

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 17 January 2018

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

THE HONOURABLE WONG TING-KWONG, 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 JEREMY TAM MAN-HO

**MEMBER ABSENT:**

THE HONOURABLE KWONG CHUN-YU

**PUBLIC OFFICERS ATTENDING:**

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

THE HONOURABLE JOHN LEE KA-CHIU, S.B.S., P.D.S.M., J.P.  
SECRETARY FOR SECURITY

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

MR ANDY CHAN SHUI-FU, J.P.  
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND  
AFFAIRS, AND  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

**CLERKS IN ATTENDANCE:**

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS ANITA SIT, 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:

Subsidiary Legislation/Instrument	<i>L.N. No.</i>
Exemption from Profits Tax (Non-Renminbi Sovereign Bonds) Order.....	2/2018

### Other Papers

- No. 63 — Office of the Privacy Commissioner for Personal Data, Hong Kong  
Annual Report 2016-17
- No. 64 — Equal Opportunities Commission  
Annual Report 2016/17
- No. 65 — Supplemental Report of the Public Accounts Committee on Report No. 68 of the Director of Audit on the Results of Value for Money Audits (January 2018—P.A.C. Report No. 68A)

## **ADDRESS**

**PRESIDENT** (in Cantonese): Address. Mr Abraham SHEK will address the Council on the "Public Accounts Committee Report No. 68A".

**Supplemental Report of the Public Accounts Committee on Report No. 68 of the Director of Audit on the Results of Value for Money Audits (January 2018—P.A.C. Report No. 68A)**

**MR ABRAHAM SHEK:** President, on behalf of the Public Accounts Committee ("the Committee"), I have the honour to table our Report No. 68A. This is the Committee's second report in response to the Director of Audit's Report No. 68. It contains our conclusions and recommendations on Chapter 1 on "Government's support and monitoring of charities" and Chapter 4 on "Provision of district council funds for community involvement projects". Our first report, i.e. Report No. 68, which focuses on the monitoring of charitable fund-raising activities, was tabled in the Council in July last year.

Our first report on the conclusions and recommendations on Chapter 1 on "Government's support and monitoring of charities"

There is no overall statutory scheme for the registration and regulation of charities in Hong Kong. As advised by the Secretary for Home Affairs, at least nine bureaux and quite a number of executive departments are currently involved in the legislation, licensing and land allocation work relating to charitable organizations and their fund-raising activities. In 2013, the Law Reform Commission ("the Commission") published a Report on Charities, making 18 recommendations to improve the transparency and accountability of charities, and 13 of them are related to the regulation and monitoring of charities. The Home Affairs Bureau was tasked to coordinate comments from the relevant bureaux and departments for consideration of the way forward. The Committee expresses its grave concern and dissatisfaction and finds it unacceptable that more than four years after the publication of the Commission's Report on Charities, the Home Affairs Bureau is still coordinating comments from relevant bureaux and departments. The Committee urges the Home Affairs Bureau to expedite the consultation process with a view to formulating a substantive response to the Commission's recommendations as soon as possible.

The Committee expresses grave concern that under the existing regulatory framework, the recognition of tax-exempt status of an organization under section 88 of the Inland Revenue Ordinance by the Inland Revenue Department ("IRD") will be regarded as a charity, but it does not constitute a formal "register" of this organization as a charitable organization. Furthermore, the Committee

stresses that IRD plays a vital and unique role in recognizing tax-exempt status of charities and reviewing their accounts to ensure their eligibility for tax-exempt purposes. The Committee expresses grave concern and dissatisfaction and finds it unacceptable about IRD's inadequacies and limitations in ascertaining whether charities' activities or expenditures are compatible with their charitable objects. Furthermore, IRD had not acted proactively to review the existing provisions of the Inland Revenue Ordinance regarding tax-exempt status of charities, and to address its limitations in administering tax-exempt status of charities effectively. IRD is strongly urged to conduct more frequent reviews on the annual accounts of tax-exempt charities, consider setting up clear guidelines in administering the tax-exempt status of charities, and review section 88 of the Inland Revenue Ordinance to enhance the effective performance of its role.

