way of the Amendment Rules; second, the adjustment mechanism can only be modified by the Government; third, the adjournment motion may enhance

the Government's determination to improve the charging mechanism, as it may exert more or even greatest pressure on the Government; fourth, there is little hope for an improvement if the motion is not adjourned; fifth, it is the best time for the Government to make an upward adjustment; sixth, if the motion is adjourned, the Government still has time to table the relevant subsidiary legislation again; seventh, the Government has failed to listen to the aspirations of the community, lawyers and Members over the years; and eighth, I will only let Members know if I still have time.

I wish to speak on the first point, that is, Members could not improve the current situation by way of the Amendment Rules. Some Members are of the view that if we move an adjournment motion to the Amendment Rules, the pro-establishment camp would become impatient or will show discontent. If they consider that another filibustering tactic and feel dissatisfied, I hope they will speak up. However, I do not want to end up in debating "if it is a filibustering".

Members may think that since you guys are not satisfied with the current situation, why don't you guys set up a subcommittee to examine it and why don't you guys move amendments to the Amendment Rules in the first place? If all Members or the majority consider that the level of fees unreasonable, then the amendment does not necessarily be voted down. Yet no Members have raised their hands to support the establishment of a subcommittee and no Members have moved any amendment. However, I want to point out to the public that even if we have established a subcommittee and continuously urged the Government to upward adjust the level of fees, I believe the Government will not listen to the aspiration of the trade. I do not expect that the Government will take the initiative to move amendments in the subcommittee's meeting with a view to improving the level of fees. Now the Government is only using the stalling tactic. I believe the Secretary and his representative will keep on repeating that the Government will study the level of fees in order to make it as reasonable as possible. However, two years have passed, and after another two years that the Government has submitted it to the legislature, everyone may repeat the same argument again, but the fees for legal aid lawyers are still below market rates.

In fact, I really doubt if Members can arbitrarily amend the level of fees under the Amendment Rules. The reason is that everyone is familiar with the Rules of Procedure and the Basic Law that if the level of fees is increased, the relevant amendment will certainly involve an increase in government spending

since the Legal Aid Department needs to pay lawyers with public money. And if it involves an increase in government spending, then the Chief Executive's prior approval should be sought. It is widely known that the Government will not support an amendment moved by we Members which involves an increase in Government spending. For that reason, we can definitely not improve the current level of fees by way of moving amendments. Therefore, the adjournment motion moved by Mr KWONG Chun-yu today is the closest way to do it.

Second, the adjustment mechanism can only be modified by the Government. Another reason I support the adjournment motion is that we can only force the Government to improve the adjustment mechanism by way of an adjournment motion. In our capacity as Members, we do not have any means to modify the adjustment mechanism. I wish to thank Mr James TO for praising my detailed analysis on the Consumer Price Index (CPI) (C) under the adjustment mechanism just now. But Mr CHU Hoi-dick said actually it was a matter of the basis. Of course, we know that there is problem with the basis as well as the adjustment, but I do not want to repeat the details of my speech on the motion here. To put it in a simple way, there is a big difference between CPI and the operating cost of law firms, thus the adjustment could not reflect the reality.

For that reason, I used to say that the decision on the current adjustment mechanism is only based on the papers passed by the Finance Committee, it is not included in any legislation. No matter how we amend the relevant legislation, we cannot find the provision containing CPI(C) and amend it. If we want to add provisions to the Amendment Rules or existing legislation to modify the adjustment mechanism, as I said earlier, that will cause an increase in government spending, and the Government will possibly not approve it. For that reason, actually only the Government can improve the adjustment mechanism. Only the Government can submit the relevant papers to the Finance Committee for scrutiny and passage. We have no means to modify the adjustment mechanism, as we can only move adjournment motion to force the Government to make the adjustment by itself.

Third, the adjournment motion may enhance the Government's determination to improve the charging mechanism. It is because adjournment motion moved by Members today is a Member's motion which can only be passed with a simple majority of each of the two groups of Members present: Members returned by functional constituencies and those returned by

geographical constituencies. If the adjournment motion is passed, and if the Government wants the adjustment mechanism which is adjusted once every two years to be effective, it should seek Members' support as soon as possible. It will even make radical adjustment including adjusting the basis and making it closer to the market rates. On top of introducing a basket of factors to improve the adjustment mechanism, it has to evaluate the extent of adjustment instead of relying solely on CPI(C). For that reason, if the adjournment motion is passed, the Government will not delay the modification of the existing mechanism with a view to seeking the Legislative Council's support. If the level of fees cannot be upward adjusted, then perhaps it will lead to the fact that less and less lawyers will join the legal aid programme, which will pose a serious threat to the legal aid system. The worse case scenario is that no adequate lawyers to provide services for legal aid cases. This is not only a matter of quantity, but also a matter of quality. In this aspect, I wish to say a few words. Two days ago, I received a case from a very sick man who was trying to seek legal aid in order to make a complaint on grounds of medical blunders. I am not going to criticize or discuss in depth on the quality of legal aid lawyers. But the lawyer told him that the complainant should not claim too much. The lawyer said he could only help the complainant deal with item E if the complainant could promise to waive the claims on items A, B, C and D. The complainant felt aggrieved because of that. Should the lawyer adhere to the approach which is like "eating as much as what is laid on the table" or not to accept the case because the fees are so low? I am not going to start an in-depth discussion on that.

Fourth, there is little hope for an improvement if the motion is not adjourned. Why there is little hope for an improvement? I have explained in the first and second reasons that Members could not deal with the adjustment mechanism by means of amendments. If we are not taking this opportunity to force the Government to make adjustment, we will have to wait for two more years, because the charging mechanism is adjusted every two years. What will it be like two years later? If the Government is going to increase or decrease the level of fees two years later, it will table a motion to this Chamber which is similar to today's motion. However, the Government has the right not to make adjustment. In the past, there were occasions that the Government had not made any adjustment. In that case, it needs not submit any motion. That is, we have to wait not just two years, but two plus two years, but we thought that we only need to wait for two years—I remember Dr Junius HO ... Mr Holden CHOW also considered that the approach was out of touch with the market—we really do not have other effective means to force the Government to make the adjustment.

If we are not going to take the opportunity of this adjournment motion, what should we do if the Government considers no adjustment is needed two years later and therefore no motion will be submitted then?

For that reason, I hope Members who do not support this adjournment motion will rise and speak. At least that will force the Government to pledge that it will submit the motion, review the basis as well as the adjustment mechanism two years later. If the Government is so reluctant to make the pledge today, if it is still repeating the words and the same stage dialogue it made earlier, how can we "vote in tears" and support the Government? In this regards, I do not think we should end up in that way. Perhaps the President may say, Members may keep on discussing the relevant issue on other occasions, such as moving a Member's motion or in the meeting of the relevant Panel. But that kind of discussion will not have effect on the Government. It will not cause any pressure. No matter the matter is discussed in a Panel or raised by way of a Member's motion, we cannot force the Government to promise anything. Even if the Government is not making any improvement today, at least it can make a pledge on the general direction later on. No matter Members who oppose the adjournment motion debate or Members who support the original motion, you have to vote and you have to take this opportunity to force the Government to do something—you should say a few words even if you are not going to do anything.

Fifth, it is the best time to make an upward adjustment and improve the adjustment mechanism. Why should I say that? Hong Kong's economy has been blooming in recent years. Just as Carrie LAM said during her election campaign that with a hefty financial reserve in the public coffers, when should we do it if we do not do it right now? Should we ask the Government to increase the legal aid fees only after an economic downturn? By then the Government will not accede to our request. For that reason, Members should seize the opportunity and see what we can do. One of the ways is to support the adjournment motion debate. If Members can think of other more effective ways, I welcome Members to put them forward. This is a once-in-a-blue-moon opportunity. It will disappear in the blink of an eye. I hope Members will consider it actively.

Sixth, if the motion is adjourned, we still have time to scrutinize the Rules again. Members should know the reason why I support the adjournment motion debate. The level of legal aid fees is adjusted every two years. The next adjustment will be made in 2019. However, the effective date of the subsidiary

legislation has not been specified. It is up to the Government to determine it. If we propose the adjournment motion debate and it is passed, the Government may propose substantial amendments to the subsidiary legislation and put forward to the relevant Panel again for scrutiny in order to solicit our support. I believe that as the level of legal aid lawyers' fees is still below market rates and that they have been "doing a good turn" for so many years, it would not be a big problem if they hang on for a few more months, then ...

(Dr KWOK Ka-ki stood up)

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, what is your point?

DR KWOK KA-KI (in Cantonese): President, a quorum is lacking in the Chamber, I request a headcount.

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

(After the summoning bell had been rung, a number of Members returned to the Chamber, but some Members did not return to their seats)

PRESIDENT (in Cantonese): Members please return to your seats. Mr CHAN Chi-chuen, please continue with your speech.

MR CHAN CHI-CHUEN (in Cantonese): Thank you, President. I was talking about the sixth reason and explaining why I support the adjournment motion proposed by Mr KWONG Chun-yu. As we still have ample time, we may scrutinize the Rules again.

Since there are not too many Government Bills and subsidiary legislation for us to scrutinize—one should notice that the Government has proposed no new Bills and new motions to the Council—hence if we adjourn this motion and submit it to the Legislative Council again in early 2018, it should be passed within one or two sittings. On the contrary, if we fail to do so, we will have to

wait until another adjustment to be made in 2019. But by then only one year is left until the new term of the Legislative Council commences. Perhaps there will be a lot of Bills pending scrutiny, including the return of Article 23. It will be difficult for us to deal with them by July 2020. For that reason, I hope Members will seize this opportunity and adjourn the legislation, so as to allow the Government to amend the Rules at a time that the Council needs to deal with fewer Bills and submit it again to us for scrutiny, with a view to improving the unreasonable level of fees and the adjustment mechanism.

The seventh reason is that we need to let the Government learn a bitter lesson for ignoring public opinions. If this Council passes this historical adjournment motion, the Government will feel the bad consequence of ignoring public opinions. Over the past 20 years, a lot of Members have been pointing out that the basis of fees are way too low that they are drifting away from market rates. However, the Government turns a deaf ear and a blind eye to the outcry. In last week's meeting, a lot of Members pointed out the problems of the adjustment mechanism. The Government turned a deaf ear to them. The Government kept on ignoring public opinions at all costs. Even if the level of fees is adjusted in future, it will still keep on turning a deaf ear to demands of Members.

Why should I say it is a waste of time? It is because that the Government is reluctant to listen to reasons that we have put forward. It still insists on adjusting the level arbitrarily along the CPI(C) and ignores to review the basis and the adjustment mechanism.

Lastly, the eighth reason is that if Members feel bored and feel that we have discussed the topic too much, then Members should support the adjournment motion, so that Members need not keep on discussing on it.

I so submit.

DR KWOK KA-KI (in Cantonese): President, I rise to speak against the adjournment motion proposed by Mr KWONG Chun-yu. I understand his reasons, though. President, this resolution is related to the Legal Aid in Criminal Cases (Amendment) Rules 2017. Since the additional cost of \$7 million, or an increment of 4%, is rather insignificant, I should have supported this resolution. Actually, as what we have heard, most Members, including

Mr KWONG Chun-yu, are not against the proposal that seeks to increase the fees by \$7 million or 4%, they just find the proposed level of fee adjustment unacceptable.

According to Mr KWONG Chun-yu, he was in a dilemma before making up his mind to propose this adjournment motion. He wishes to use the adjournment motion to force the Government, Secretary for Home Affairs LAU Kong-wah in this case, to reset a new fee level. I support his motive very much as the 4% upward fee adjustment simply cannot attract an adequate number of counsel and solicitors to serve as defence counsel for people in need of the services. I know many people may refute that Hong Kong is no lack of counsel and solicitors who are keen to offers legal representation to defendants in need of the legal aid services. These zealous counsel and solicitors would represent the needy irrespective how poor they are and how meagre the fees are. But in reality, we can see that practising counsel and solicitors, especially those with less experience, have to face great difficulties of the high operation costs escalated by expensive rents and staff costs. Hence, if the legal aid schemes cannot attract the younger or less experienced practising lawyers to participate, I am afraid that the schemes would be simply unable to bring in new blood. Actually, after the senior solicitors and barristers who do not need to rely on the meagre fees retire one by one, we would need younger solicitors and counsel with some experience to speak for the underprivileged.

Some people may say never mind, we can pass the resolution first and keep following it up afterward. I disagree with this argument because in many cases, it is all over after the passage of the resolution. We have heard more than once that the Government ... whether it is Secretary LAU Kong-wah who is currently in charge of the schemes or Chief Secretary for Administration who will be in charge of the Legal Aid Department ("LAD") and the legal aid expenditure, they might use the same excuse to evade following up with the fee adjustment. Meanwhile, there are increasing needs in society for legal aid services, particularly the criminal legal aid services.

There are comments that the current criminal legal aid services are only beneficial to a few kind-hearted citizens. I disagree with this. We can see from the North East New Territories ("NENT") incident and the post-Occupy Central reprisal that the Government has indeed stepped up its intervention by making use of the criminal prosecution procedures to arrest people it is not happy with, it does not like or it wants to suppress, and take them to court. As we can see, the

persons involved in the NENT incident are mostly isolated and helpless. They include students and people with a meagre income who cannot make their ends meet. Without the legal aid services, they have neither the ability nor the qualifications to defend themselves in court. Their contender, the strong Government, on the contrary, can spend billions of resources to engage senior counsel to appear for the prosecution. It can pay several million dollars a day to engage overseas senior counsel without a bit of hesitation.

There is a disparity between defence lawyers and prosecutors. As we can see, apart from legal officials in the Department of Justice, the Government today can casually engage outside lawyers or even big names in the Hong Kong legal profession who charge high prices to appear for the prosecution. In other words, the Government is willing to pay sky-high counsel fees to prosecute the underprivileged. Most of these criminal offenders are prosecuted for their participation in protests against the injustice government as well as the injustice policies ...

PRESIDENT (in Cantonese): Dr KWOK, the Deputy President has clearly explained the scope of this adjournment motion debate, so you should not comment on the existing legal regime.

DR KWOK KA-KI (in Cantonese): President, I understand that. I just explain why I am against this adjournment motion

PRESIDENT (in Cantonese): Please come back to the subject of this adjournment motion debate.

DR KWOK KA-KI (in Cantonese): I am in the middle of explaining why I oppose Mr KWONG Chun-yu's motion to adjourn the debate on this resolution. I think the Government should expeditiously amend the ordinance, but not at the fee level currently proposed.

I have just said that many accused persons, who feel so isolated and helpless, can solely rely on the legal aid services to provide them with legal representation in court. The original intention of Mr KWONG Chun-yu's

motion is very clear. President, he has said that he intended to put pressure on the authorities to withdraw the resolution on its own. If it is successful ... when we vote on the adjournment motion later today, I really hope that more Members, irrespective of those from the pro-establishment camp or the pan-democratic camp, would consider joining hands to vote against this unreasonable fee adjustment policy. Through our concerted effort, it is possible that we could press the Government and LAU Kong-wah for an upward adjustment of the legal aid fees as the current rates are unreasonable and unfair to solicitors and counsel engaged in providing legal representation services. Indeed, the fee increase will also help extend the legal protection to more people, and everyone can then benefit from this. I am not sure if parties other than the Democratic camp, or probably those from the pro-establishment camp, would require legal aid services one day. I know many from the pro-establishment camp would also speak for the underprivileged. Hence, if we act together ... as we all know, in view of the pro-establishment camp's dominance of the Council, Members surely have to act together. We simply could not count on the goodwill of the pro-establishment camp to do so. Nevertheless, the adjustment of the legal aid fees should not be influenced by any political factors. As we have just said, people in need of the legal aid services may be of different backgrounds. But judging from what is happening now, Hong Kong people already have the Sword of Damocles hanging over their head. The Government would enact legislation to implement Article 23 of the Basic Law at any time. The local legislation of the National Anthem Law would also come soon while some pro-Beijing people have even suggested that the local law should have retrospective effect. I do not know how many Hong Kong people would be arrested and taken to court in future, and I am not sure how many of them would require legal aid ...

PRESIDENT (in Cantonese): Dr KWOK, you have digressed from the subject. Please come back to the subject matter of this debate.

DR KWOK KA-KI (in Cantonese): All right, I will come back to the subject matter of this debate.

PRESIDENT (in Cantonese): If you continue to digress from the subject, I will stop you from speaking.

DR KWOK KA-KI (in Cantonese): I now come back to the subject matter.

Therefore, Mr KWONG Chun-yu's request is somewhat justifiable. President, if we are lucky enough to win the support of Members for Mr KWONG's adjournment motion, I expect the Government motion would not be passed. Actually, members of various political affiliations have all along voiced against the current legal aid system. For example, they are dissatisfied with the biennial review arrangement. Some also think the adjustment of the legal aid fees on the basis of the changes in Consumer Price Index (C) is essentially outdated. They hope that instead of making thoughtless adjustments according to the Consumer Price Index (C) changes, the Government could introduce more objective and pragmatic criteria to the fee adjustment, with the inclusion of some methods and taking in account of some circumstances. Besides, is it possible for the Government to engage some independent members and to work harder in the formulation of the fee level?

President, would the withdrawal of the Government motion cause undesirable consequences? I do not think so. If the Government is willing to accept our views to withdraw the fee adjustment proposal and renew the relevant discussion after Mr KWONG's moving of the adjournment motion, I believe that the Government is able to resubmit an amended proposal to the Legislative Council in a rather short period of time. The new policy could then be passed quickly in the Council. Is this not a better and more appropriate arrangement? If the adjournment motion is passed, I hope the Home Affairs Bureau, LAD, and particularly the legal practitioners, definitely including frontline lawyers and counsel who have faced difficulties and the cost surge in operating their businesses, and of course I also hope ...

PRESIDENT (in Cantonese): Dr KWOK, you are repeating your argument. Please come back to the subject matter of this debate.

DR KWOK KA-KI (in Cantonese): President, I am referring back to the subject matter.