The Committee strongly urges the Administration to review which bureau or department should be more appropriate to be responsible for the overall regulation and monitoring of the operation of charities, bearing in mind that IRD's main duty is to administer tax-related matters.

President, for the Lands Department, the Committee expresses grave concern and finds it, again, unacceptable that the Department has failed to monitor the application and proper use of income generated from hostel/hotel serviced residence on sites granted by way of private treaty grants at nil or concessionary premium. While the Lands Department issued a protocol in July 2014 delineating the responsibilities between the Lands Department and the supporting bureaux, there are still grey areas in respect of the monitoring role in enforcing relevant lease conditions and other implementation difficulties. The Lands Department is urged to review and improve this protocol.

The Committee expresses serious dismay and finds it unacceptable that the Home Affairs Bureau, as the supporting government bureau for monitoring the operation of a grantee since 2000, has failed to properly manage the subvention reduction arrangement and monitor the operation of income-generating facilities of this grantee on the site. The Committee expresses alarm and strong resentment and finds it unacceptable that the Home Affairs Bureau and the Social Welfare Department have not exercised effective monitoring on the operation of catering facilities in the new headquarters of this grantee. The canteen in the headquarters was opened for public use since 1996, which is against the provisions of the land lease.



The Committee also expresses grave concern and dissatisfaction and finds it unacceptable about the inadequacies in the regulation of Chinese temples by the Chinese Temples Committee. An example, President, is that two temples have been managed by two organizations without any delegation agreements since 2006 and 2007 respectively, which undermines the accountability of these two organizations to the Chinese Temples Committee.

Now, I turn to Chapter 4. For Chapter 4 on "Provision of district council funds for community involvement projects", the Committee wrote in May last year to the Administration requesting for written responses to a series of questions on issues raised in this Chapter of Report No. 68. Having reviewed the Administration's responses, the Committee decided to invite the relevant bureau and departments for a public hearing, giving them a chance to explain the issues in more detail.

The Committee expresses grave concern about the inconsistencies and variations across different District Councils ("DCs") in managing community involvement projects. While each DC is given some degree of flexibility to make its standing orders and work procedures to suit its characteristics and circumstances, it is important that DCs should ensure transparency and accountability in their consideration and approval of community involvement projects, which involve public money. The Home Affairs Department ("HAD") is urged to implement measures to improve the situation.

The Committee also expresses great dissatisfaction and finds it unacceptable about the irregularities and deficiencies in respect of declaration of interests by members of DC and its committee and working group. HAD is urged to implement measures to enhance the management of conflicts of interest in accordance with the standing orders of each DC, including reminding DC members to declare their interests where appropriate, reminding chairpersons to rule on conflicts of interest declared by members at meetings, and recording the rulings as well as their rationale in the minutes of meetings.

Lastly, I wish to record my appreciation of the contributions made by members of the Committee. Our gratitude goes to the witnesses who attended the hearings held by the Committee. I would also like to express our gratitude to the Director of Audit and his colleagues for their unfailing support. Last but not least, I would like to thank the Secretariat for their well and usual manner in providing usual backup for the Committee.

Thank you, President.

**ORAL ANSWERS TO QUESTIONS**

**PRESIDENT** (in Cantonese): Questions. First question.

**Commercial facilities divested by the Hong Kong Housing Authority**

**1. MS ALICE MAK** (in Cantonese): *It has been reported that since 2014, Link Real Estate Investment Trust ("Link REIT") has divested 45 of its commercial facilities (including shopping centres and car parks), an overwhelming majority of which are commercial facilities in public rental housing ("PRH") estates that were divested in 2005 by the Hong Kong Housing Authority ("HA") to the former entity of Link REIT. Some PRH residents have expressed the concern that following the divestment of such commercial facilities by Link REIT, it has become even more difficult for HA to fulfil its duty under section 4(1) of the Housing Ordinance to "secure the provision of" amenities ancillary to housing as HA thinks fit. In this connection, will the Government inform this Council:*

- (1) of the mechanism currently put in place to monitor the compliance with the relevant land lease conditions and covenants by the owners of the commercial facilities divested by HA; the number of suspected non-compliant cases handled by the Government in the past five years;*
- (2) whether, since 2005, the Government has conducted studies on the impacts of the operation modes and resale of commercial facilities divested by HA on the community, people's livelihood and the retail industry; if so, of the details; if not, whether it will conduct a study expeditiously; and*
- (3) given that the Chief Executive indicated earlier that she had reservation back then about HA's divestment of its commercial facilities, and now she felt "a bit having her hands tied" on "the Link REIT issue", of the specific circumstances that the expression "having her hands tied" referred to; whether the Government will proactively take effective measures, including the setting up of a dedicated inter-departmental taskforce to monitor and conduct inspections on whether or not the owners of the divested commercial*

*facilities have breached the relevant land lease conditions and covenants, so as to alleviate the after-effects of HA's divestment of commercial facilities?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, in 2005, the Hong Kong Housing Authority ("HA") divested 180 non-residential properties ("divested properties") with a view to enabling HA to focus on its core function of providing subsidized public housing, improving HA's financial position in the short-to-medium term, as well as, improving the operation efficiency of such commercial facilities. When handing down its Judgment in 2005 on a judicial review case regarding the aforesaid sale of properties, the Court of Final Appeal ("CFA") affirmed that the plan was consistent with HA's objective, as laid down in section 4(1) of the Housing Ordinance. Section 4(1) requires HA "to secure the provision of housing and such amenities ancillary thereto as the Authority thinks fit" for the persons concerned. This does not mean that HA needs to be the direct provider itself and it is not stipulated in the Housing Ordinance that the tenants have any statutory right to the continued retention and control by HA of the facilities while the tenants are still using the facilities. HA has secured the provision of these facilities so long as such facilities are available, even though they are not provided by HA but by a third party. In reaching its conclusions, the CFA already noted that The Link (currently named as Link) would adopt a market-oriented commercial approach and there may be changes on the operation of the facilities, including, for example, the tenant trade mix. The CFA also noted the restrictions under land leases, as well as the restrictive covenants.

The land lease conditions for divested property vary. In general, they do not restrict the disposal of individual shopping unit or carparking space, but, in most cases, would specify the land uses of the lots, including requirements that certain floor areas shall be used for the provision of designated facilities. Current and subsequent owners, who purchase these properties later, are all obliged to comply with these lease conditions. Owners who wish to change the land uses must submit applications to the Lands Department ("LandsD"). LandsD will conduct inspections and take follow-up actions for complaints. Appropriate actions will be taken if breaches of the lease conditions are confirmed. LandsD does not keep statistics on the number of cases concerning breaches of lease conditions of the divested properties. As with owners of other private properties, relevant owners are obliged to comply with various legal

requirements and conditions set out in the land leases in their operations, while the authorities concerned would carry out supervision in the light of the actual circumstances. Apart from the existing regulatory mechanism, the Government has no plan to set up an inter-departmental taskforce to monitor and inspect commercial facilities of any particular private property owner.

Depending on individual circumstances, assignment deeds of divested properties contain certain restrictive covenants which require that commercial and carparking facilities shall not be disposed of individually by the owners under specific circumstances. Some properties are also subject to the welfare-letting covenant, which requires the owners to lease certain specific units to non-profit making organizations nominated by the Social Welfare Department, the Education Bureau, etc. at concessionary rent as stipulated by HA for the provision of services. Owners shall also ensure that the restrictive covenants are incorporated in the relevant legal documents, such as assignment deeds, etc., in the event of further disposal of these divested properties. As in any property transactions, both the purchaser and vendor are obliged to clarify the rights and obligations associated with the property.

HA has been communicating with the owners of the divested properties in the light of the circumstances of individual properties. For example, HA would, in the capacity as an owner, handle matters relating to the management and maintenance of the common areas together with other owners, and consider proposals for amendments to the land leases. In the past five years, HA has handled alleged breaches of the welfare-letting covenants by owners of five divested properties, involving matters such as rent, management fee, renovation work and relocation, etc. Having been cautioned by HA, the owners withdrew requests that were against the requirements under the covenants. HA will maintain liaison with the nominating authorities and offer assistance where necessary. In case of any breaches of covenants, the Housing Department will take appropriate follow-up actions.