I believe we can achieve this if the adjournment motion is passed. However, the passage of this adjournment motion by the Legislative Council is highly unlikely.

PRESIDENT (in Cantonese): Dr KWOK, you have time and again repeated your argument. Please stop speaking if you do not have any new argument.

DR KWOK KA-KI (in Cantonese): I have new arguments. Please allow me to continue with my speech.

President, I cannot find any ways to improve this fee upward adjustment mechanism right now. Thus, we can only make use of the procedures of this Council to cause the Government to resubmit its motion at a later stage. This is exactly why Mr KWONG Chun-yu has proposed this adjournment motion. I note in the course of the debate, LAU Kong-wah, in his reply to Mr KWONG Chun-yu, did not categorically refuse to do so. In other words, he has not closed the door for withdrawing the Government motion for further review before resubmitting it to the Legislative Council if this adjournment motion is not passed. This precisely explains why we have to support this amendment.

Of course, we can look at the issue from another angle. President, what should we do if we give our support, but the Government do not introduce any amendment eventually? Someone may say it is disgraceful and meaningless for us to do so. I understand the point. But in the face of this mean Government, I cannot think of any other means to coerce it to introduce amendments. Nowadays, it is just difficult for us to get things done through our own efforts, so we have to make use of the system instead. Actually, if there were more discussions on the resolution when the Government first submitted it to the Legislative Council, we would not have taken this step; if this system was formulated in a fair and just manner, we would not have been required to handle it at this very stage. Regrettably, all go against our wishes. Today, when we can neither rely on the work of the Bills Committee nor find any practicable ways to push the Government into resubmitting a new proposal for the expeditious passage by the Legislative Council, I will have to consider following the views of Mr KWONG Chun-yu.

I also note that many Members who are going to speak on this subject are from the legal profession. I am keen to see if they will give some fair comments. If the next Member to deliver the speech is from the pro-establishment camp ... I can see the next Member to speak is Dr Priscilla LEUNG. As a member of the legal profession, if she also agrees that the Government's proposal is undesirable, she should indeed join hands with us to

press for the Home Affairs Bureau to withdraw this unreasonable policy and reformulate a new policy. Our ultimate aim is not to benefit some particular individuals. President, if we can ultimately make it, it is the underprivileged that can really benefit from the amended policy. This social group are so isolated and helpless that they cannot fend off the huge prosecution machine on their own. It is particularly so nowadays when we are so uncertain about the number of prosecutions against them, including those who have participated in the civil disobedience. In a fair and just society, action is more important than words. I hope that after Members have delivered their speeches and when we vote, more Members would support Mr KWONG Chun-yu's motion.

I so submit. Thank you, President.

DR PRISCILLA LEUNG (in Cantonese): President, I speak against invoking Rules 40(1) of the Rules of Procedure to move the adjournment motion at this juncture. President, I have to make it clear that Members' raising their opposition to the motion does not necessarily mean that they do not want to reform the entire legal aid system. Instead, we have just conducted a detailed debate and discussion on the legal aid system at the Monday meeting of the Panel on Administration of Justice and Legal Services. This shows that the discussion on the improvement of the legal aid system is not as simple as what Mr CHAN Chi-chuen has said just now. According to him, the Government will simply compromise or it will follow our proposed direction six months after we adjourn debate on this resolution. The point is we are still unable to forge a consensus on the direction of the legal aid system. Yet, the proposal to increase resources of the criminal legal aid services is almost agreeable to all.

President, I have to declare that I am a barrister-at-law, mainly engaged in cases of legal disputes in the Mainland and Hong Kong. Many years ago, I proposed to extend the coverage of our legal aid services to include legal problems encountered by Hong Kong permanent resident in the Mainland. This proposal will have far-reaching implication, and thus requires in-depth analysis. I have also proposed to reform the legal aid regime with reference to the shifting system of public hospitals, so that counsel and solicitors will work on a roster. However, it is inappropriate for us to discuss these issues here as they involve the lawyers' funding in respect of the criminal legal aid services, though the entire legal sector is keen to push them forward expeditiously.

I think the discussion of the two issues and today's subject matter should be held separately. What we are discussing now is essentially a matter of making progress. To the public, there is plenty room for improvement of the entire legal aid system. But if we press for improvement in a form of an adjournment debate, it would rather send an even worse message to the public that we can do nothing except waiting for Godot. Given that we already have reached a consensus ... as we all know, it is rather difficult to reach consensus on some issues. For example, it will require a long-time debate in the legal profession on the two issues I have just mentioned. In order to address the public's aspirations, we should cease filibustering on this Government motion which is almost free of controversy.

I really consider what Members are doing now is a filibuster, and I also think they are at their wits' end. Having run out of tricks, they have no alternative but to propose adjournment of debate or of proceedings of a committee of the whole Council. In doing so, they have let the public down and disappointed the legal sector as well, especially for the newcomers who earnestly look forward to any fee increase. Besides, what the opposition Members have suggested will simply not happen, and the Government will not put forward a whole package six months after the adjournment of the resolution debate. Therefore, I wish they would understand that what they are doing now is actually sacrificing the interests of the general public and also undermining the progress to be made to the criminal legal aid services. I wish that they would not prescribe or take the wrong medications, as this would jeopardize the gradual changes to be made to the legal aid system.

President, I therefore oppose the adjournment motion. I also wish that Members should cease entangling in the moving of the adjournment motion. Instead, they should directly refute the opposition Members' wrong arguments. Never could the adjournment motion bring about progress and reform to the legal aid system. It would only cause stagnancy.

President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, I think Members are all clear about what resolution in question is about. It is about the biennial review of the solicitor and counsel fees for criminal legal aid cases. It proposes a 4% upward movement based on the Consumer Price Index (C).

President, Mr KWONG Chun-yu moves an adjournment motion. He has also provided the underlying reasons to account for the move and I am not going to repeat them. I would rather like to give my own reasons for considering his adjournment motion meaningful and worthy of support.

Reason number one, I find this adjournment motion somewhat different from the other adjournment motions. First, lawyers under the legal aid system have been paid at the existing fee level for the last two years. If the resolution debate is adjourned, it means that the Legal Aid Department is not going to pay the lawyers at the newly adjusted fee level. Will this prompt the lawyers to cease taking up legal aid lawsuits in future or to discontinue with existing litigations? Probably not. They will continue with the legal proceedings at the existing legal fees. Hence, this adjournment motion is not going to bring any major change or impact to society. Hence, after the resolution debate is adjourned, the Government is allowed to work on a more deserving area, which is the improvement of the existing system. As a result, I find this adjournment motion not going to cause us trouble and is worthy of our support.

The second reason for my support of this adjournment motion concerns an important argument arising from the speech made earlier by the Secretary. He said, "We have notified the Legal Aid Services Council, the Hong Kong Bar Association and The Law Society of Hong Kong of results of this review. In December 2016, we also consulted the Legislative Council Panel on Administration of Justice and Legal Services which showed no dissent to the proposed increase." The Government has conducted a consultation regarding the review results. But the problem is that the consultation targeted only a certain section of stakeholders, including the Hong Kong Bar Association and The Law Society of Hong Kong. Yet, there are definitely more stakeholders than these two associations, as many people may make use of legal aid or duty lawyer services. And these stakeholders are indeed all the more important. Why?

If the Government raises lawyer fees under the Legal Aid and Duty Lawyers schemes successfully, the lawyers will probably undertake such work in a different way. For the time being, I shall leave the Legal Aid Scheme for that and comment instead on the Duty Lawyer Scheme. The majority of our colleagues have already pointed out that a duty lawyer does not usually meet his client until 15 minutes before the hearing starts and then provides legal advice ...

PRESIDENT (in Cantonese): Mr LEUNG, your argument has already been mentioned by many other Members. Besides, it is not a reason for supporting or opposing the adjournment motion. Please come back to the question of this debate.

MR LEUNG YIU-CHUNG (in Cantonese): I understand. Let me explain why I brought up this point. Just now I said with regard to the review results of the solicitor and counsel fees for criminal legal aid cases, the Government consulted only the Hong Kong Bar Association and The Law Society of Hong Kong but not the other stakeholders, namely, members of the public. The general public precisely are users of these legal services. The less than satisfactory level of lawyer fees has given rise to a system-related phenomenon which affects the services provided for the people.

I believe it would be very difficult to ask the Administration to conduct a consultation which covers all users of the services. We do not know who will receive these services or who are in need of such support. Therefore, if we can adjourn the resolution debate successfully, the Government should at least consult more groups or organizations and let itself listen to views more adequately when tackling the fee hike.

Let us look at an example. I believe that the Government should consult the District Councils. District councillors are in the most frequent contact with the people and they understand the comments people have over the service quite well. I am sure better results will be generated if one determines the adjustment level after listening to these views.

I do not think it is going to take too much time if we adjourn the current resolution debate, conduct a consultation among all the District Councils in the territory before making a decision on the level of adjustment. As I said a while ago, it is unlikely for the pace of adjustment to affect existing services as the lawyers have been providing services at the current fee level for the last two years. I believe that it will be more desirable if we consult the District Councils as well and take their views into consideration when determining a reasonable level of adjustment.

In this regard, I hence support this adjournment motion to let the Government spend some time on consulting the District Councils and listen to views more adequately. This is my second supporting reason to this adjournment motion.

And thirdly, like what Dr Priscilla LEUNG said just now, we all have a lot of criticisms and comments on the current system and consider it needing an overhaul. However, she believes that this is not the appropriate time and occasion for the reform and we should find an alternative occasion for it. I agree to her views to a certain extent. Yet, the question is: these views have certainly been conveyed to the Government previously but has the Government paid attention to them? No, they have fallen into deaf ears and a review has not yet been held after all these years. Hence, I think we should give the Government one more chance, adjourn the resolution debate and let the Government reflect on the more important question of whether a revision to the legal aid fee hike is needed. It is true that we have provided our views before. This is yet another attempt of ours to call forth a thought from the Government, making it realizes that we all find the adjustment rate unacceptable and that reconsideration is needed. As a matter of fact, how much review has the Government done to this age-old rigid system and this unthinkingly automatic adjustment mechanism? They say a review is conducted every other year. But what does the review cover? It reviews not the mechanism itself but the rate of adjustment only. Therefore, the ineffectiveness of this review is the biggest problem. I think the best way is to review the whole mechanism, rather than making adjustment to the figures only. In my opinion, the Government will be able to review the mechanism after the resolution debate is adjourned. This precisely is the appropriate and constructive approach.

Also, the Government says the adjustment will involve \$7 million of recurrent spending on a yearly basis. To me, this is another supporting reason for adjourning the resolution debate so as to allow ourselves a chance to give another thought to the issue. When the adjustment rate is so low and the amount of spending so small, the impact it may cause to the financial operation of Hong Kong will also be small. Given the small financial implication and significant social impact of the service, which helps safeguard legal impartiality, equality and justice, why does the Government spend so little additional expenditure on the work concerned? Why does it not increase the amount of additional expenditure for a better and more ideal service?

Therefore, I hope that after the resolution debate is adjourned, the Government can give this a thought. If the expenditure involved is so huge that the financial operation will be affected, no more reconsideration is deemed necessary of course. But now we are just talking about \$7 million of additional recurrent spending which is a small sum, why does the Government not adopt a

more flexible approach, provide a more appropriate and reasonable level of economic compensation to the service providers and let them render better services?

Many colleagues mentioned just now that the lawyer fees under both the legal aid and duty lawyer systems fell way behind the market level. Shall we close this gap then? If we continue to scrutinize and then pass the resolution, we will actually be blamed by the people. The people will say: the amount of additional expenditure involved is so small and the money is well spent, we see no reason to economize. Hence, should the Government make another consideration on this, stop clinging to its rigid and mechanical approach and strive for better outcome?

President, I would like to make one last point with regard to the duty lawyer system. If we do not raise the compensation given to the lawyers ... President, I will just say one more line. There are far too many cases in which the duty lawyer asks the client not to file a lawsuit but to plead guilty. We all feel deeply sorry upon hearing this. The level of adjustment we now make to the lawyer fees may have an unexpected impact on the administration of justice. Given such a grave consequence, if we do not adjourn the resolution debate and consider the matter anew, more cases of injustice and more unfair trials will eventually be resulted and this is definitely undesirable. We do not want to see clients face such ramifications because of a lack of reasonable legal support. Therefore, it is my earnest wish to adjourn the resolution debate, make good use of the time thus rendered available and let the Government consider afresh how to improve the system, the adjustment rate or the entire financial operation, instead of passing the resolution today in a haste.

President, I do not want to take up time in the Council any further and prevent other Members from making their speeches. But if this adjournment motion is carried, I hope the Government can effectively implement the suggestions I made just now and conduct a thorough and in-depth review.

President, I so submit.

MR ALVIN YEUNG (in Cantonese): President, I can identify with the good intention of Mr KWONG Chun-yu in moving this adjournment motion. His action fully echoes the lyrics of a song: "If you know my good intention, why are

you not touched?" He wants to make the system better and introduce genuine reform. I will not question his intention.

Just now, some Members, including Mr CHAN Chi-chuen and Mr LEUNG Yiu-chung who just spoke, pledged their support to the adjournment motion and expressed their emphatic and sincere points of view. I can understand them. But, on behalf of the Civic Party, I beg to decline joining them this time because we do not think this adjournment motion should be passed. However, before going into our justification for not supporting the passage of this adjournment motion, we wish to express our serious doubts and reservations about using CPI (Consumer Price Index) as the only standard in adjusting the fees for legal aid lawyers. We will also put forth the following points, hoping that the Government can understand the problem.

There are a few points I wish to raise, including CPI, ignoring the benefits of quality enhancement, which ... in evaluating ...

PRESIDENT (in Cantonese): Mr YEUNG, this Council is now in a debate on the adjournment motion. Your point about CPI has been mentioned by a number of Members in the past eight hours or so. You should stop your tedious repetitions. You only need to state your reasons for supporting or not supporting the adjournment motion. Please continue with your speech.

MR ALVIN YEUNG (in Cantonese): Okay. Thank you for reminding me, President. I believe you know that I do not like to indulge in verbosity. I will only briefly talk about my observation on CPI and then I will come to the subject.

President, based on this argument, I will continue with my speech. Certainly, CPI is something very complicated to calculate. How to come to a truly fair formula? I believe we need more economists to tell us their answers to the question. But President, when it comes to legal aid, it is worth bringing out the following data for discussion, especially those related to criminal legal aid. According to government statistics, \$450 million was spent on legal aid for criminal cases in 2015-2016 and the corresponding expenditure in 2016-2017 rose to \$580 million. What does this mean? It means that there was a sharp increase in the number of people requiring related services, and also in the number of cases involved.

According to statistics from the Legal Aid Department ("LAD"), for this July to September alone, over 300 legal aid certificates of criminal cases were issued by district courts, meaning that at least 300-odd people benefited from the legal aid system. Precisely because of this reason, hundreds of Hong Kong people, as well as their legal representatives, will be directly affected if we abruptly adjourn the debate on this motion. Members of the public will certainly be affected, but lawyers will be prevented from offering their best service as well. I think this is unfair to lawyers. At this juncture, President, allow me to declare that I am a practising barrister and I may handle criminal cases at times.

President, I will now continue with the discussion of the subject. Let us look at the number of assignments to legal aid practitioners by LAD. In the third quarter of 2017, almost over 300 counsel and over 600 solicitors, which was even more, were assigned cases by LAD. President, I am just talking about one quarter and there were already so many cases. Of course, what we are discussing, or arguing, today concerns not only the personal interests of these 1 000 legal practitioners. We believe that making timely, immediate and expeditious fee adjustments for legal practitioners, adjustments that are proper and fair, can give better legal protection to the public.

As I mentioned just now, our opposition to this adjournment motion does not mean that we totally agree with using CPI(C) as a standard. Actually, it is not totally agreeable to us. But in short, providing timely "increment" to the numerous legal practitioners can provide an immediate relief and timely help to them against the soaring commodity prices in Hong Kong.

President, at this juncture, I wish to share a joke with you all. I do not totally agree with it, but it often makes me smile. The Chinese character "法" in the term "法律" (meaning "the Law") is made up of "氵" (the "water" radical) and the Chinese character "去" (meaning "to go"). It means that it is impossible to go without water (which in Cantonese also means money). President, justice certainly cannot be bought with money. But money is indeed very important to most legal practitioners who live by participating in litigation and practising law. Nevertheless, they do it solely for upholding justice, though those bosses, property developers or property owners may not have the same thinking. Legal practitioners thus need a lot of resources to go on providing this service that upholds justice.

So, President, despite our opposition to the adjournment motion, we still hope that the Government can consider whether a biennial review can meet the needs of legal aid services in Hong Kong, and whether it can uphold justice and help members of the public engage the best legal services and counsel.

President, at this juncture, I wish to come back to the statistics provided by LAD. In the last quarter, 270 counsel and 576 solicitors, both with over 10 years of experience, were assigned civil and criminal cases. If we add the numbers I mentioned earlier together, we have about 1 000 legal practitioners; and if we add 270 and 576 together, we have over 800 legal practitioners. What does this mean? It means that legal practitioners with over 10 years of experience were assigned most of the cases. But if we refer to legal practitioners with less than 10 years of experience, since LAD categorizes them into groups of 3, 3-5 and 6-10 years of experience, their total only accounts for a small fraction of the assignments, showing that the more experienced a legal practitioner is, the higher the chance he is likely to secure an assignment. This is certainly good to the aided persons because they can have an experienced legal practitioner to help them. But at the same time, this presents a concern because this is not conducive to attracting newcomers, especially those with the qualifications and ability, to join and provide this service, as well as filling the vacancies in the future.

Hence, President, while we will oppose this adjournment motion, we also hope that the Government can do a rethink and a review to prepare for the future and expeditiously attract more legal practitioners to join this service, so that more legal practitioners can take part in legal aid services and help more Hong Kong people in need of these services.