The needs of the residents of public housing for shopping, carparking, social services, etc. can be fulfilled by multiple means, including services and facilities provided by public and private organizations, such as divested properties operated by private property owners in accordance with commercial principles. Neither the Government nor HA conducted or has plan to conduct any thematic study on the social impact caused by changes in the operation mode and ownership of the divested properties.

The Government will continue to provide a wide range of facilities and services through various departments and public organizations. The Government will study the need and feasibility of providing new markets in districts where relevant facilities are alleged to be insufficient. The Government will also increase parking spaces and determine an appropriate mix of social welfare and educational facilities in various districts having regard to the local situation and needs. At the same time, HA would follow the relevant government policies and planning requirements for the provision of retail and carparking facilities when developing new public housing estates. Relevant organizations, such as the District Councils, will also be consulted. As at end December 2017, there were some 1.74 million sq m of non-domestic facilities under HA, among which over 60% were welfare and community facilities, as well as shops and markets stalls. Given the limited space in public housing estates, HA will, on the premise of ensuring that adequate open space is available for residents' access and leisure, endeavour to balance residents' needs and provide various community, educational, welfare and retail facilities where feasible.

**MS ALICE MAK** (in Cantonese): *President, the Secretary has already spent nine minutes in answering the main question, uttering his words very gently. So, I will swiftly ask my question to quickly finish my turn in a bid to allow more Members to raise their supplementary questions. I believe Members are all concerned about issues surrounding Link Real Estate Investment Trust ("Link REIT") and are eager to ask questions. So, my supplementary question will be very brief.*

*The Secretary has mentioned in the main reply that the Hong Kong Housing Authority ("HA") does not need to be a direct provider of amenities. We all know this. However, it is not that we are not asking for these amenities, but that public housing estates simply do not have these facilities. In this respect, what can the Government do? In paragraph 2 of the main reply, the Secretary says that the authorities will not set up an inter-departmental taskforce to monitor the situation. In fact, the authorities will not have to set up such a taskforce as the Housing Department should help its own tenants anyway. The staff of the Housing Department should inspect if these facilities are available. In fact, no such facilities are provided in the Sun Tin Wai Estate and the Tin Wan Estate now, as the malls there have all been transformed into schools. So, even if no such taskforce is established, the Housing Department should still deploy staff to work on this and study on ways to meet the residents' daily needs.*

*Secretary, my main question contains three points, yet you have answered none. The Chief Executive said earlier that Link REIT is one of the "three mountains" before the people. Then, she said that she felt "having her hands tied".*

*I want to ask the Secretary what does the phrase "having her hands tied" mean? How tied the Government's hands are? Secretary, while the Chief Executive said that she felt "having her hands tied", do you feel the same that you are also "having your hands tied", rendering it incapable for you to even provide an answer in the main reply?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I believe the Chief Executive had made herself clear. She mainly talked about buying back the shares of Link REIT. I believe Members understand the Government's policy which rules out the proposal as it does not fulfil society's interests.

That said, regarding the daily needs of residents of public housing, the Chief Executive expressly stated in the 2017 Policy Address that the Government would, based on its new thinking on governance focused on brining benefits and convenience to the public, make available resources for building necessary facilities for communities and for provision of services, such as building new public markets, including finalizing the building of new public markets in Tung Chung, Tin Shui Wai and Hung Shui Kiu with a view to offering wider choices of fresh food. In areas known to be short on such facilities, the Government will study the feasibility of building new markets. As regards whether there is a lack of other facilities, we undertake to thoroughly review the situation and systematically adopt specific measures to improve the facilities as well as the management. We will also deploy resources on improving the conditions inside existing public markets, including the installation of air-conditioning. Overall, basically the Government has been paying attention to issues concerning shopping, car parking and welfare facilities in public housing estates, as well as tasks relating to markets. As pointed out by us just now, we hereby promise that we will earnestly and strictly enforce the law and follow up issues about deeds and covenants.

On the planning and building of new estates, we will also communicate with relevant Bureaux and make collaborated arrangements for education and communal facilities. In hope of further optimizing the provision of ancillary

facilities in future new estates, and in the light of the present mismatch of the provision of certain communal facilities and residents intake, we have communicated with the Labour and Welfare Bureau so that tendering for relevant facilities can start before residents move in, rendering it possible for the Government to properly make available public facilities and facilities related to welfare, education and shopping, as well as parking spaces, for use by residents of public housing estates in due course. I hope Ms MAK can rest assured about this.

**MR ALVIN YEUNG** (in Cantonese): *President, the Secretary has copiously given us two pages of replies with six enormous paragraphs. But they simply cannot answer our questions. In fact, concerning the Government's claim that it felt "having its hands tied" on issues related to Link REIT, political parties from across the whole spectrum are enraged at this. In the face of the people's discontent about the social problems arising from Link REIT, the Secretary has boldly stated in paragraph 5 of the main reply that the Government will not conduct any thematic study. While the Secretary is unable to give us an answer, the Chief Executive was relatively honest in saying that she felt "having her hands tied". Now that the Government's "hands are tied", let us legislators and the public help the Government. President, I want to ask the Secretary when the Government will eventually be willing to make public the agreement signed with Link REIT (formally called "The Link REIT"), so that we can assist the Government in dealing with the issues concerned?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, regardless of whether we are dealing with The Link REIT or Link REIT, the Government does care about the related issues very much. We take the problems seriously and adopt measures to improve the situation for the benefit of the people, especially public housing residents. That said, we also wish that the Council and the public can understand that the Government and HA cannot and will not intervene in the day-to-day operation and stances of private entities or other private businesses running on a commercial basis, as long as relevant laws and regulations are complied with. We will also not intervene in their rights over utilizing their properties and their business decisions, such as disposal of property, determination of rent, rental arrangement, renovation work and alternation of tenant trade mix, etc. However, this is not an excuse for us not to take any action.

As I have mentioned before, the Government notes the Council's voices and understands the people's needs, but we also have to follow the laws and act reasonably. We cannot intervene in, nor can we stop commercial enterprises from taking proper actions. So, what can we do then? I have already said that, in case of shopping, we will consider building public markets in areas without these facilities; in terms of demand for parking spaces, we will also examine the provision of temporary parking spaces near public housing estates so that residents can park their vehicles if they need to, in particular those residents who happen to be drivers of commercial vehicles. Of course, in connection with tenant trade mix, we have already offered a response just now. As regards educational and welfare facilities, we have given an account too. We hope the overall provision of ancillary facilities can meet the people's needs.

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

**MR ALVIN YEUNG** (in Cantonese): *President, a simple question. The Government has not answered if it is willing to publish the agreement entered into with The Link REIT in the past, or under what conditions will it be willing to do so?*

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, when divesting commercial facilities in 2005, HA incorporated certain rights and obligations in the assignment deeds of each divested property, and the respective assignment deeds contain HA's restrictive covenants. The assignment deeds are registered at the Land Registry. If necessary, members of the public can request the relevant information from the Land Registry. Moreover, the public can access the previous listing documents prepared by The Link REIT via the website of the Hong Kong Exchanges and Clearing Limited. On top of this, I believe that Members understand the idea behind the arrangement, therefore I will not repeat the details here.



**MR SHIU KA-FAI** (in Cantonese): *President, Secretary, I am the legislator who represents the wholesale and retail sector. In recent years, countless retailers operating under Link REIT have related to me that rents have keep soaring while they have frequently been asked to relocate. In order to stay in business, shop owners have no option but to raise prices, but then patrons will be driven out when price hikes reach a tipping point. Shops will have to close down as a result. Regarding issues concerning public housing, the Government claimed that its "hands are tied". I do not quite agree. Actually there are many public spaces or spaces left idle by NGOs in public housing estates, why can we not provide retail facilities right away at these places for rental in an attempt to counter Link REIT's monopoly? Secretary, can you carry this out?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, Mr SHIU has claimed that the level of rents will affect retail prices. In fact, the authorities reported to the Panel on Food Safety and Environmental Hygiene of the Legislative Council in June 2017 in response to concerns raised by some members of the public. The report studied if prices of fresh food and retail goods were affected by systemic factors.