President, having said so much, I wish to stress that abruptly moving this adjournment motion cannot force the Government to review the system, since the Government is not known for taking fast actions. But rather, the adjournment motion will directly impact on or affect lawyers and the general Hong Kong public. We hope that, as far as this motion is concerned, we can convince Members to let the Government go for once, so that it can expeditiously adjust the fees concerned and then proceed to an in-depth review.

I do not know if pro-establishment Members, including those with a legal background, agree with my view or not. Nevertheless, I hope that they can share their views and experience from the perspective of their industry or their

personal experience, so that our discussion will not be too one-sided. President, I believe pro-establishment Members with a legal background should have a lot to say, or share with us, about this not too political subject. Hence, President, given that we have so many competent Members here, I hope they will later share their views with us.

President, I am not a verbose person, as I have said in the beginning, and I will stop here. Before I end my speech, I note that some Members are not here. May I ask the President for a headcount?

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

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

PRESIDENT (in Cantonese): Ms Tanya CHAN, please speak.

MS TANYA CHAN (in Cantonese): President, I mainly talked about my personal experience last week, pointing out that the coverage of legal aid or duty lawyer services should be expanded to police stations to enable arrestees or detainees to receive legal support. I will discuss this point in detail later on. But I have noticed that a paper on my bench has set out the scope of the debate today. It particularly mentions two grounds put forth by Mr KWONG Chun-yu when proposing an adjournment of the debate. I will not repeat Members' arguments because my following speech will mainly focus on these two grounds, ones which have aroused my opposition.

I mentioned in my speech last time that I had likewise provided duty lawyer services. And I also said last time that Members might have overlooked the immense work pressure faced by duty lawyers. But today, I mainly wish to say that even though I understand that an expeditious consolidation or even review of the entire system may be impossible as the task of review may be transferred to the Chief Secretary for Administration after this amendment exercise, I believe that as mentioned by many Members just now or last week, the existing basis for fee adjustment is already problematic with too low a percentage

base, and it looks like the biennial review is not quite so satisfactory as it can be said that it can only play catch-up at present. I hope that the Administration can conduct a sincere and thorough review of this.

Besides, my major focus is the meagre sum committed by the Government to legal aid or duty lawyer services over all these years. I have done some surveys and found that it is actually far less than the sums committed by certain European Union countries ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, please hold on. This debate has been underway for almost three hours so far. In the process, Members have kept repeating their points in their speeches, and the contents of your speech just now was likewise outside the scope of this debate, namely the adjournment or otherwise of the debate on this proposed resolution. Please refrain from repeating the viewpoints of other Members and those which you already mentioned at the previous meeting. Please return to the scope of this debate and discuss the adjournment or otherwise of this debate.

MS TANYA CHAN (in Cantonese): Alright. Thank you, President. But I merely spent two minutes on giving an introduction. I was about to discuss price changes or the price index, and my speech will focus particularly on the second ground put forth by Mr KWONG Chun-yu in requesting an adjournment. It is about entrusting the Home Affairs Department to review the existing duty lawyer system, including a review of the discrepancy between the current fees for duty lawyers and market fees. Why do I have to begin with this point? It is because it precisely has a close relationship with the sum committed by the Government to duty lawyer services and the Legal Aid Department ("LAD"). If Members look at "Head 53—Government Secretariat: Home Affairs Bureau", they will notice that the fiscal provisions for duty lawyer and legal aid services only totalled around \$100 million in 2015-2016. President, I realize a huge shortfall after comparing this figure with the sums committed by European countries.

First, my comparison will be based on the Gross Domestic Product ("GDP"). I will quote from a document I have at hand issued by "HiiL". Its full name indicates that it is a social enterprise based in Hague. I hope ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, I already reminded you that you should not debate the actual contents of the proposed resolution. Now, you only need to explain whether you support the adjournment motion. Besides, your arguments on issues such as the price index are irrelevant to the present topic. Please return to the topic of this debate.

MS TANYA CHAN (in Cantonese): President, I have to briefly discuss ... President, my discussion has definitely adhered to this topic all along. I want to tell Members why I will raise opposition and also why the Government needs to review the existing fees. Mr KWONG Chun-yu put forth two grounds when proposing to adjourn the debate. So, I speak on the basis of the two grounds put forth by him and raise objection to his adjournment motion. I notice clearly from the relevant records that one of the grounds advanced by Mr KWONG Chun-yu concerns the huge discrepancy between the relevant fees (or the fees for the services covered) and market fees.

First, I have noticed that the HKSAR Government's fiscal provision for legal aid is already lower. My comparison will only base on England and Wales. The sum committed by these countries for providing legal aid is 0.13% of the per-capita GDP. But if we base on the figure provided by the Home Affairs Bureau as I mentioned just now, we are only talking about a rate of 0.00005%. President, the digit "5" appears only after the four zeros before the decimal point. First, we can see that the sum we have committed to legal aid is meagre when compared to those committed by advanced countries.

President, the sum will be even smaller if we do computation on a per-head basis. For instance, computed on a per-head basis, the sum committed by England and Wales to legal aid is \$365 after conversion to the Hong Kong dollar. But the sum committed by Hong Kong is merely \$16.9. President, this sum is merely half of one tenth (or 5%) of the sum committed by England and Wales. As Members are aware, apart from paying the wages of LAD staff, a large portion of our legal aid expenses is also spent on paying on-fiat lawyers. From this, one can notice that the sum committed by Hong Kong or paid to lawyers for the provision of legal aid or duty lawyer services has significantly fallen short of the sums committed by advanced countries.

Besides, speaking of the reasons for my opposition to this adjournment motion, I must make particular mention of criminal proceedings again. Due to the overall situation of Hong Kong at present, the rate of criminal legal aid cases in all legal aid cases is actually not high, standing at around 26% only. In order to make it easier for Members to draw a comparison, I will use criminal legal aid cases in England and Wales as an example. Their judicial systems are closer to that of Hong Kong, without any particular or further detailed classification of criminal legal aid cases. As for other countries or places such as Scotland, according to the information I have at hand, and also as I mentioned a moment ago when discussing a non-profit-making organization in Hague, since the mission of the organization concerned is mainly to enable people to ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, I remind you again that the figures you mentioned just now in your speech are irrelevant to your support or otherwise for this adjournment motion. Please return to the topic of this debate.

MS TANYA CHAN (in Cantonese): ... Alright, President. In fact, I have all along held a focused discussion on the two grounds put forth by Mr KWONG Chun-yu for adjourning the debate. And, he also mentioned the proportions of various cases. Next, I must tell Members that the system concerned is very likely to be affected owing to the low proportion of criminal legal aid cases. And, I even have to discuss the very meagre expenses on each criminal legal aid case in Hong Kong. For instance, I said just now that over half of the legal aid cases in England and Wales were criminal cases. But in the case of Hong Kong, criminal legal aid cases merely account for 26% of the total. This is obviously due to insufficient resources for criminal cases, with the result that some lawyers who were initially interested in handling such cases, or even those lawyers who are in the middle of handling such cases, have shifted to civil cases. Therefore, the majority of legal aid cases are civil cases, whereas criminal cases merely account for a small number. For these reasons, if the motion is adjourned now, I do not know when the Government will introduce a resolution to this Council again. This will actually produce significant impact on the progress in the days ahead.

As I said just now, and also as mentioned by Mr KWONG Chun-yu, what is the amount of resources committed by the Government to criminal cases? The information I have at hand shows that speaking of resource commitment for criminal cases, England and Wales spend \$159 on each case. However, does the

President know the expense on handling a criminal case in Hong Kong? It is \$15.7. A comparison with the former figure shows that the sum spent by Hong Kong is merely one tenth of the former. This can precisely enable Members to notice a huge discrepancy in resource distribution. We hope that the Government can take this opportunity—Do not adjourn the motion; I oppose the adjournment motion—to conduct a serious review, so as to find out the reason for our meagre expenses on criminal cases.

Another part of my speech concerns the provision of support in the form of legal aid or under the relevant legal mechanisms to detainees who are deprived of the right of free movement. This is likewise closely related to the issue of fees. Government papers show, or perhaps Members have actually noticed, that as early as July when the Home Affairs Bureau explained ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, you have digressed from the present topic. If you wish to discuss government papers, you should do so in the debate on the proposed resolution. The present topic is whether this Council should adjourn the debate. Please return to this topic. If you continue to digress from this topic, I will ask you to stop speaking.

MS TANYA CHAN (in Cantonese): President, thanks for your reminder.

PRESIDENT (in Cantonese): Please return to the topic of this debate. I have been listening to your speech. But so far, I have failed to understand the relevance of your speech to the topic. Please return to the topic.

MS TANYA CHAN (in Cantonese): President, if you do not understand what I mean, can you allow me to pass all the papers to you later on for your perusal? I will be happy to be given an opportunity to further explain the matter to you in person. I have been discussing the present topic ever since the beginning of my speech.

Regarding this government paper, especially the part on the way forward, I know that the Government ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, this is my last warning to you. You have digressed from the topic. You should return to the topic of this debate and explain whether you support the adjournment of the debate on the proposed resolution under Rule 40(1) of the Rules of Procedure, rather than debating the actual contents of the proposed resolution. Please return to the topic; otherwise I will ask you to stop speaking.

MS TANYA CHAN (in Cantonese): ... President, I was merely able to finish an utterance just now. How could you possibly know that I would not return to the topic? President, let me reiterate that Mr KWONG Chun-yu put forth two grounds in moving the motion on adjourning the debate, and I have been discussing the first and second grounds put forth by him. I do not understand why the President would think that I have digressed from the topic. Besides, the President already knew that I would digress from the topic even before I started my discussion on that paper just now. I am really baffled.

Let me continue. This involves the entire duty lawyer services and the request for reviewing the existing discrepancy between the fees for duty lawyers and market fees. As Members said just now—I will not repeat their points, but I have to mention this as a start—the fees for duty lawyers have significantly fallen short of the fees charged by private lawyers. The President might have heard this earlier on. Why is there such a huge discrepancy? In the particular case of duty lawyer services for certain types of cases heard in Magistrates' Courts, the current situation is actually not unserious. President, in an individual case, for example, the maximum penalty that can be imposed by a Magistrate's Court is two years' imprisonment. Speaking particularly of cases with the likelihood of involving fraud, even though the facts of such cases may not always be very complicated, more experienced lawyers are very often able to offer more focused help to the defendants. But sadly, many people may think that cases heard in Magistrates' Courts are simple or only of a minor nature. But actually, those cases are not minor at all. Some cases involving commercial crimes or the Independent Commission Against Corruption are likewise heard in Magistrates' Courts. If the fees payable to qualified or experienced lawyers are not attractive enough, such lawyers may opt for other cases.

I strongly hope that the Government can seize this opportunity to do something rather than ceasing its efforts now. It is because the paper also says that first, the Government is now dealing with service expansion to persons

detained in police stations. But sadly, the Government has not given any timetable and explained when the review will be conducted. Actually, a review conducted by the community has already been underway for six years, and we have to further wait a couple of years for the Government's reply. I do not know when it can put forth a timetable in the end.

Lastly, I strongly hope that the Government can take this opportunity to conduct a fresh review of the basis for this matter. Many Members have talked about the Consumer Price Index (C), and we also understand the various problems with the Consumer Price Index. But there is bound to be delay forever if the review is conducted once every two years. Actually, the 4% adjustment this time around is not enough to catch up with the extent of increase in the price index since two years ago. I strongly hope that the Government can take this opportunity to review not only the extent of upward adjustment. Most importantly, it should begin with the basis and conduct an overall review in one go. I also hope that the Government can follow the practice adopted by advanced European countries as much as possible in allocating resources for legal aid.

Finally, I certainly even hope that the Government can separate LAD or other lawyer support services from the Government. I mean the Government should provide subsidy and separate them from the Government. One example is duty lawyer services. Duty lawyers will provide legal support and advice in the community. But very often, this has to depend on District Offices' arrangements. Besides, the time for consultation is short, and we are talking about a duration of probably some 20 or 30 minutes. I believe various Members' offices have received many phone calls from people who say that their problems remain unresolved even after they have met with personnel providing volunteer duty lawyer services.

Quite some time ago, two former Members, Margaret NG and Audrey EU, expressed the hope of providing legal support in the community because so doing could offer more focused support and even follow-up services in cooperation with non-profit-making organizations as a show of more timely concern about people's demand for legal services.

I so submit.

MR DENNIS KWOK (in Cantonese): President, I rise to speak against the motion of adjournment. Before citing the reason against the adjournment motion, I must point out that a few Members, including Mr CHAN Chi-chuen and other Members, have listed many arguments for their support of the adjournment motion. I have to respond to them one by one.

Mr CHAN Chi-chuen has just given seven reasons for his support of the adjournment motion. First, Members cannot improve the present situation through the Legal Aid in Criminal Cases (Amendment) Rules 2017 ("the Amendment Rules"). This is the first point. Second, amendments to the adjustment mechanism can only be initiated by the Government itself. Third, an adjournment can strengthen the Government's determination to improve the mechanism for legal aid fees. Fourth, a timetable for improvement will not be possible without adjourning the debate on the resolution. Fifth, the present conditions are the most favourable for the Government to increase the fees level. Sixth, if the debate on the resolution is adjourned now, the Government still has time to submit relevant subsidiary legislation again. Seventh, the Government has never heeded our aspirations through all the years. There are altogether seven reasons listed by Mr CHAN for his support of the adjournment motion. As I am against the adjournment motion, I must refute these arguments one by one.

I have been a member and the Deputy Chairman of the Panel on Administration of Justice and Legal Services over the last five years. Members may have noticed the discussions conducted by the Panel on Administration of Justice and Legal Services in these years and learn that we all care about the subject of legal aid, and that we have been incessantly pushing the Government to improve the legal aid system, especially legal aid for criminal cases. It is needless to further illustrate the impact on Hong Kong if the current criminal legal aid system is not improved, as other Members have spoken on this already. The rule of law in Hong Kong will suffer heavily if this is the case.

Mr CHAN Chi-chuen's first argument for supporting the adjournment motion is that Members cannot improve the present situation through the Amendment Rules. This is wrong. Why do I say so? It is because everyone, the legal sector in particular, knows that if the existing Rules are not improved right now after pending so many years, the long-existing problem of low criminal legal aid fees will just linger on, discouraging many experienced solicitors and counsel to take up criminal legal aid cases. Why? They actually know for sure

that one cannot expect legal aid fees, especially criminal legal aid fees, to be in line with the fees receivable from private practice. Likewise, Members will not expect law firms or barristers' chambers concerned to receive hefty fees from legal aid cases. Nevertheless, many members of the legal sector still actively take up criminal legal aid cases, noting that fees for certain cases will be very low, and that they cannot even charge a fee in some circumstances. Of course, like many fellow legal practitioners, they adhere to the same level of empathy and principles, believing that every solicitor and counsel should take up legal aid cases as far as possible. I personally have taken up legal aid cases too, but civil cases only. I do not take up criminal legal aid cases. As Members know, our legal aid clients cannot possibly pay for or afford the services offered by us otherwise outside the legal aid system or in the private market. However, under the legal aid system, they can have access to our services.

Why do we have to improve the present situation? In fact, legal aid fees today are so unreasonably low that many solicitors and counsel are already unwilling to take up such cases. Owing to the extremely low fees, the lawyers mostly cannot cover the costs if they take up these cases. This situation is really unfavourable. So, why can Members not ... I mean, the first point raised by Mr CHAN Chi-chuen, that is, Members cannot improve the present situation through the Amendment Rules. This is exactly the point that is wrong. Mr CHAN Chi-chuen may have yet to review the discussions done by the Panel on Administration of Justice and Legal Services in all the years. If he has done so, he would have known that the legal sector have long been waiting for a solution to the legal aid problem faced by them. Moreover, we actually need to further consider substantially raising the base rate for legal aid services apart from increasing the legal aid fees, so as to catch up with the market fees and engage more counsel and senior counsel of high calibre to provide legal aid services for criminal cases. This is the first point I wish to deal with.

The second argument from Mr CHAN Chi-chuen in support of the adjournment motion is even more ridiculous. He stated that the adjustment mechanism can only be amended by the Government itself. Probably this is truly the case on the surface, but the problem is, if Mr CHAN Chi-chuen has noticed our previous efforts fighting for improvements, he will know that the overall legal aid system has in fact been improving continuously. This is achieved not only as a result of the Government's actions, but also the collaborated efforts of the legal sector on improvements in the legal aid system, including The Law Society of Hong Kong, the Hong Kong Bar Association or

legislators like us who care about the development of the legal sector. If he has paid attention to the deliberations done by the Panel on Administration of Justice and Legal Services in the past, he would have learnt that Senior Counsel Margaret NG, a predecessor of mine, and even the Members now present in this Chamber who care about rule of law and the development of the legal aid system, have been working hard all along to make suggestions and put forward proposals concerning the improvement in the legal aid system.

With regard to civil legal aid, I will not go into detail as the topic today is legal aid for criminal cases. I do not want to stray from the topic. So, what kind of improvements did we have in respect of criminal legal aid before? There are many improvements indeed. For example, in the past, when a solicitor wished to visit a client in prison to take instructions, the solicitor might not be eligible to charge a fee without visiting the client with a counsel. In connection with such an absurd arrangement, we have been in contact with the Legal Aid Department which also acknowledges the absurd practice. In fact, solicitors can still do their jobs without visiting the clients and taking instructions together with counsel, and this will thereby save taxpayers' money. After all, it does not require the presence of counsel in order to take instructions from clients, as solicitors, and even trainee solicitors accompanied by legal clerk with legal training can take on the task. So, why must a solicitor be accompanied by a counsel before the former can visit a client and receive a fee? The solicitor will get no payment without a counsel's company. This is a very good example indicating how the legal sector can offer the Legal Aid Department and the Government a solution through The Law Society of Hong Kong, the Hong Kong Bar Association and the representative of the sector in this Council, instead of seeing an improvement initiated by the Government only. Moreover, Members must not forget that the Legal Aid Services Council is very important as a public body. The Legal Aid Services Council and the Legal Aid Department are totally different, in which the former is another separate body which keeps on reviewing the legal aid system. The incumbent Chairman of the Legal Aid Services Council is a former legislator who understands very well the importance of legal aid. Over the years, he has been active in putting forward numerous recommendations through the Legal Aid Services Council in a bid to enhance the legal aid system.