The Food and Environmental Hygiene Department ("FEHD") engaged a consultancy firm in the latter half of 2016 for a research and survey on prices of fresh food sold through different retail channels, including FEHD markets, Link REIT markets, supermarkets and nearby retail outlets, as well as on whether correlation existed between fresh food prices and stall rents at markets managed by FEHD.

The survey found that retail prices and rents were not necessarily related. Of course, the relationship between price level and market ownership or operational structure are highly complex, rendering it difficult to casually generalize the phenomenon.

As regards the question asked by Mr SHIU just now concerning whether we can consider using the existing spaces in public estates for retail purpose, I have also replied that we wish to meet the people's need for more bazaars in public housing estates. We will actively respond to specific recommendations put forward by individuals or groups from local communities on arrangements for setting up bazaars. Provided that the bazaars will not affect public order and safety as well as food safety and hygiene, we wish to follow up the issues and

communicate with relevant local bodies and respective District Councils. On the basis of the present circumstances, we will try our best to satisfy public housing residents' demands for shopping, car parking and public facilities.

I would also like to take this opportunity to reiterate that the phrase "having our hands tied" is simply a form of expression. In fact, the current Government is resolute in handling the problems pointed out by Members earlier, and we vow to actively follow up the issues step by step.

**MR JEREMY TAM** (in Cantonese): *President, actually the Secretary has pointed out in the main reply that there were five alleged breach cases in the past five years, and HA had thus urged the people concerned not to violate the covenants. As for the deeds mentioned by the Secretary, in answering Mr Alvin YEUNG's question earlier, the Secretary has stated that there already are assignment deeds at present, and that Members can check the deeds by themselves. I have found a so-called restrictive covenant and noted that it does have contents that regulate the provision of retail shops and car parks, and have stipulated the preconditions for divestment. However, it says nothing whatsoever about whether markets must be provided.*

*If so, as the deeds entered into between the authorities and The Link REIT or Link REIT have not stated that markets must be retained when divestments take place, how can the Secretary secure the provision, directly or indirectly, of the relevant amenities under section 4(1) of the Housing Ordinance? How can the Secretary secure the provision of these facilities?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, it is true that section 4(1) of the Housing Ordinance refers to the amenities, and that these amenities include retail facilities. That said, the section does not specifically stipulate that markets must be provided. It is because today's retail outlets can operate in many different modes and exist in numerous forms.

Mr TAM has mentioned markets. As pointed out just now, concerning the places known to have inadequate market services, we have conducted studies in order to examine if there are potential sites for new public markets nearby; if there are existing public markets with relatively plentiful supply of goods in the

proximity, we have also considered the option and examined with related departments the arrangement of providing shuttles for residents to shop at these public markets where goods are relatively more abundant, so that their daily needs can be fulfilled. I hope that I have answered the question.

**PRESIDENT** (in Cantonese): Second question.

### **Traffic problems in North Lantau**

2. **MR HOLDEN CHOW** (in Cantonese): *President, some residents of Tung Chung have relayed to me that due to the completion of quite a number of infrastructure projects and the continuous population growth in North Lantau in recent years, the vehicular flow of Tung Chung has risen continuously and there have been frequent traffic congestions. In addition, the external road traffic of North Lantau will be paralysed whenever a traffic accident happens on the Tsing Ma Bridge. In this connection, will the Government inform this Council:*