Members are referred to one of the proposals introduced in the Policy Address this year, which is to transfer the Legal Aid Department to come under the Chief Secretary for Administration's office. This is a fine example for

recommendations not given by the Government but the Legal Aid Services Council which results in the transfer of the Legal Aid Department to come under the purview of the Chief Secretary for Administration with a view to enhancing the importance and independence of the Legal Aid Department's duties. Hence, the second reason stated by Mr CHAN Chi-chuen in support of the adjournment motion is absolutely unwarranted.

Third, Mr CHAN Chi-chuen claimed that an adjournment can make the Government more resolved in enhancing the fee mechanism. I believe this argument is not sufficiently justified. Members may notice that previous Budgets prepared by the Government over the years have shown rather significant increases in overall funding for the Legal Aid Department every year ... I do not have a specific figure on hand, but I remember that the annual funding for the Legal Aid Department has always exceeded \$80 million in recent years. In fact, the funding increases every year. The Panel on Administration of Justice and Legal Services will ask the Director of Legal Aid Department each year if the resources are adequate, and if not, which areas are in need of additional deployment. This demonstrates the Government's resolution in this respect. It has always granted sufficient funding for the Legal Aid Department so that it can enhance its performance. That said, when it comes to the question of sufficiency, of course we believe that the funding is insufficient, that the Government still have ample room for strengthening its endeavour and determination to optimize the legal aid system. Therefore, I really cannot agree to the third point suggested by Mr CHAN Chi-chuen.

Fourth, Mr CHAN Chi-chuen pointed out that a schedule for improvement will not be available without an adjournment today. This point overlaps a bit with the third point, but I cannot agree to the argument that improvements cannot be done in the foreseeable future if an adjournment is not passed. On the contrary, if the debate is adjourned, an improvement will then really be postponed indefinitely. It is because a timetable for improvement will truly be impossible if criminal legal aid fees are still not increased to narrow the different with market fees. So, if we take the first step now and increase the level of legal aid fees today to rationalize the fees in this aspect, thereby incentivizing more solicitors and counsel to engage in these tasks, we are genuinely taking the first step of improvements. Therefore, I cannot agree to the fourth point raised by Mr CHAN Chi-chuen in support of an adjournment.

As regards the fifth point, Mr CHAN Chi-chuen said that the present conditions are the most favourable for the Government to increase fees. Are the conditions most favourable now? Have these conditions always been present before, or will they appear again in future? I have paid attention to the speech made by Mr CHAN Chi-chuen. I believe he meant that, as the Government has amassed a gigantic amount of fiscal reserves of \$100 billion, it can spend the money anytime on additional funding for legal aid, and therefore it is the best time to increase funding. However, Members have to remember that we are not talking about overall funding, but the increase of hourly fees payable to lawyers. Actually we all wish to increase the amount gradually. It is surely impossible to, say, increase the fees rapidly from the current level of around \$1,000 to over \$5,000, nor is this in conformity with the basic principles of fiscal management. We cannot suddenly set a fee hike without any objective proof. Therefore, we can only rely on objective standards like the Consumer Price Index or market fees charged by solicitors and counsel in order to judge a reasonable amount of increase. So, Mr CHAN Chi-chuen is only half right by saying that the conditions now are most favourable for the Government to increase the fees. Contrarily, he is half wrong in the sense that the Government, despite the colossal amount of fiscal reserves, cannot increase the fees drastically to raise the rates payable to lawyers providing legal aid services. While negotiating this subject with the Bureau at meetings of the Panel on Administration of Justice and Legal Services, I and Chairman Dr Priscilla LEUNG did not follow these principles as the basis for discussing the increase of legal aid fees. Therefore, I cannot agree to the fifth point introduced by Mr CHAN Chi-chuen.

The sixth point proposed by Mr CHAN Chi-chuen is that the Government still has time to submit relevant subsidiary legislation if the motion debate is adjourned now. As Members may know, the Government is not going to submit any subsidiary legislation to the Legislative Council at present, not to mention motions on the people's livelihood. We all know why. The Government is employing a tactic to stop tabling any subsidiary legislation to the Council at this moment in the light of the dispute between the pro-establishment camp and the pan-democratic camp over the Rules of Procedure. In this case, how can we say that passing the adjournment motion will give the Government the time to submit subsidiary legislation? The Government will never do so. It will not bring forward any subsidiary legislation on other subjects, not even a piece of subsidiary legislation relating to legal aid to try improve the current legal aid system. So, I do not assent to the reasons and logic provided by Mr CHAN Chi-chuen.

President, I wish to raise my last argument in the remaining 20 seconds of my speaking time. Mr CHAN Chi-chuen's seventh point is that the Government has never heeded our needs in the past. This is wrong again. If Mr CHAN Chi-chuen has taken note of the previous discussions of the Panel on Administration of Justice and Legal Services, he would have realized that the legal aid system has been improving constantly, especially in terms of fees and resources relating to legal aid for both civil cases and criminal cases, and so on (*The buzzer sounded*) ... so I cannot agree to this ...

PRESIDENT (in Cantonese): Mr KWOK, please stop speaking.

MR CHU HOI-DICK (in Cantonese): President, regarding this adjournment motion, I have heard some views presented by two Members just now, namely Mr Kenneth LEUNG and Mr James TO, which are quite representative. Mr Kenneth LEUNG put forth certain conditions and said that he might not support the adjournment motion if those conditions are met in order that the original resolution will be put to vote and passed. On the other hand, Mr James TO opined that the debate should be adjourned mainly because that can help pressurize the Government to implement fundamental reform of the criminal legal aid and duty lawyer services.

President, I will first briefly hit out at Mr Kenneth LEUNG's arguments. Mr LEUNG said he would not mind waiting for the Government's proposal on improving the system if the Government could make a promise when responding to our debate after which was completed that the proposal would be submitted within six months. I think this is unrealistic. Should the Government really intend to reform the system, it would have already proceeded to do so. It is unlikely for the Government to change its stance all of a sudden because of the two debates conducted in this Council. On the contrary, I find Mr James TO's view closer to mine instead.

President, I hope to compare this with the motion moved earlier on in respect of the Energy Efficiency (Labelling of Products) Ordinance to adjourn the debate. In objection to Mr CHAN Chi-chuen's arguments, I voted against the adjournment motion moved in respect of the Energy Efficiency (Labelling of Products) Ordinance. Why did I oppose the adjournment motion back then but now ...

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please focus on the question under debate. You need only state whether you are in support of the adjournment motion and not to make comparison with your previous voting preferences.

MR CHU HOI-DICK (in Cantonese): President, I am just following the instruction given by the Deputy President just now as to focus the discussion on whether I support the adjournment motion.

PRESIDENT (in Cantonese): Yes, you should focus the discussion on this adjournment motion instead of stating your voting preferences regarding the adjournment motions moved previously.

MR CHU HOI-DICK (in Cantonese): I am not stating my voting preferences for the adjournment motion moved previously. All I am trying to say is that whether we agree or oppose such a motion moved to adjourn the debate should be subject to the principles on which our consideration is based. The adjournment motion moved last time in respect of the Energy Efficiency (Labelling of Products) Ordinance will help us gain a better understanding of these principles.

President, please allow me to continue. Simply put, there are actually three points in question. First, does the 4% increase in the legal aid fees really matter and it will be a real regret if it is shelved due to the adjournment of debate? Definitely not. I will discuss this by citing the views from the perspective of a stakeholder later. In fact, people do not have too much concern whether there will be an increase of 4% or not.

Second, suppose we do not adjourn today's discussion on this resolution proposed by the Government, will it be possible for the Government to recompense in other areas in a bid to address the problem we are now pinpointing? For example, can the scope of criminal legal aid be expanded to cover fares and other items, just as we have mentioned during our discussion on the Energy Efficiency (Labelling of Products) Ordinance last time that the scope of energy efficiency labelling could be expanded to cover mobiles phones, vehicles and houses? However, there is no room for expansion of the scope of

legal aid because it already has a complete coverage. They are actually two different situations.

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

Thirdly, as to energy labelling, the discussion at that time was aimed at reducing carbon emissions and I then pointed out that reduction in carbon emission could actually be achieved by other means. Therefore, even if the Energy Efficiency (Labelling of Products) Ordinance is passed and implemented, we can still keep on urging the Government to increase green infrastructure in other areas, making it possible to take forward carbon reduction work at the same time. However, criminal legal aid fees have a bearing on the livelihood of lawyers, and it is impossible to make up for the inadequacies of the legal aid system by granting subsidies to doctors or architects. And so, there is no other way to compensate the sense of grievance felt by those lawyers undertaking criminal litigation work on behalf of the Legal Aid Department ("LAD"). In particular, it is quite difficult for them to cater for the ever-increasing expenses and needs of their law firms. Why do I tend to support Mr James TO? Just because he deems it imperative that Members make good use of this opportunity to adjourn the discussion under the overall decision made by this Council in an attempt to exert pressure on the Government. That is to say, we do not accept an increase of only 4%. What we want is a reform of the entire legal aid system.

Deputy President, on learning that we have this motion moved to adjourn the debate just now, I consulted my friends practising in the legal field via the Internet for their views as stakeholders on whether they are willing to see this Council give consent to adjourning the debate in an attempt to pressurize the Government to come up with a more comprehensive proposal instead of "pocketing it first". I received views from several such friends, in particular those undertaking criminal litigation work, who unanimously opine that the discussion should be adjourned while legislators should not "pocket it first", hoping that the Government will, when being put under pressure, proceed to conduct a review seriously.

What are the views held by myself and these stakeholders during our online discussion? Well, there are three major parts. The first part, as told by a lawyer who have handled a large number of criminal cases ...

DEPUTY PRESIDENT (in Cantonese): Mr CHU, I remind you: You have already made clear that you concurred with Mr James TO's point of view, that is, adjourning the debate on the proposed resolution can help pressurize the Government. Yet, you are not the first one to point out this. You have already made it clear and thus need not provide any illustration in detail.

MR CHU HOI-DICK (in Cantonese): Deputy President, I think the views that I heard during the conversation between me and the stakeholder earlier are worthy of sharing with my Honourable colleagues here. Therefore, instead of speaking in support of Mr James TO's point of view, I actually wish to convey the conclusion drawn from the few hours' discussion between me and a stakeholder in the legal field. I just hope you will allow me to continue my speech.

The stakeholder, who is a lawyer handling criminal cases, told me that regarding criminal and civil legal aid solicitors and counsel, even though both are remunerated for rendering legal aid services, the difference in their daily income is quite significant. Lawyers handling civil cases will charge \$32,000 a day, while those handling criminal cases only charge \$8,000. In view of this, he is now thinking about one issue. Given the case of the Mong Kok riot will soon be tried in court, he is reckoning if any lawyer will be willing to undertake the criminal litigation work of this case on behalf of LAD. There are altogether 80 days of work, each is offered a remuneration of \$8,000 only ...

DEPUTY PRESIDENT (in Cantonese): Mr CHU, I must remind you that Ms Claudia MO, Ms Tanya CHAN and Dr KWOK Ka-ki have already mentioned the difference between the lawyers' costs in civil and criminal litigation, and so it is not a new argument. Please put forth new arguments or simply stop speaking.

MR CHU HOI-DICK (in Cantonese): Alright then, Deputy President. This friend of mine, i.e. the lawyer dedicated to handling criminal cases, told me a viewpoint which has been never brought up by any person before. He is of the view that the debate on the resolution should first be adjourned so as to press the Government to review the system seriously not only because that the remuneration for civil litigation service has exceeded that for criminal litigation service by folds, it is also because the destination of the review on criminal legal aid fees is still far from sight, whereas further adjustment in civil legal aid fees is possible. He finds this most annoying indeed.

He thus went on to tell me that the Judiciary is actually reviewing the solicitors' hourly rates for party and party taxation for the time being. On the other hand, the Panel on Administration of Justice and Legal Services of the Legislative Council had also had discussions in early 2017 and would recommend that the review of the solicitors' costs in civil litigation cost. I read through the relevant papers which showed that the Panel will submit its final recommendations by the end of 2017. And so, my friend remarked that should solicitors' hourly rates for party and party taxation in civil litigation be eventually adjusted upward, then the fees payable to lawyers undertaking civil litigation work will increase as well; conversely, the criminal ...

DEPUTY PRESIDENT (in Cantonese): Mr CHU, I have to remind you again of the question under debate: That whether this Council should now adjourn the debate on the proposed resolution. You are the 12th Member to speak. I will not allow any Member to make use of this debate session to elaborate on one's discontentment regarding the legal aid system or the legal aid schemes for criminal and civil litigation. You may express your such views on other occasions instead.

MR CHU HOI-DICK (in Cantonese): Yes, I understand, Deputy President. I rise to speak precisely because I have read the verbatim records of yours and learned that you want us to focus on why we support or oppose the adjournment motion. Just as what I have told the President who was then chairing the meeting, we are, after all, compelled by the motion to make a choice between "pocketing it first" and "adjourning the debate first to press the Government to handle the matter seriously".

I have given an account just now of my consulting the views of a lawyer handling criminal litigation precisely because I wanted to ask a stakeholder in person to find out if he is in favour of the option of "pocketing it first" or supports this Council to adjourn the debate so as to exert pressure on the Government. That is why I ...

DEPUTY PRESIDENT (in Cantonese): Mr CHU, it is not a new argument and you have already clearly elaborated on this view. If you have not any new argument to bring up, I will ask you to stop speaking.

MR CHU HOI-DICK (in Cantonese): Yes, I hope you understand my point of view ... That is why I have drawn just now a comparison between the adjournment motion moved in respect of the Energy Efficiency (Labelling of Products) Ordinance and the one moved today in respect of the Legal Aid in Criminal Cases (Amendment) Rules 2017 ("the Amendment Rules") which proposes a 4% increase to criminal legal aid fees. Actually, last time's debate should not have been adjourned because something could indeed be pocketed first and to be followed by further discussion with the Government, and the issue of carbon emission can be dealt with by other means as well.

However, the very matter of increasing the criminal legal aid fees by 4% is like a thoroughly rotten orange in the sense that we cannot see if this rotten orange can possibly be replaced by an apple, nor will any part of it become succulent again since it is entirely hopeless. Therefore, whether we are judging from the perspective of the Legislative Council, the public or the lawyers, discussion on the Amendment Rules here today should be discontinued if we really mean to entitle members of the public to better criminal legal aid service.

Therefore, I support the adjournment motion.

MR JIMMY NG (in Cantonese): Deputy President, I would like to make a declaration of interests. I am a practising solicitor, and I have joined the Legal Aid Panel. The issue is indeed simple. Today ...

(Mr HUI Chi-fung stood up)

DEPUTY PRESIDENT (in Cantonese): Mr NG, please hold on. Mr HUI Chi-fung, what is your point?

MR HUI CHI-FUNG (in Cantonese): I request a headcount.

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

(After the summoning bell had been rung, a number of Members returned to the Chamber, but some Members were chatting with each other)

DEPUTY PRESIDENT (in Cantonese): Will Members please keep quiet.

MR JIMMY NG (in Cantonese): Deputy President, I believe we cannot press the Government to review the criminal legal aid system simply by moving an adjournment motion alone. As many Members have mentioned before, we can call on the Government to conduct a review through the Panel on Administration of Justice and Legal Services of the Council, as well as other channels.

There is another argument against their premise. Why do they think that we can press the Government to conduct a review by passing the adjournment motion? The proposed resolution aims to increase legal aid fees by 4%. Passing the adjournment motion means that the Government will not have to pay for the extra 4% fees. How can this possibly exert any pressure on the authorities to comprehensively review the ordinances relating to criminal legal aid?

Moreover, as generally known, solicitors are totally aware of the level of fees before taking up criminal legal aid cases. So, with regard to those solicitors who are willing to handle these cases, I believe they partly do so out of their own wish to shoulder their social responsibility. They will not refuse these cases simply because of an increase or decrease in the fees by 4%. In my opinion, a proper adjustment to the fees will serve as an encouragement for their enthusiasm for serving the community.

So, I speak against the adjournment motion. Thank you, Deputy President.

MR HUI CHI-FUNG (in Cantonese): Deputy President, when it comes to criminal legal aid, if Mr Jimmy NG is really right in saying that counsel and solicitors undertake such litigation work only for reasons of social responsibility, will such a legal aid system and the criminal legal aid services thus provided be of a good quality? In order to discharge their social responsibility, lawyers can simply provide services free of charge, and I believe even though without receiving any remuneration, a lot of righteous lawyers who have a sense of social responsibility will be willing to provide legal aid services. Hence, is it true that the fee level of criminal legal aid services has nothing to do with the quality of the services provided? This is in fact a key factor for consideration when we review this time whether or not the fees should be adjusted upward by 4%.

Deputy President, I spoke last week in support of the proposal to adjust the fees upward by 4% under the Legal Aid in Criminal Cases (Amendment) Rules 2017, and my following speech will therefore focus on the appropriateness of increasing the fees by 4%. Is there any urgent need to do so, or is the fee level itself a reasonable one? All these are factors to be considered. Conversely, if the adjournment motion is passed, the Government will not be able to increase the fees at the adjustment rate proposed under the Criminal Procedure Ordinance, and the proposed resolution will have to be postponed. Under such circumstances, will the plight of counsel and solicitors handling criminal legal aid cases be worsened or alleviated? What results will actually be achieved if we vote in support of or against this adjournment motion?

Therefore, the Deputy President has repeatedly reminded us just now when Members were speaking, because much has been said by quite a number of Members about the reasons to vote in support of or against the adjournment motion. This I also fully understand, and I will remind myself not to repeat those viewpoints which other Members have expressed. Yet, it will be much appreciated if the Deputy President can listen to my analysis patiently. As for the reasons put forward by Members of both sides for supporting or opposing the adjournment motion, I find them justified but still maintain that the proposed upward adjustment of 4% to the fees should be implemented as soon as possible.

Some Members have mentioned the point about social responsibility just now, but is it really that simple? If it is asserted that the aim of providing criminal or civil legal aid services is to observe equality before the law, the policy objective is to ensure that no one will be denied access to judicial justice due to a lack of means. This is not only applied to civil cases but also to criminal cases.

Equality before the law and the principle of ensuring that no one will be denied access to judicial justice due to a lack of means are the rights given to us under the law and the Basic Law. They are universal values, and are also major principles that we must adhere to under certain international conventions. Since all citizens in a democratic society shall enjoy their rights and obligations under the law, if any of them is denied access to these rights through the law and the court, or is denied access to the opportunity for demonstrating that he/she does enjoy such rights and obligations, all of these rights and obligations will become meaningless, no matter the person affected is rich or is financially deprived and has to seek legal aid. Therefore, in a democratic and advanced society ...

DEPUTY PRESIDENT (in Cantonese): Mr HUI, you are now repeating an argument you have made about the proposed resolution, that is, the importance of the legal aid system to judicial justice. As Members should clearly understand your point by now, please focus your discussion on your justifications for supporting or opposing the adjournment motion. You have mentioned just now that the arguments made both for and against the adjournment motion are found justified, it is certainly so or there will be no need for us to have a debate. Please focus your speech on your justifications.

MR HUI CHI-FUNG (in Cantonese): Alright, and I will narrow down the scope of my discussion further.

I understand that the Deputy President is very much concerned about the efficiency and operations of Council meetings, and this may be due to the fact that you are eager to help out since the pro-establishment camp is seeking to amend the Rules of Procedure. It does not matter, and the people can see for themselves. Let me narrow down the scope of my speech to see if I can enhance the efficiency.

A concept still exists and many people think that the law does discriminate against the poor since only rich people have the means to bring their cases to court. I have once made an analogy and said that the Chinese character "法" (meaning the law) is made up of the radical "氵" (meaning water, which is commonly referred to as money) and the Chinese character "去" (meaning go ahead), implying that only those who have money can go ahead and bring their cases to court. Shall we keep on clinging to such a concept? It is repeatedly suggested that a direct comparison should not be drawn between criminal legal aid and civil legal aid, because it is utterly impossible to compare the two, particularly when the importance of criminal legal aid lies in the fact that personal freedom is involved, while civil legal aid may concern issues that have nothing to do with people's freedom and rights, such as the claiming of compensation.

Therefore, when discussing criminal legal aid, importance should be attached to the quality of counsel and solicitors engaged in providing legal representation to defendants, since criminal cases are involved. Does the quality of their performance deserve the adjustment rate of 4%? This is a question we should examine.

As I mentioned earlier, counsel and solicitors providing criminal legal aid services are good people who are willing to accept fee levels below market rates. They have to make reference to a statutory fee scale and charge service fees under a ceiling. As many lawyers here are aware, even though they are remunerated with an hourly rate of \$1,000 to \$2,000, which can be quite hefty for the ordinary citizens, this is actually a very low service fee level in the sector as far as criminal litigation work is concerned.

DEPUTY PRESIDENT (in Cantonese): Mr HUI, I remind you once again that you are repeating a point which you and other Members have made. The arguments you mentioned have already been clearly recorded. Please focus on whether you support the adjournment motion or not.

MR HUI CHI-FUNG (in Cantonese): Alright, but I would also like to ask the Deputy President to try to be patient, because Members have to take some time to express their ideas when delivering a speech. There is no need for you to rush everything through so that the pro-establishment camp can proceed with its plan to amend the Rules of Procedure. You need not work in tandem with the pro-establishment camp in this way.

DEPUTY PRESIDENT (in Cantonese): I have been very patient, for you have already spoken for 6 minutes 47 seconds. Please continue.

MR HUI CHI-FUNG (in Cantonese): A plight faced by the legal sector is that experienced and veteran counsel and solicitors are not willing to handle criminal legal aid cases, and only young lawyers who are newcomers in the sector will take such cases as chances to temper themselves and broaden their experience. This is unfair to the whole legal aid system and the poor.

I am sure it is definitely not a repetitive argument when I say that the degree of civilization in a society and whether a society is civilized depends very much on how it and its government treat the underprivileged. Such vulnerable members in a society include children, persons in custody, persons with mental health problems and even poor people.

DEPUTY PRESIDENT (in Cantonese): Mr HUI, let me give you one final reminder. Since you have repeated this point many times, please raise some new arguments.

MR HUI CHI-FUNG (in Cantonese): Deputy President, I have neither strayed from the subject nor repeated this point, and will you please tell me which Member has raised the argument about the degree of civilization in a society?

DEPUTY PRESIDENT (in Cantonese): Since the beginning of the debate, I have already pointed out that a number of Members have talked about the importance of the legal aid system to judicial justice, and the arguments you have raised are just further elaborations made on the same subject. Please raise some new arguments, otherwise I will ask you to stop speaking.

MR HUI CHI-FUNG (in Cantonese): Deputy President, I am elaborating on the degree of civilization in a society. Deputy President, I have been listening to the speeches of other Members, and none of them has mentioned anything about the degree of civilization in a society.

DEPUTY PRESIDENT (in Cantonese): Please raise some new arguments.

MR HUI CHI-FUNG (in Cantonese): Deputy President, such being the case, I request a playback of the audio recording. Indeed, never have I heard any Member raise the argument about the degree of civilization in a society.

DEPUTY PRESIDENT (in Cantonese): I have already made my ruling, and you are repeating a point which has previously been made. Please raise some new arguments.

MR HUI CHI-FUNG (in Cantonese): But you cannot tell me which Member has raised this point. It does not matter, and I do not bother to argue with you.

DEPUTY PRESIDENT (in Cantonese): I have already made my ruling. I will not debate with you, and please raise some new arguments.

MR HUI CHI-FUNG (in Cantonese): I also do not want to argue with you. If we say that more support should be provided for the poor and those in need, with regard to those poor people who are facing criminal prosecution and who have violated the law, shall we leave them alone or shall we pay even closer attention to the quality of services rendered to them as they are the most vulnerable of the underprivileged in our society?

I have to speak as much as I can, otherwise you will interrupt me again. In the biennial review conducted this time on criminal legal aid fees and duty lawyer fees, two factors have been taken into consideration and one of them is the movements in inflation or deflation. I think the general public will also consider this reasonable, because people will find it hardly acceptable if the fees payable to lawyers providing criminal legal aid services cannot even keep abreast with inflation.

The second factor is the difficulties (if any) we face in engaging lawyers to provide legal aid services. If things are what Mr Jimmy NG has suggested earlier and a lot of lawyers are willing to undertake pro bono legal work, there should definitely be no problem in engaging lawyers to handle such cases, and some of them may even be willing to pay for undertaking litigation work on behalf of the Legal Aid Department. However, I would like to point out that the difficulties do not merely lie in the availability of lawyers to provide legal aid services, but also in the quality of performance of lawyers handling criminal legal aid cases. As the quality of performance of lawyers is very important, why did the Government not consider the issue concurrently when conducting the latest biennial review?

Deputy President, I have also done some research and found that when reviewing legal aid fees, many other countries would at the same time conduct a review of the quality of legal aid services as a whole. These countries include England, Wales, Scotland, Canada, and so on. I am not going to read them out one by one, lest the Deputy President will accuse me of making lengthy remarks.

Hence, when discussing whether we should adjourn the debate, what we need to examine is whether the review conducted to determine an upward adjustment of the fees by 4% is a complete review. Apart from inflation,

deflation, the difficulties (if any) in engaging lawyers to do the job, we should also consider the quality of performance of lawyers handling criminal legal aid cases. If the quality of their performance is unsatisfactory, is it because this is not good enough to have an increase rate of only 4%? Is it because the service fees currently payable to counsel and solicitors in private practice are too low, thus confirming what many Members have asserted is right, that is, no veteran or experienced lawyer is willing to join and handle criminal legal aid cases?

If these lawyers are remunerated in accordance with the statutory level prescribed in the fee scale for undertaking the relevant litigation work, the longer the duration of such criminal proceedings have lasted, the more the fees payable to them will deviate from the market level. In order to go through long legal proceedings for complex legal aid cases, they really have to rely on their own social conscience and willingness to undertake pro bono legal work. If the situation is allowed to go on ...

DEPUTY PRESIDENT (in Cantonese): Mr HUI, I remind you once again that you have kept repeating your arguments about the proposed resolution. Do you have new arguments to make? Please stop speaking if you have no new argument to make.

MR HUI CHI-FUNG (in Cantonese): I do have some more points to make. I will try my best to narrow down the scope of my discussion, and I hope the Deputy President will try to be patient and listen to my views.

DEPUTY PRESIDENT (in Cantonese): Please raise some new arguments. I am not trying to disallow Members to express their views, but Members should now focus on whether they support the adjournment motion or not.

MR HUI CHI-FUNG (in Cantonese): I am trying to analyse my arguments.

DEPUTY PRESIDENT (in Cantonese): You have kept going round in circles discussing the same argument. Please raise some new arguments, and this is the fourth time that I remind you.

MR HUI CHI-FUNG (in Cantonese): Let me raise a new viewpoint, since I have done enough research and have many viewpoints to present. When a number of senior lawyers stop taking up legal aid cases, the number of veteran, experienced and quality lawyers in the whole judicial system will be decreasing, and will there be a corresponding decrease in the number of judges and senior counsel in the same system who possess the relevant experience, and who are eligible for appointment? Will this have an impact on the quality of judicial officers in the whole judicial system in the long run? This is a new viewpoint, is it not?

DEPUTY PRESIDENT (in Cantonese): This is not a new argument. I have already given you a chance to make your points, please raise some new arguments. Please stop speaking if you have no new argument to make.

MR HUI CHI-FUNG (in Cantonese): Will you please then ... alright, thank you, Deputy President. Let me present other new viewpoints, since so many arguments have already been raised by quite a number of Members.

Discussions held in many other countries previously on the review of legal aid fees have been faced with a lot of challenges, be they seek to introduce an upward or downward adjustment. Many countries have proposed to reduce government's financial commitment in the provision of legal aid services, since they have been faced with such problems as the financial crisis, and the fiscal deficit or financial difficulty of their governments. They have suggested reducing government's financial subsidy in this respect, and some countries have even proposed to outsource all legal aid services and award service contracts through open tenders under the approach of the lowest bid wins. However, these suggestions have triggered a lot of criticisms and denunciations, since legal aid services are not something we can lightly reduce simply due to a lack of means. We attach importance to judicial justice, and also to the issue of how the rights and obligations of a person can be exercised through the application of law.

As demonstrated by these overseas experiences, overseas governments have been criticized for seeking to reduce their financial commitment in this respect even though the proposals were put forward in times of economic difficulty. Is the Government's coffer of Hong Kong still flooded with cash? Am I right in saying that the Hong Kong Government has no lack of money?

Hence, when we try to determine if we should increase the fees by 4% or an even higher rate, I hope consideration will be given to the availability of enough resources in the public coffer to enhance the overall quality of legal aid services.

When there is still a choice, shall we be satisfied with the practice of conducting fee reviews on a biennial basis? Shall future adjustments be introduced in accordance with the inflation rate or deflation rate? Shall we only consider the difficulties (if any) in engaging lawyers to do the job? It seems that this should not be the case. Will the use of self-service be ultimately introduced for our legal aid services? As revealed by the findings of some studies conducted by other countries, judicial procedures of the judicial system can be streamlined, and we can promote the use of self-service by uploading all information onto the Internet and developing electronic digitalization. Shall Hong Kong be allowed to come to such a state? The answer is in the negative, because when it comes to the provision of criminal legal aid services, we still strive for quality.

Therefore, I consider it understandable for some Members to point out that the service quality has left much to be desired since the fees payable to lawyers rendering legal aid services are too low, and that the adjournment motion should thus be passed to force the Government to introduce more and better measures. However, I think the top priority for us now is to implement the proposed fees increase of 4%, thereby rendering assistance to counsel and solicitors providing criminal legal aid services when they are in hot water.

Thank you, Deputy President. I so submit.

DEPUTY PRESIDENT (in Cantonese): I remind Members that the question under debate is: Whether this Council should adjourn the debate of the proposed resolution. The debate has been going on for nearly four hours, and 14 Members have spoken so far. As we have spent almost eight hours debating the proposed resolution at the last meeting, this Council has already devoted about 12 hours in the discussion of the subject matter. I understand that Members wish to speak and express their views, but please focus on whether you support the adjournment motion or not, and do not use the current debate for discussing the entire legal aid system.

MR SHIU KA-CHUN (in Cantonese): Deputy President, I speak in opposition to the adjournment motion raised by Mr KWONG Chun-yu. He puts forth the motion for two reasons. First, he is dissatisfied with the existing arrangement under which the fees pertaining to the legal aid system are reviewed biennially in accordance with the change in Consumer Price Index. Second, he would like to ask the Home Affairs Bureau to review the existing duty lawyer system, including the great discrepancy between the current level of lawyer fees and the market prices.

Let me talk about the second reason first. Mr Dennis KWOK just now responded clearly to Mr CHAN Chi-chuen's seven justifications for supporting the adjournment motion. Mr CHAN thinks that Members cannot help improve the current situation with an amendment to the Rules; the adjustment mechanism can only be revised by the Government; the adjournment can strengthen the Government's determination to improve the fee mechanism; no improvement can be made without an adjournment motion; the Government is best-positioned to adjust the fees upward at this very time; the Government still has time to table the relevant subsidiary legislation after the adjournment motion; and the Government has refused to listen to our appeal for years. Mr KWOK has already responded to these seven reasons and certainly I am not going to repeat them.

As a matter of fact, Mr Dennis KWOK has written an article entitled "Supporting legal aid and safeguarding the rule of law". In the article, he concludes that Members from the pro-democratic camp, and especially representatives of the legal constituency, have all along been appreciative of the work of the Legal Aid Department. They point out to the Department areas for further improvement, with the aim to ensure the Department's services reach more people and safeguard justice in a bigger way. As for Members from the pro-establishment camp, they are critical of both legal aid and the people since members of the public are able to challenge the Government with the help of legal aid. To prioritize politics over the rule of law in this way is unquestionably detrimental to Hong Kong. And this very last line is also my main argument today: To prioritize politics over the rule of law in this way is unquestionably detrimental to Hong Kong.

Deputy President, thank you for your repeated reminder that Members should put forward new arguments. My new argument against Mr KWONG Chun-yu's adjournment motion is made from the perspectives of the rationalization and the politicization of social policies. The fees payable to lawyers as specified in the Legal Aid in Criminal Cases Rules will remain

unchanged after the adjournment motion. The judicial problem arising from insufficient legal aid assistance will also persist. Paradoxically, if the adjournment motion is not moved and the resolution is thus carried, the low level of fee adjustment will likewise prevent alleviation of the current judicial problem. Deputy President, the issue involves the politicization and the rationalization of social policies which I would like to talk about.

The rationalization of social policies aims to establish a stable mechanism that can turn the rivalry of interests and rights in society into issues that do not entail any discussions and disputes in the course of social policy formulation. The de-politicization or rationalization of social policies is in fact a long-standing practice. An example of such a mechanism is the fee adjustment made in accordance with the change in Consumer Price Index (C), as provided in the proposed resolution moved under the Criminal Procedure Ordinance. Another example is the annual adjustment mechanism under Comprehensive Social Security Assistance which also is a depoliticizing or rationalizing tool to deal with social policy issues. The de-politicization or rationalization of social policies indeed allows the setting up of mechanism in a convenient and efficient way. With an adjustment mechanism in place, a more objective criterion is made available, debates and endless arguments are thus rendered unnecessary in the determination of adjustment rate. But then, problems will arise if the mechanism itself becomes faulty. For instance, the adjustment mechanism under the Comprehensive Social Security Assistance system has been left unexamined for 21 years and the level of assistance provided can hardly meet the daily needs of grass-roots citizens. If the Government refuses to review and revise the mechanism once it is set up, the resulting scenario will be similar to the one we see in the resolution moved under the Criminal Procedure Ordinance this time: while various political parties support the upward revision of fees, they are at the same time all displeased with the level of adjustment.

The first point brought up by Mr KWONG Chun-yu is about his frustration with the arrangement where the relevant fees under the legal aid system are reviewed biennially and determined in accordance with changes in Consumer Price Index. He is probably disappointed with the low adjustment rate but it hardly makes sense for him to raise opposition to an objective and stable mechanism. After raising opposition to the mechanism, the adjustment has to be debated every time the question comes up, like what we are now doing and in a way resembling that of the MTR fare adjustment mechanism. All our colleagues can recall that whenever MTR proposes a fare hike, a prolonged

debate will be triggered. The debate never fails to generate a good deal of conflicts in the community as people wrangle over the appropriate level of increase or decrease in fare, displaying once again the distribution of interests in the community.

As a matter of fact, we in this Council certainly understand that politics and the distribution of power and interests are often involved in social policies and there is no absolute objectivity or neutrality. The politicization of social policies will arouse many different opinions, and the good thing is that all the noises and rows can ...

DEPUTY PRESIDENT (in Cantonese): Mr SHIU, this debate is about meeting procedure and is not meant to be an academic discussion. We all understand the academic jargons raised by you, such as "de-politicization of social policies", and you have clearly expounded the views concerned. Please stop dwelling on the above as you are the 15th Member who speaks.

MR SHIU KA-CHUN (in Cantonese): Sure. I will stop interpreting this notion. I will instead apply it to this motion debate.

DEPUTY PRESIDENT (in Cantonese): You have clearly got across your point and please stop dwelling on the definition of "de-politicization of social policies". As far as I understand, you have clearly indicated in your speech your wish not to have this system politicized and thus do not support the adjournment motion raised by Mr KWONG. You are welcome to make clarification if I have mistaken your point.

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

Coming back to the resolution raised under the Criminal Procedure Ordinance, how much increase is deemed reasonable? How do we evaluate market prices in the private sector? After the debate, after the all noises and rows, how we should set an objective price level remains a question. Therefore, I disagree with Mr KWONG Chun-yu's attempt to remove the stable mechanism

that we now have. I am afraid that debates of this sort may continue to come up again and again. Therefore, Deputy President, I cannot agree with the reason Mr KWONG Chun-yu provides for moving an adjournment motion with regard to the proposed resolution raised under the Criminal Procedure Ordinance.

But there is a point that we should ponder on. Under the politicized social ambience at present, the topic worthy of our discussion should not be confined to market prices but rather who gets the benefit and who suffers behind the scene. Deputy President, in the debate today, we often hear the saying that law is a toy of the rich. But, what equally worries me is that policy may become a toy of those in power. I am concerned that with policies in our hands, we make use of these opportunities to jerk them eastward today westward tomorrow, or forward today backward tomorrow. This kind of jerky movement is conducive to neither social stability nor social development. I am not going to further discuss what rationalization and politicization are. What I say is that I hope the question we discuss today can prompt us to think about what kind of policy basis is needed in our society.

Thank you, Deputy President.

MR IP KIN-YUEN (in Cantonese): Deputy President, I oppose the adjournment motion moved by Mr KWONG Chun-yu in respect of the Legal Aid in Criminal Cases (Amendment) Rules 2017 ("the Amendment Rules").

The Amendment Rules now under discussion are aimed mainly at reviewing three categories of legal aid fees biennially in accordance with the Consumer Price Index C ("CPI(C)"), namely criminal legal aid fees, prosecution fees and duty lawyer fees. All such fees are to be paid by the Legal Aid Department ("LAD") for the expenses relating to criminal legal aid.

Deputy President, this adjournment motion is moved by Mr KWONG Chun-yu. I have no idea what his fundamental stance is, but I trust that he does support the provision of legal aid after listening to his speech. However, if he supports the provision of legal aid, why did he move the adjournment motion at this point in time? According to my understanding, when a Member who is in favour of the motion but still proceed to move an adjournment motion in respect of the original motion, it must be the case that adjourning the debate on the motion will help improve the situation, such as enabling the contents of the

original motion to better meet actual needs, pressing the Government to introduce certain amendments, or making it possible for Members to engage in a new round of discussion that will result in the passage of a better motion having more significant effects. Yet, will the adjournment motion moved by Mr KWONG Chun-yu be able to achieve any of the purposes stated above? If not, what is the meaning in his act of moving the adjournment motion then?

We must take a look at the arguments put forth by Mr KWONG Chun-yu to justify his act of moving the adjournment motion. He has provided reasons in this regard and I heard two major reasons from his speech: First, he is dissatisfied with the biennial review on the legal aid system only in accordance with the CPI(C). The biennial review conducted in accordance with the CPI(C) is an established system under which an upward adjustment of 4% was proposed last time in accordance with the cumulated CPI(C). To be honest, quite a large number of Members share Mr KWONG's view who are dissatisfied with the approach under the existing system because the CPI(C) is compiled by the Census and Statistics Department on the basis of expenditure patterns of households in the relatively high expenditure range in order to reflect the impacts of price inflation on such high-spending households. Nevertheless, are the impacts on those high-spending households appropriate for the system in determining the levels of legal aid fees? I think not since those impacts cannot serve as proper reference for the determination of reasonable levels of fees charged for various categories of legal aid service.

(THE PRESIDENT resumed the Chair)

In spite of the above, however, we still consider it somewhat desirable in the sense that it stands as a relatively state mechanism that allows us to conduct a review every two years, regardless of the past instances in which the levels of the legal aid fees fluctuated quite considerably as a result of the review outcomes: In 2008, a 3% increase was proposed in accordance with the CPI(C); in 2010, only 1.6% was proposed; in 2012, the rate of increase rebounded tremendously to 9.3%; in 2014, 7.7% was proposed; and in 2016, a 4% increase was proposed. This shows that the rate of adjustment can be very flexible which may vary substantially between high and low levels, but it has been out of tune with both the actual demand and market levels precisely due to its purely mechanical operation of making adjustment solely in accordance with the CPI(C).

We are very dissatisfied with the practice of reviewing the legal system biennially, but I must reiterate that a regular review is conducted biennially under this practice so that the entire community can follow. The Government can base on it to adjust biennially the levels of legal aid fees while the Legislative Council can conduct reviews accordingly. Adjusting the levels of legal aid fees with such an approach which has been proved effective makes the whole system relatively simple and easy to operate.

Therefore, we do not concur with one of Mr KWONG's viewpoints. Although we are of the view that it is necessary to review this practice of conducting biennial reviews in accordance with the CPI, its merits have already been reflected in the current amendments. After effecting the adjustments for this time, we can absolutely conduct a detailed review on the system itself and develop a long-term perspective. I think this is a more appropriate approach.

Another reason for Mr KWONG's moving the adjournment motion is to demand a review on the duty lawyer system by the Home Affairs Department, including the gap between the remunerations for duty lawyers and the market rates. I trust that many Members agree with Mr KWONG just like I do, but then, does that mean an adjournment motion has to be moved right now? We know at what rate the current remunerations for duty lawyers are calculated. It is a uniform rate of 4%, regardless of the nature of the case assigned and the complexity of work, including reading, preparation, conference, court hearing, trial and defending. The LAD do not even care about the differences between the post-qualification experiences of the solicitors or counsel engaged. This approach tends to overlook the actual situation of the legal field. Those senior legal practitioners might considering the rate of increase incapable of accurately reflecting their post-qualification experiences and are thus unwilling to participate in the Duty Lawyer Scheme. This may have indirect impact on the quality of legal aid service as a result.

I think Mr KWONG Chun-yu is truly worried but even so, can his act of moving an adjournment motion right now result in instant improvement of the situation? If Mr KWONG is demanding the Home Affairs Department to review the entire system, then he should let the resolution gain passage first so as to allow sufficient time for the Home Affairs Department to review the duty lawyer system, including the fees payable to duty lawyers. I opine that it is necessary for the authorities to conduct a comprehensive review on the system and should base on scientific statistics to consider the calculation methods of the remuneration for lawyers undertaking litigation work on behalf of the LAD. I

have mentioned just now that the nature of lawyers' work is among the parameters. Besides, the professional qualifications and post-qualification experience of every single lawyer should also be included as the parameters. It is more reasonable to take into account the various parameters in determining the rate of increase. The authorities may adopt this approach in order to improve the entire system. Anyway, the adjournment motion moved by Mr KWONG at this moment will not result in instant improvement of the situation and neither will it be of any help.

The education sector is very much concerned about the issue of legal aid because it lies right at the margin of the entire legal aid system. The income levels of the those working in the education sector are not very high but these people seldom benefit from the overall computation of legal aid fees. Therefore, we are in high hopes that the authorities will review the entire legal aid system in the interest of the overall society. However, only after the Legal Aid in Criminal Cases Rules are amended should the review be conducted, or it will be exactly the case as portrayed in a foreign idiom, i.e. throwing the baby out with the bathwater. Hence, to save the baby, we shall not move an adjournment motion so readily without thinking twice.

We should learn more from the recent experience in which the proposed amendments to the relevant legislation might not have the chance to be tabled in this Council again once the debate on them was adjourned, such as the Stamp Duty (Amendment) Bill 2017 ("the Bill"). According to the Government, the Bill was very important back then, but it was temporarily withdrawn later on to give way to the "co-location arrangement" issue after the Government had weighed up the prevailing situation then. After the Bill was withdrawn, the Government said that it would be tabled in this Council as soon as possible and we expected that the Government would table the Bill soon after the debate on the "co-location arrangement" was done. Yet, the Chief Secretary for Administration has informed us recently that he needs to weigh up once again the situation and the Bill will not be retabled in this Council as a result. This tells us things are changing and new situations may arise at any time. In case the adjournment motion moved by Mr KWONG is passed today, how can we guarantee the resolution in question will be resubmitted to this Council in an expeditious and timely manner?

We are all very clear about the importance of legal aid because it has something to do with judiciary justice. Whether the grass-roots people will be given fair legal treatment hinges on the legal aid system which cannot be halted in

any case. Without the legal aid system, it will be very difficult to maintain fairness of the entire legal system. In view of this, we cannot adjourn the debate on the legislative amendments without a cause. Here, I want to reiterate that we have no objection to Mr KWONG's stance and I do believe that he recognizes the importance of legal aid, only that he should not have moved the adjournment motion. Even though he has moved it, we should oppose it since we must ensure the legal aid system will continue to operate smoothly and the relevant amendments will be processed under the established mechanism.

I so submit, President.

DR FERNANDO CHEUNG (in Cantonese): President, I speak in support of Mr KWONG Chun-yu to move a motion under Rule 40(1) of the Rules of Procedure to adjourn the debate on the proposed resolution under the Criminal Procedure Ordinance ("Ordinance").

I oppose adjourning the debate on the proposed resolution moved under the Ordinance in discussion now. If the proposed resolution can be passed in good times, the lawyer fees for criminal litigation and for Duty Lawyer Service can be adjusted. Although the adjustment this time is small, only 4%, it is better to have an early adjustment than none. Of course, I will later talk about the adjustment mechanism which the Government has been using, i.e. the mechanism to review the fees biennially by solely referring to the changes in Consumer Price Index (C) ("CPI(C)"). I think this mechanism is flawed. Its base is too narrow and it does not take into account any market changes, to the extent that the resultant pay level is unrealistic.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, Deputy President points out time and again that Members already talked about this mechanism for eight hours last Council meeting and have also done so for about five hours today in the debate. Please do not repeat arguments related to this mechanism.

DR FERNANDO CHEUNG (in Cantonese): Okay, I will not repeat the problems of the mechanism. What I want to say is that I support an early implementation of the Legal Aid in Criminal Cases (Amendment) Rules 2017 because legal aid is very important to criminal litigation or the Duty Lawyer Service, and thus I oppose Mr KWONG Chun-yu's adjournment motion. The

Legal Aid Department ("LAD") mentions in its annual report in 2015 that its mission is to "ensure that no one who qualifies for legal aid is denied access to justice because of lack of means" and to "maintain the highest standards of professional excellence and ethics". And another point of its mission is to "develop and maintain" ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, we are not debating the legal aid system now. Our debate is about whether or not to support Mr KWONG Chun-yu to move an adjournment motion under Rule 40(1) of the Rules of Procedure. Please return to the subject of the debate.

DR FERNANDO CHEUNG (in Cantonese): President, I know. Since the mission of LAD is to maintain the highest standards of professional excellence and ethics, it is difficult for legal practitioners, including lawyers representing criminal legal aid cases or those under the Duty Lawyer Scheme to meet the standard of the mission if their pays are too unrealistic or too low. Legal practitioners are not reasonably paid under the legal aid system. Some legal practitioners even say that under the present legal aid system, their pays for criminal litigation or providing duty lawyer services are shameful. I am unfamiliar with this subject, so I will not jump to any premature conclusion. But if the pays are too low, it is indeed impossible to provide any incentive for capable lawyers to join the Duty Lawyer Scheme, and LAD will also find it difficult to brief out any criminal cases.

President, I notice there is not a quorum. Please do a headcount.

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

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

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, please continue with your speech.

DR FERNANDO CHEUNG (in Cantonese): President, I talked about the mission of LAD just now, i.e. to maintain the highest standards of professional excellence and ethics. If the pays for criminal litigation and Duty Lawyer Service are too low, legal practitioners cannot achieve this mission. If we do not implement pay adjustments in good times, the lawyer fees will remain low.

At present, the fees for legal aid lawyers lag far behind the market. I notice Mr KWONG Chun-yu has stated two reasons for moving the adjournment motion. First, he is dissatisfied with the existing mechanism, i.e. the biennial review based on CPI(C); and second, he asks the Home Affairs Department to review the existing duty lawyer system and the disparity between the fees for legal aid lawyers and those offered in the market. President, is this disparity completely groundless? Or, is this adjournment motion capable of urging the Home Affairs Bureau or Home Affairs Department to conduct a relevant study?

Actually, President, a few months ago in October, the Panel on Administration of Justice and Legal Services of the Legislative Council discussed the Judicial Service Pay Adjustment for 2017-2018. It is mentioned at the meeting that the Standing Committee on Judicial Salaries and Conditions of Service ("Judicial Committee") has established over the years some mechanisms for the remunerations of the legal sector. Of course, the Judicial Committee is aware that there lacks a comprehensive and representative pay trend survey on the legal sector, but it notes that some benchmark studies were conducted regularly on the level of earnings of legal practitioners to ascertain their level of earnings and keep in view the relevant trends for conducting suitable reviews. Regarding the benchmark studies, the Judicial Committee will also ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, you have digressed from the subject. Please return to the subject.

DR FERNANDO CHEUNG (in Cantonese): President, I am talking about the earnings of legal practitioners and the benchmark study is relevant to the subject under discussion, i.e. whether or not to adjourn the debate on the remunerations of criminal legal aid lawyers ...

(Signal interference was heard in the public address system)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, is your mobile phone in your jacket pocket?

DR FERNANDO CHEUNG (in Cantonese): Sorry, President.

(Dr Fernando CHEUNG put his mobile phone further away on his desk)

PRESIDENT (in Cantonese): Dr CHEUNG, please continue with your speech.

DR FERNANDO CHEUNG (in Cantonese): Okay. Sorry for that.

This is related to the remunerations of lawyers. I was talking about the remunerations of legal aid lawyers and also the studies on the remunerations in judicial departments and the legal sector. In fact, we already have an established mechanism, and the Judicial Committee have been using it. So, should we take this mechanism as a reference in case this motion is adjourned? In fact, I speak to oppose Mr KWONG Chun-yu's motion because I do not think adjourning, or not adjourning, the motion is relevant. If we want a sensible arrangement, and if we hope that legal aid services can meet the highest standards of professional excellence and ethics, a mission LAD claims in its annual report, then we should offer reasonable pays for legal aid lawyers. Even if this motion is not adjourned, it is still worthwhile to take these mechanisms as a reference for the remunerations of legal aid lawyers.

I hope the Under Secretary for Home Affairs, who is now present, will also take these mechanisms as a reference. Although this subject is not under the portfolio of the Home Affairs Bureau, and LAD will later come under the Chief Secretary for Administration's Office, the department is still within the establishment of the Government. I thus hope that they are well aware of these mechanisms and use them as a reference. Besides, the experience of legal practitioners assigned legal aid cases is clearly stated in LAD's annual report last year, and we notice that those with more than 10 years of experience account for 87% of the total assignments. It means that most of them, many of whom I believe provided services to criminal cases ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, the justifications and the figures you mentioned had been repeatedly discussed by previous Members. Please do not repeat them.

DR FERNANDO CHEUNG (in Cantonese): Have other Members mentioned these figures? But the figures are based on my own calculation.

PRESIDENT (in Cantonese): Dr CHEUNG, I believe you were not here all the time listening to Members' speeches, but I have been listening to almost all of their speeches. That is why I tell you some previous Members have already provided this information.

DR FERNANDO CHEUNG (in Cantonese): I see. I did not hear anyone talk about this earlier. I based my calculation on LAD's annual report and found that senior solicitors and counsel took up a very large share of the assignments. It is indeed a welcoming fact that legal aid services can attract so many experienced legal practitioners to pitch in. We have heard many legal practitioners, including LAM Yiu-keung, say that they take legal aid cases not for the remunerations but for the satisfaction because some people are caught in an unjust situation. For instance, a sex worker was arrested and wrongly accused of operating a foot spa, but the truth is that she was only a worker there ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I cannot see what you are saying relate in any way to the debate on the adjournment motion. Please come back to the subject of the motion. If you continue to digress from the subject, I will ask you to stop speaking.

DR FERNANDO CHEUNG (in Cantonese): Okay. I mainly wish to say that the legal aid system now provides very low pays for duty lawyers and criminal case lawyers. There is an urgent need to adjust the fees upward, though the adjustment this time is small and the adjustment mechanism is inaccurate. I cited the example just now because I want to illustrate that many legal practitioners, like LAM Yiu-keung, take legal aid cases not for the remunerations but for upholding justice and having the satisfaction of helping people.

However, we cannot abuse this mindset of the legal practitioners, or rely on the present mechanism to attract experienced or outstanding lawyers to join the legal aid service. If LAD is to fulfil its mission, it has to set up a formal and objective benchmark. We know that Hong Kong Bar Association and The Law Society of Hong Kong may not have the relevant statistics, but under the present system, a benchmark study on the earnings of legal practitioners in Hong Kong is conducted by consultancy firms every five years. I hope the Government can get this message and consider it a mechanism worthy of consideration and use it to determine the fee level again. Mr KWONG Chun-yu's adjournment motion will not bring any impacts even if it is vetoed. But I hope the Government can consider what I have proposed.

Moreover, the approval rate of criminal legal aid applications is very high. Last year, 3 630 cases ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, what you say is irrelevant to the subject of the debate. If you do not return to the subject, I will have to stop you from speaking.

DR FERNANDO CHEUNG (in Cantonese): President, okay. Then, I will talk about the Duty Lawyer Service.

PRESIDENT (in Cantonese): The Duty Lawyer Service is also out of the scope of this debate.

DR FERNANDO CHEUNG (in Cantonese): But President, the debate on the proposed resolution that this motion seeks to adjourn covers the fees of the Duty Lawyer Service.

PRESIDENT (in Cantonese): The scope of this adjournment debate is in fact very small. It is about whether or not this Council should adjourn the debate of the proposed resolution. Please come back to the subject.

DR FERNANDO CHEUNG (in Cantonese): Okay, President. I hold that the fees for both criminal legal aid cases or the Duty Lawyer Service should be expeditiously adjusted. I thus oppose Mr KWONG Chun-yu's adjournment motion.

President, I hope that the authorities can come to know the problems of the present system, whether or not this adjournment motion is passed. Although I oppose Mr KWONG Chun-yu's motion, I agree with its spirit, i.e. a speedy review on the mechanism should be conducted to draw the pay level of the remuneration mechanism closer to that of the market. These requests are actually very reasonable. If we do not expeditiously conduct a review, I am afraid it will only lead to a drop in the quality of the criminal legal aid service and the Duty Lawyer Service. In the end, the victims are the vulnerable and the low-income earner because they are often the people who cannot afford the legal fees in the expensive judicial process.

Hence, I support the legal aid service and hope that it can continue to expand its scope of service. Thank you. (*The buzzer sounded*)

PRESIDENT (in Cantonese): Dr CHEUNG, please stop immediately.

MR JEREMY TAM (in Cantonese): President, many Members have already expressed their views on the invoking of Rule 40(1) of the Rules of Procedure ("RoP") to move a motion to adjourn debate on the Legal Aid in Criminal Cases (Amendment) Rules 2017. So far, I hear that an overwhelming majority of Members are against the adjournment motion. Of course, we cannot look upon things as simple as that. We need to study the short-, medium-, and long-term impacts the adjournment motion would bring about.

President, in terms of the short-term impact, the adjournment motion would immediately deny the legal practitioners, or lawyers, of the fee increase. Would this defeat the original intent of the Government motion of encouraging more lawyers, irrespective of their experience, to spend some time to work for the benefit of society rather than earning money? In this respect, the adjournment motion is set to bring negative impact. President, in view that a majority of Members in this Council support the Government motion, perhaps we should not

adjourn the motion debate. We should instead continue with the discussion and the voting. I think this is the negative impact the adjournment motion would bring about.

President, what is the medium-term impact? If we adjourn the debate, how long it will take for the Government to resubmit the motion to the Council? I have printed out some relevant information from my office. So far, the Government has introduced 17 Bills to the Legislative Council, of which 16 Bills are under scrutiny while one has finished scrutiny. If the debate on the motion is adjourned, how the Government would reschedule its Bills? The impact would indeed be quite significant. It is likely that the Government would not resubmit the motion until after a long period of time, because other Bills are also important. For example, the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 is obviously very important. As we all know, the problems of money laundering and the terrorists have haunted the whole world. We definitely have the responsibility to protect the country and we are duty-bound to protect Hong Kong as well. Hence, in case the debate on the motion is adjourned, if you ask me and if I were the Government, I would definitely submit the Bill on anti-money laundering and counter-terrorist first. Is that right? Another example is the Employment Ordinance. We have held a number of discussions on it ...

PRESIDENT (in Cantonese): Mr TAM, I have to remind you that what you are referring to is a resolution but not a motion.

MR JEREMY TAM (in Cantonese): I get it. Thanks for reminding me of this. So, we can see that all of the Bills are important, such as the Travel Industry Bill. Hence, President, I would like to say the "medium-term impact" is that there are indeed many important Bills.

Are these all for the medium-term impact? President, when we further look into this, the answer is no. As we are all aware, the President has already issued a notice of meeting informing us that this Council is going to hold a debate on the RoP amendments on 6 December. There is a big question mark as to when the RoP debate would last for. The debate might last for a number of days and might not be finished even in early 2018. Besides, there are plenty of RoP amendments. I think this would take a lot of time too. President, if we adjourn

debate on this resolution now, it will be difficult for me to predict when the Government would resubmit it to the Council. We have to bear in mind that, unlike the civil service pay adjustment with retrospective effect, the fee increment is not refundable to lawyers when the resolution is resubmitted to the Legislative Council for discussion. In other words, this is irreversible. If we really adjourn the debate, it might take six or nine months for the Government's resubmission of the resolution and the passage of it in the Council. In other words, lawyers engaged to provide legal aid services would then be denied of the reasonable 4% increment in legal aid fees in these few months.

President, what is the long-term impact? The original intent of Mr KWONG Chun-yu's adjournment motion is to seek enhancement or improvement. I appreciate his argument. He is absolutely entitled to invoke RoP 40(1) to move the adjournment debate for the good of the legal aid fee review and for the improvement to be done in one go. However, if we really adjourn the debate today, it would send a wrong message to the public as they would think we do not attach importance to this issue, and that we consider the fee increment insignificant. We have to bear in mind that it is the underprivileged who are more in need of the legal aid services or the Duty Lawyer Service. They might question why instead of passing this resolution expeditiously, we adjourn the debate on it. Would they think that we simply do not care of them? As a result, would they lose confidence in not only the Legislative Council but also society at large? We do have to take account of this. We should not send a wrong message to society to discourage those who might need the legal aid assistance.

Actually, the adjournment will affect not only the underprivileged group but also law students who aspire to become lawyers. What do the students think then? Would the adjournment again send a wrong message to law students who might think that this semi-voluntary work does not deserve any fee increase? Actually, I guess the majority of Hong Kong people will also think that it is just reasonable not to increase the fees. As some Members have said just now, serving as legal aid lawyers is an honour or it is even a contribution to society. Of course, this is what we understand of their role. Nevertheless, we do not wish to send a wrong message to law students or those who seek to become qualified solicitors that their efforts to contribute to society are not recognized. I think this is a longer-term impact of the adjournment.

President, I cannot support the adjournment motion proposed by Mr KWONG Chun-yu. He has proposed this motion out of a number of reasons. I do not want to go into detail, but I really have to reiterate the reasons why I think his decision to seek to adjourn the resolution debate is not completely wrong. We must bear in mind that the Government has once introduced an across-the-board adjustment to the legal aid fees for lawyers, under which the counsel fees were increased by 50% while the fees for instructing solicitors were increased by 25%. While the Government has significantly adjusted upward fees for the legal aid lawyers, no correspondent increases were introduced to the fees for duty lawyers. Duty lawyer fees have all along been adjusted according to changes in the inflation rate. President, this will once again send out a very wrong message. As I have just pointed out, if we adjourn the debate on the resolution now, some would query why the Government does not significantly increase the fees for duty lawyers, just as it did for the legal aid lawyers previously. Would this inconsistency send a wrong message to law students or students who aspire to become outstanding lawyers that ... how to put it ... the Government attaches great importance to ... unlike the job of legal aid lawyers which is prestigious and well-paid, the duty lawyer job is only taken by those with inferior performance. This is of course not a sensible comparison. We definitely do not want the law degree students to develop such a wrong perception.

Actually, the 4% increment will just cost the Government an additional \$7 million in recurrent expenditure, and after all this resolution will definitely not put a significant burden on the public coffer ...

PRESIDENT (in Cantonese): Mr Jeremy TAM, some Members have already raised this point. Please provide new arguments.

MR JEREMY TAM (in Cantonese): President, thank you for reminding me that this point has repeatedly been mentioned by other Members. So, let me talk about the practices in other countries. In some countries, the governments or the legal professions would set up legal information centres, so that not every case would need to undergo ... or I should put it this way, if you do not wish to engage legal assistance only when the legal proceedings commence, or if you wish to have a minimum protection ... or at a very low price ...

PRESIDENT (in Cantonese): Mr Jeremy TAM, this is out of the scope of this adjournment motion debate. Please raise this point later during the debate on the resolution.

MR JEREMY TAM (in Cantonese): President, thanks for your reminder. Actually, it is now already around 7:00 pm. I personally wish that this resolution would be voted and passed within today, so I am against adjourning its debate. Members should be aware that there are many outstanding items of business on the Council Agenda. President, when I look into the Agenda, I find that a motion on establishing a comprehensive "reindustrialization" policy regime proposed by Mr Jimmy NG has been put on the Agenda for several months. We should deal with this and other items of business as soon as possible. Hence, on the basis of the various reasons, including the principles and rationales I have mentioned just now, the reasons cited by other Members, as well as the arguments I have pointed out several times and the President has reminded me of the repetition, it is inappropriate to adjourn the resolution debate. Instead, we should expeditiously put it to vote, so that we can proceed with the remaining items of business.

As I have just pointed out, many Bills are ready to be submitted to the Council for debate. I guess the Government might also think so. Thus, if we once again adjourn debate on any bills, the Government might find it even more appropriate not to introduce bills to the Legislative Council for the time being. As we all know, we have discussed why the Government not introducing bills to the Legislative Council at a previous House Committee meeting. The Government's reply is that it has to carefully assess the situation. Hence, if we still seek to adjourn debate on the resolution, the Government might then need to have a longer assessment and observation of the situation. Is that right? Thus, President, we should cease further arguing this point and we should expeditiously ... However, we have no alternative because the Member has already moved the adjournment motion. As I have said, we have to respect the right of Members to invoke RoP 40(1) to move adjournment motions. Although Mr KWONG Chun-yu has proposed this adjournment motion out of good intention, I have to say sorry to him as I would say no to his motion when we proceed to vote later on. I hope that we could formally put the resolution to vote in this Council and finish this item of business. This would enable us to move on to deal with other motions or agenda items. This would also disable the Government to use the pretext of the need to assess the situation and immediately introduce other ...

PRESIDENT (in Cantonese): Mr TAM, you have repeatedly talked about this argument.

MR JEREMY TAM (in Cantonese): All right, President. I will not repeat my argument. Lastly, I implore Honourable colleagues to heed my view after my speech and to vote against this adjournment motion. I so submit. Thank you, President.

MR WU CHI-WAI (in Cantonese): As indicated by the President, the adjournment motion now under discussion is rather narrow in scope. But I would like to point out that when my fellow party member Mr KWONG Chun-yu raises this adjournment motion, he hopes to exert pressure on the Government during the process. He also aims to solicit feedback from the Government on the way forward for our legal aid system and asks if a more concrete and clearer timetable and roadmap can be provided to let us know our next step. The latter represents a major departure from previous practices where many studies or consultation reports on legal aid were put aside, leaving the suggestions concerned not followed up in 5, 10 years or so.

Therefore, like what Mr Kenneth LEUNG has said, I look forward to the Secretary's feedback in response to a good number of speeches delivered by the Members. Then, we can, under certain conditions, vote against this adjournment motion.

Indeed, as mentioned in my previous speech made on the Criminal Procedure Ordinance, I have tonnes of grievances. I hold plenty of dissenting views regarding the independence of the Legal Aid Department, the shortcomings of the legal aid system and the fact that legal aid service is not extendable to people under detention. But my observation is that the problems concerned cannot be resolved in a short while with a single adjournment motion. I hope the Secretary can provide a relatively concrete and lucid timetable and roadmap in his feedback a moment later, so that we can have a better understanding of the follow-up work and a clearer idea of the road to be taken in the future. To this end, different colleagues from my party provided comments and exerted pressure on the Government just now. The Democratic Party will ultimately make its final decision on our voting intension regarding this adjournment motion after hearing the feedback from public officers.

As a matter of fact, we have held several important discussions over the Legal Aid Department. One of them is on the importance of the Department's independence. This highly significant area is also discussed in the Policy Address by the Government which has recognized the problem arising from placing the Department under the Home Affairs Bureau.

PRESIDENT (in Cantonese): Mr WU Chi-wai, this argument falls outside of the scope of the adjournment debate.

MR WU CHI-WAI (in Cantonese): President, I understand. But I will only say a few words briefly. What I want to say is that this independence issue is not only raised by us. The Government also understands its significance. But then, the Government tries to tackle the problem with the mere gesture of moving the Legal Aid Department from the Home Affairs Bureau to come under the Chief Secretary for Administration. I do not think this is adequate. I hope the Secretary can give us feedback on this point later in his speech.

Of course, the question also relates to the overall fee level payable to legal aid lawyers and the support concerned. We all point out the huge gap between criminal legal aid fees and the market prices. But, having a 4% increase is after all better than having no adjustment at all. Therefore, I hope the Secretary can tell us the forthcoming adjustment in lawyer fees under the legal aid system will entail a relatively large-scale and clearly purposeful review, so that the relevant fee level can come closer to the market standard. This will then encourage more high calibre lawyers to gladly work for the Legal Aid Department, voice out for the powerless, uphold justice and ensure even the poor have their legal rights fully protected. This brings us back to the policy on legal aid which aims to safeguard everyone's chance to pursue justice through the legal system. I believe that in this pursuit of justice, the quality of legal aid that one gets does matter.

Furthermore, I hope the Secretary can understand from our speeches that, as a matter of fact, the existing Duty Lawyer Scheme does not allow lawyers sufficient time to handle the issues ... I therefore look forward to a review ...

PRESIDENT (in Cantonese): Mr WU Chi-wai, please come back to the question of this debate. The arguments regarding the services provided under the Duty Lawyer Scheme have repeatedly been brought up by various Members throughout this debate which has lasted for more than 10 hours.

MR WU CHI-WAI (in Cantonese): President, I do understand. I will only say a few words more before concluding my speech. I will only add a few words to indicate if I agree to the adjustment of legal aid fees as currently proposed, if I oppose the adjournment motion or if I am going to consider this issue afresh. This will in fact be a very simple discourse and it will mean disrespect to Members' right to speak if you disallow me to make such a remark.

President, I will make one last point briefly before concluding my speech. The biggest problem with the existing legal aid system is that it provides inadequate assistance to those under detention. People facing criminal prosecution very often need legal assistance most desperately when they are put under detention. Of course, four representative police stations are now test-running a scheme. But the Government has not made known to us the concrete and lucid timetable and roadmap of this test scheme, and we are kept in the dark about the follow-up work concerned. But this also allows us to know that the Government is not deliberately hindering people's pursuit of justice with various administrative means in the provision of legal aid service. And this proposal comes not from the Democratic Party or other colleagues in this Council but from The Law Society of Hong Kong and the Hong Kong Bar Association who frequently point out the deficiencies of the existing legal aid system.

President, one last word I would like to say here is that I find some of the arguments put forth by Mr KWONG Chun-yu deserving our respect. But then, I have also heard a number of colleagues pointing out the inadequacies in his arguments. Members have so far been looking forward to the provision of roadmap and timetable by the Secretary in his concluding remarks so that we can have an idea about the way forward for the legal aid system. We hope, while casting a vote against the adjournment motion, we can see clearly the way forward and know exactly our next step. Failing this, many colleagues who have spoken here may develop dissenting views owing to the Secretary's ambiguous remarks.

I hope the Secretary can bear this in mind. I further hope the Secretary, in his forthcoming concluding speech, can effectively respond to the speeches we made both this time and last time, on top of discussing areas on which we find important and are eager to hear his views.

Thank you, President. I so submit.

PROF JOSEPH LEE (in Cantonese): President, It is now 7:30 pm. My major mission is to filibuster for a while so that Members can call it a day a bit earlier. Well, 7:30 pm means time is almost up, and I have just spent one minute. The time is now 7:37 pm.

Actually, I really do not understand why Mr KWONG Chun-yu should have moved such an undesirable adjournment motion. I am not repeating myself, President. You listen to my following speech. I am simply speaking casually. I think the legislation itself is perfectly fine—well, the Secretary is not in his seat again—and I do understand and is supportive of including the proposal of increasing the fees payable to counsel assigned under the Legal Aid in Criminal Cases Rules in the amendments as an incentive to make the lawyers more committed to work. Yet, I really have no idea why Mr KWONG, without any cause, requested that the debate be adjourned because he was dissatisfied with the existing practice. What then after the debate is adjourned? Does that mean no increment will be introduced to the remuneration for counsel? Of course, the outcome will still be the same, that is, the original motion will be passed by this Council. I am not sure if it will be passed this evening, but it must be passed somehow.

However, it occurred to me that if the Government unexpectedly proposes to increase our manpower, we, the nurses and health care workers, will not object to such a proposal initiated by the Government itself without good reasons—we always opine that it is most ideal for a doctor to have 15 minutes' consultation time to treat each patient, while a nurse only has to look after six patients—because if we do have objections, the patients as well as their families and carers will be even more frustrated, where the patients will not be given better care. Thus, I really do not understand why the debate on the proposed resolution has to be adjourned.

I have been thinking for some while and do not quite understand what it is all about in fact, but I see no reason why I should support Mr KWONG's motion moved to adjourn the debate on this proposed resolution. Certainly, I did not listen to his entire speech and therefore, I do not quite understand his justifications for so doing. I see that Members are sitting here listening attentively, probably because it is about time to call it a day. Yet, I must revert to the subject in focus. Suppose the Government proposes a resolution to increase the appropriation sum for the Samaritan Fund which is open for application by patients. This is good news indeed, but what will happen to those patients with rare diseases if it ends up that there will be no increase in funding for the Fund as a result of some Member's act of moving a motion to adjourn the debate on the resolution? How can the increase in funding be sought? So I really cannot understand the meaning of his act of moving the motion to adjourn the debate.

People will benefit if the resolution is passed but certainly, no one will ever want to apply for legal aid. President, I trust that you do understand and I dare not repeat its contents for I am no legal expert. In fact, no one wants to apply for legal aid, except that a host of legal aid applicants ... I heard Mr WU Chi-wai say just now that he hoped to ... perhaps he, who is of limited means, wanted to apply for legal aid so that he could use public money to engage lawyers to seek justice for him. This is good. As I have said earlier, the medical and health care sectors also hope that the Government will offer subsidies to them. President, to the best of my knowledge, the daily maintenance fee of hospital bed paid by a patient is \$120, to which a government subsidy of about \$5,000 is given. Do you think I will say "No" if the Government proposes a resolution to increase the amount of subsidy to \$7,000? Therefore, I cannot understand why the debate on the proposed resolution should be adjourned.

President, maybe you will think that I have somewhat digressed from the main subject because I can see that you seem to be quite impatient with me. I do not know how I should put it indeed but anyway, increasing funding is good for helping people seek justice. Why must Mr KWONG insist on having the debate adjourned? I am definitely aware of the truth behind his move, that is, to filibuster for as long as the whole afternoon. In fact, Members have been debating on the adjournment motion for the whole afternoon and our mission of filibustering is accomplished. Yet, this is not the point I want to make. It is about another matter. Everyone sitting in this Chamber knows pretty well what is going on here, but I do hope that those listening outside the Chamber know that

our chief purpose lies in filibustering. Members on the other side do not want our motion to be passed, while we also do not wish to see expeditious passage of theirs and expect to discuss other matters on 6 December. Nevertheless, Members will become more excited when both sides finally confront each other in contrast to the boring scene in this Chamber now.

Anyway, I only managed to speak for three minutes, President. It is for sure that I will not be able to prolong my speech to 15 minutes, and so you need not worry and please do not look at me like that, Mr Michael TIEN. I really cannot filibuster for as long as 15 minutes. Mr CHEUNG is already off to watch horse races and time is almost up. I am starting to baffle and you are laughing at my baffling. My mission is to filibuster, but I can only keep filibustering for 20 or 30 seconds more at most and have to sit down soon. Anyway, however, I am absolutely against Mr KWONG's act because I see no reason why the debate should be adjourned. On the contrary, we must pass this resolution so as to make it possible for the legal aid applicants to seek justice. Both the medical sector and us, the nurses, do hope that our patients can receive high quality medical services, and sufficient funding is precisely the key to this.

Well, having filibustered for 4 minutes and 30 seconds, I had better sit down since I just cannot keep on filibustering. And back to you now, my Honourable colleagues. Thanks.

DR CHENG CHUNG-TAI (in Cantonese): President, the time is now 7:30 pm. Regarding Mr KWONG Chun-yu ... Well, I can probably not be able to make such a long speech. (*Laughter*)

In respect of the motion moved by Mr KWONG aiming to adjourn the debate on the adjusted amounts of CSSA, various Members have spoken (*Some Members remind him that it should be legal aid*)—oh yes, it should be legal aid instead of CSSA ... As a matter of fact, it is no different from filibustering.

(Some Members spoke in their seats and laughed)

PRESIDENT (in Cantonese): Will Members please keep quiet and let Dr CHENG Chung-tai speak?

DR CHENG CHUNG-TAI (in Cantonese): Please do not interrupt me. I know all of you are eager to leave, though. I wish to say I approve of this motion in principle. The current discussion on the monetary adjustment of the legal aid fees will distract our focus from the problems of the legal aid system or the ways to assess the system itself. The focus should not be on the adequacy of the legal aid fees or if the fee increase would enhance the quality of legal aid lawyers. I think the adjournment of the resolution debate would precisely enable us to come back to the right focus of the legal aid system review.

Please allow me to spend some time to give an account of the legal aid system. The Legal Aid Department ("LAD") was established in 1970 ...

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, please cease talking about the entire legal aid system here. It is not an appropriate venue to discuss the legal aid system, not to mention that some Members have already spoken on this.

DR CHENG CHUNG-TAI (in Cantonese): No, President, this is an important point. You have to understand that I will not filibuster and will not hinder you leaving for other places.

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, you only need to explain why you are for or against the adjournment motion.

DR CHENG CHUNG-TAI (in Cantonese): All right. Why do I support to adjourn the debate on the resolution? Because I think if we merely concentrate on debating the legal aid fee adjustment, this will blur the focus of our discussion on the defects or deficiencies of the system itself. LAD was set up in 1970, and it is now only several years away from the 50th anniversary of the establishment of the legal aid system. If we look at it from today's perspective, LAD is actually under the "one country, two systems" ...

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, I have already reminded you that you have strayed from the subject.

DR CHENG CHUNG-TAI (in Cantonese): President, I did not stray away from the subject. Please do not arbitrarily stop my speech.

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, during the debate of over 10 hours, I have time and again reminded Members not to repeat their arguments.

DR CHENG CHUNG-TAI (in Cantonese): No, President, I believe that in the past 10 hours or so, no other Members have ever mentioned the point which I am going to raise.

PRESIDENT (in Cantonese): Dr CHENG, the scope of the subject of this debate is indeed very narrow, and Members should only explain why they are for or against the adjournment debate.

DR CHENG CHUNG-TAI (in Cantonese): President, this is what I exactly want to speak on. President, please do not filibuster for me. I have to emphasize that I will not filibuster.

PRESIDENT (in Cantonese): If you are not clear about the scope of this debate, please read the document on the bench. It contains a verbatim transcript detailing the Deputy President's explanation of the scope of the debate. You have to deliver your speech on the basis of the debate scope set out in the document.

DR CHENG CHUNG-TAI (in Cantonese): Do you mean that Members should only deliver their speeches on the basis of the debate scope set out in this document?

PRESIDENT (in Cantonese): Dr CHENG, I reiterate that the scope of the subject of this debate is indeed very narrow, and Members must only explain why they are for or against the adjournment debate.

DR CHENG CHUNG-TAI (in Cantonese): First, as I have already pointed out, the current debate to put the emphasis on the monetary aspect of the legal aid system and to consider only the quality of the lawyers or of the legal aid services will blur the focus of our review of the system. The legal aid system was established by LAD 50 years ago. During these 50 years, we have actually witnessed changes in the demand for or our perception of the legal aid services.

Why we did not find major problems in this aged legal aid system when it was first introduced 50 years ago. This has nothing to do with the relevant discussion of whether the legal aid fees could catch up with the inflation rate or the lawyers' fees. There is rather a fundamental change in Hong Kong people's understanding of the legal aid services. In the past, parties to criminal cases could probably resolve the disputes themselves and needed not bring the cases to court. But during the past decades, we have developed a habit of ... President, do you consider my speech digressing from the subject and intend to interrupt me?

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, I am about to remind you that you have digressed from the subject.

DR CHENG CHUNG-TAI (in Cantonese): Indeed, I have not digressed from the subject. My point is following the changes in social customs and habits, we now have a different understanding of the legal aid services. In society, the discussion on the legal aid services is no longer restricted to the upward adjustment of the three legal aid fees as they find service enhancement could not be achieved simply through fee hike. President, do you understand that?

PRESIDENT (in Cantonese): You should rather find another venue to discuss the relevant issue.

DR CHENG CHUNG-TAI (in Cantonese): What are the other venues for such a discussion?

PRESIDENT (in Cantonese): Dr CHENG, I remind you once again that if you digress from the subject again, I will ask you to stop speaking. Please return to the subject of this debate.

DR CHENG CHUNG-TAI (in Cantonese): All right, I will cease discussing this point. If you think the discussion of historical changes or the transformation of social customs and habits has digressed from the subject, I will not talking about this point any more.

PRESIDENT (in Cantonese): I have ruled that your discussion has digressed from the subject.

DR CHENG CHUNG-TAI (in Cantonese): I get it. Anyway, you are free to make your own interpretation.

I would like to explain the second reason why I approve of adjourning the debate on the resolution. Whenever we talk about the legal aid fee adjustment, we will say the fee increase can help improve the legal aid services and the quality of legal aid lawyers. However, I wish to point out that the problems and changes encountered by the legal sector and by us in everyday life could not simply be addressed by the increase of the legal aid fees. Nowadays, we have to face an increasingly frequent contact between the legal systems in Hong Kong and in the Mainland. Because of this kind of contact, the mere increase in legal aid fees cannot help improve the quality of our legal aid services.

Nowadays, of the cases brought before Hong Kong courts, many might involve assistance seekers or victims who are new immigrants from the Mainland. I do not mean to say they are different from us. But basically they do not understand or are not familiar with the Hong Kong law, nor do they have much knowledge about the customs of the common law. Hence, apart from one generation or several generations of Hong Kong people born and raised locally in the past 50 years, LAD also has to serve a number of new arrivals, or what we call the new Hong Kong people.

Today's debate or motion seeks to discuss how we should increase the legal aid fees to address the social needs. However, today's social needs are indeed not the same as those we understood 50 years or several decades ago. The

fundamental problem is, while Hong Kong's common law system is different from the Mainland legal system, there are more and more interactions or contacts between people of the two places. Therefore, LAD ...

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, I have been rather tolerate and allowed you to explain your point. But your speech has really digressed from the subject. Please return to the subject matter.

DR CHENG CHUNG-TAI (in Cantonese): So, you consider this point digressing from the subject again.

PRESIDENT (in Cantonese): If you do not have any new argument, I will ask you to stop speaking.

DR CHENG CHUNG-TAI (in Cantonese): You said my first argument has digressed from the subject, and thus I could not finish it. But this is my second argument.

PRESIDENT (in Cantonese): The point you have raised is also digressed from the subject.

DR CHENG CHUNG-TAI (in Cantonese): As you again find my second argument digressing from the subject, I also cannot finish it. So, I am going to talk about the third argument.

In this third argument, I think the proposal to increase lawyers' fees under the current legal aid system just could not address or respond to the discussion on enhancement of service quality. Because now we have to face the situation that the common law practised in Hong Kong is undergoing a gradual change. President, do you think this argument is different from the second argument? In the second argument, I observe the increasing interaction between Hong Kong people and Mainlanders. In the third argument, however, I see the common law practised in Hong Kong starting to undergo a gradual change, with the inclusion

of some laws which we previously had no knowledge of. In the past, we think the Hong Kong legal framework or the legal principles ... President, what is the matter?

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, your speech has digressed from the subject. If you still do not return to the subject of this debate, please stop speaking.

DR CHENG CHUNG-TAI (in Cantonese): If you want to do so, you should rather be straightforward and tell me that today is the race day and you have to rush to the racecourse. Indeed, it is not harsh for me to say so.

PRESIDENT (in Cantonese): In this debate, you have to give reasons to explain whether you support his adjournment debate, instead of going into the legal aid system.

DR CHENG CHUNG-TAI (in Cantonese): President, I only wish to state the reasons. You said we would need to consider other Members' arguments, such as the rise of the price index, or adjustment of the fee level according to the changes in Consumer Price Index (A). But these precisely serve to support my viewpoint that adjournment of the debate is conducive to the review of the system. Actually, a better solution to the current problems faced by LAD is to conduct an across-the-board review to look from the very fundamental of the legal aid system, rather than having a biennial adjustment of the fees. Then, I presented the three arguments in an attempt to clearly explain my viewpoint to you. If you consider the three arguments have digressed from the subject, I would ask you to help conclude my speech and tell Members that you hurry to leave. Is this okay? If I so propose, will you think I have digressed from the subject? Actually, I also know that this would digress from the subject.

Let me come back to the third and a very important argument. In this discussion, we do not have to consider how LAD should provide monetary incentive to encourage lawyers to join it and pursue righteousness, as there is no such thing in reality. What I mean is we should not be misled by such illusionary values as the offer of free services out of friendship or the pursuit of

righteousness. These factors may exist, though. The fundamental issue is since LAD is a government department established under our unique "one country, two systems", the direction of our discussion should rather be the need to separate LAD from the executive arm of the Government, so that it can play a role similar to that of the Independent Commission Against Corruption. Only after LAD is separated from the Government could we really achieve the familiar principle of equality before the law or righteousness ... President, what is the matter?

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, you have really strayed from the subject. Please stop speaking.

Does any other Member wish to speak?

DR CHENG CHUNG-TAI (in Cantonese): Do you now rule that I have to stop speaking?

PRESIDENT (in Cantonese): I have directed you to discontinue your speech.

DR CHENG CHUNG-TAI (in Cantonese): It is better for me to stop speaking and not to make others unhappy.

MR CHARLES PETER MOK (in Cantonese): President, it is so good that the Deputy President has just sent us a verbatim record of the President's speech as a reminder to us. The President has kept reminding Members of the debate subject. I cannot imagine how wonderful it will be if the President can provide us with instructions on our speeches during all the meetings in future. But I would also wish to alert and remind myself about the very limited scope of this subject, that Members should focus on discussing whether to adjourn the debate on the proposed resolution. Fine, I speak on this then.

First, I have to thank Mr KWONG for moving this adjournment motion. After the discussion has taken place for some time, the motion gives us a chance to rethink if we should agree to allow more time to discuss the issue. Having

spoken on the proposed resolution early in the debate, I had very simple thinking then, merely considering this as something good. Members present today all know that legal aid is something good, and I do not have to explain why. In fact, no one will reject the system, or even reject the proposed adjustment, that is, the adjustment to the fees payable to lawyers. That said, having listened to the arguments in this period, I increasingly feel that there is a problem. My idea has changed a bit as a result. Obviously, this is a question of whether to "pocket it first". Is the 4% increase sufficient? Is it appropriate to adjust the legal fees in accordance with the Consumer Price Index (C)? I will not go into these questions one by one, but after listening to opinions from more Members, I do believe that we should at least think twice.

Mr CHAN Chi-chuen unequivocally listed eight points expounding why he believed we should support the adjournment now. I will not repeat his points. But then, I heard Mr Dennis KWOK refuting Mr CHAN Chi-chuen's remarks one by one. He even told me earlier that 15 minutes are not enough for him to finish his speech. I understand this so well as he represents the legal sector while the two lawyers' associations have expressed support for the adjustment. However, after studying the justifications given by the two associations at the meetings of the Panel on Administration of Justice and Legal Services for supporting the current proposal, I actually feel their reluctance in lending the support. They also found that the system has room for improvement. I will not give an explanation in this regard as the reasons are well known, while Members have mentioned them too. So, I truly believe we must give a second thought.

Coincidentally, Mr Dennis KWOK publishes an article in the newspaper expressing his support for legal aid and the defence of the rule of law. But he also mentions the adjustment proposed now which represents an increase in legal aid fees of merely a few tens of dollars each hour afterward. If we consider the increase in the fees in the light of today's price level, the amount may not be enough to buy a meal in a fast food store. He also refers to the problems arisen from the system overall, namely the lack of incentive for senior counsel to provide legal aid services, while the fees will not be adjusted depending on whether the services are provided by solicitors, counsel or senior counsel. He mentions that such a practice is not adopted in other sectors, including the medical sector. Even in the case of government medical officers, the authorities do not pay them under this arrangement. I will not go into detail lest the President will again claim that I have strayed from the subject. After reading

Mr Dennis KWOK's article and listening to his speech, I think that probably he also supports the adjustment reluctantly too. Of course, he has no alternatives as he represents the legal sector in this Chamber.

So, Members have raised an important point here, that is, should we review the policy on legal aid comprehensively? Otherwise, after passing the resolution, the Government will again deal with this in a laid-back manner and we have to wait another two years before another adjustment will be done. Therefore, when considering whether to support the adjournment motion, I will then think of Mr CHAN Chi-chuen's repeated remarks that this is the most effective way, or even the only way, for Members to press the Government to introduce an overhaul. However, I am also thinking whether his words are true. And the more I listen to him, the more I believe his words. Mr CHAN Chi-chuen also mentioned that an adjournment of the debate will exert more pressure to the Government to bring changes more determinedly. Therefore, after listening to his speech, I believe that we really have to reconsider the issue. Actually, we may really need to support the adjournment.

Mr CHAN Chi-chuen has made up another case which I find important. He said that Members in fact cannot move an amendment involving government expenditure. For example, if a Member finds that an increase of 4% is insufficient, he cannot just propose to raise the fees by 5%. Therefore, Members are always in a passive position. Proposing an adjournment motion is the only active step they can take. An adjournment means that Members will reassess the situation, thereby giving more pressure to the Government. I do not rule out the possibility that some members of the legal sector do think so. Many people have mentioned that the next review will also be done after two years. I believe the problem lies not in the biennial or regular review, but the continuous reliance on the Consumer Price Index (C) as the basis for the review. There are opinions that the Consumer Price Index (C) cannot reflect the costs borne by law firms. But the gist is not whether we should refer to the Consumer Price Index (C) when we adjust the fees, or that the problem can be solved if we raise the fees by a certain percentage. The point is that the problem will just remain if the base rate is unchanged. It may not help even if we increase the fees by a large percentage point, or if we do so at a rate double that of the increase in the Consumer Price Index (C). Instead, I am thinking if we really have to review the overall legal aid policy, and how to examine the ways to press the Government to put the review into real practice, or even increase the base rate once and for all. The

range of increase may not differ too much from that of the Consumer Price Index (C), but the problem is whether the current base rate is too low? Of course, we need further data to ascertain the truth of this argument.

Apart from this, I have studied the information today and find that a more thorough reform to the legal aid system is needed. So, I wonder if we truly need to consider supporting the motion to adjourn the debate at this stage. For example, it turns out that legal services can be provided online by means of Information Technology. This is already applied in Ukraine, countries in East Europe and the Netherlands. I will not read the details out. We find that many similar places are providing legal services via some new methods. I cannot rule out that the adjournment motion is a means to press the Government to explore some new ways to handle the problem. I am not going to specify all the practices adopted in Ukraine or the Netherlands lest the President will claim that I am deviating from the subject or wasting time. But I wish to conclude that we really need to earnestly consider this problem.

Moreover, President, I have heard that many Members are considering a factor: it is necessary that we have to pass the proposed resolution right now? That is, can we solve the problem by increasing the fees by 4%, so as to "pocket it first"? However, the problem obviously remains unsolved. The point is, suppose we opt not to confirm the 4% increase now, but temporarily adjourn the debate to restart the discussion, does it mean that those people in need of legal assistance will receive no help? As mentioned by many legal practitioners and Members who have spoken today, a lot of legal practitioners are still willing to provide relevant services. They do so not for that tiny bit of money, otherwise they would not have joined the Duty Lawyer Service. Therefore, I believe that spending some time to consider and discuss this issue will not result in a situation projected by certain Members in which many people will receive no legal assistance. This is different in nature from the example quoted just now by Prof Joseph LEE relating to patients' lack of access to medication. It is because the patients may really not be able to afford the drugs without additional government subsidies. However, in the present case, the legal sector clearly has better conscience than many drug companies, so this situation will not happen. Furthermore, this also prompts me to consider that it is a better option not to "pocket it first", so that we can try to solve the problem and improve the system comprehensively.

President, no matter what, I will not use all 15 minutes speaking time. I honestly wish to hear the opinions from more Members. Even if these are opinions from pro-establishment Members who do not support the adjournment motion, I would also like to hear them. In particular, Members from the legal sector like Dr Priscilla LEUNG and Mr Jimmy NG have spoken too. However, there are many other Members in the pro-establishment camp who come from the legal sector, and I do wish to listen to their speeches. As for many people and my fellow Members, I believe we will produce a positive effect to the whole issue if we can reach a final decision.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Secretary for Home Affairs, do you wish to speak?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the legal sector and the general public are eager to see the passage of this resolution as soon as possible. With regard to certain opinions, I will give a response when I make the concluding remark later on.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until 9:00 am tomorrow.

Suspended accordingly at 7:58 pm.