- (1) *of the respective vehicular flows of and numbers of traffic accidents which happened on North Lantau Highway as well as Tat Tung Road and Shun Tung Road in Tung Chung in each of the past five years, and whether there has been an upward trend in such figures;*
- (2) *of the respective percentages, as projected by the authorities, of vehicular flows of North Lantau Highway and the major roads in Tung Chung in their design capacities in each of the coming five years, and whether the vehicular flows will reach saturation; if so, of the authorities' measures to deal with the situation; and*
- (3) *whether the authorities will implement within the coming five years traffic management measures and plans for expanding the traffic network to alleviate the traffic load of the road network in North Lantau?*

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

- (1) At present, the main external land transport links for Lantau Island are by Lantau Link and North Lantau Highway, while the roads linking up Tung Chung Town Centre are mainly Tat Tung Road and Shun Tung Road, etc. The Transport Department ("TD") has been closely monitoring the traffic situation of these roads.

The peak hour traffic flow and design capacity of the Lantau Link, the section of North Lantau Highway between Tung Chung Eastern Interchange and Airport Road at Chek Lap Kok and Shun Tung Road between 2012 and 2016 are set out at Annex 1.<sup>(1)</sup> Although there is an upward trend for the traffic flow of the above mentioned roads, the traffic flow at peak hours has not yet reached the design capacity.

As regards traffic accidents, the concerned figures for the Lantau Link, North Lantau Highway, Tat Tung Road and Shun Tung Road between 2012 and November 2017 are set out at Annex 2. Although traffic accident figures for the Lantau Link and North Lantau Highway have been on the rise over the past five years, the traffic accident rates for these two roads in 2016, which were respectively 0.2 and 0.31 cases per million vehicle kilometre, were lower than the territorial average of 1.18 cases in the corresponding period. Besides, the traffic accident figures for Tat Tung Road and Shun Tung Road remained generally stable for the past five years. TD will closely monitor the locations of the traffic accidents and consider whether there could be common contributing factors, and, if necessary, take appropriate measures to enhance road safety.

- (2) and (3)

According to the observations of TD, at present, traffic flow on the roads on Lantau Island is smooth in general.

- (1) As TD is still consolidating the traffic statistics for 2017, no figures on traffic flow for 2017 can be provided for the time being. Besides, since TD has not collected traffic flow data for other sections of North Lantau Highway and Tat Tung Road, no such information is available.

Upon completion, the Tuen Mun-Chek Lap Kok Link ("TM-CLKL") will provide a new strategic road linking up North West New Territories, Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities, North Lantau and Hong Kong International Airport. The Highways Department ("HyD") expects that the Southern Connection of TM-CLKL will be completed in the first half of 2019 at the earliest, and that the Northern Connection will be completed in 2020 at the earliest.

According to TD's forecast, the volume to capacity (v/c) ratio<sup>(2)</sup> of North Lantau Highway (Siu Ho Wan Section) during peak hours in 2021 would be about 0.7 and that the traffic flow would not be saturated. As for Tat Tung Road and Shun Tung Road, which are District Distributor roads,<sup>(3)</sup> TD does not have an estimation of the v/c ratio of these two roads for the coming five years.

At the present stage when the TM-CLKL is yet to be commissioned, any traffic accident on the Lantau Link or North Lantau Highway will have an impact on external road traffic in North Lantau. TD has formulated contingency measures, including positioning a number of towing vehicles at suitable locations along the highways. In case a traffic incident has been spotted, staff will immediately be deployed to the incident scene to handle and promptly remove any vehicle that has caused obstruction on the road so that normal traffic flow could resume as quickly as possible. At the same time, TD's Emergency Transport Co-ordination Centre ("ETCC") will closely liaise with relevant government departments and public transport service operators in the light of the circumstances of the incident so as to arrange appropriate emergency services or service adjustments. The ETCC will notify the public of the latest development of the incident and traffic arrangements as soon as practicable via the

- (2) A v/c ratio is normally used to reflect the traffic situation during peak hours. A v/c ratio equal to or below 1.0 means that the road has sufficient capacity to cope with the anticipated traffic volume. A v/c ratio above 1.0 indicates the onset of mild congestion and a v/c ratio between 1.0 and 1.2 indicates a manageable degree of congestion.
- (3) The capacity of a District Distributor road is subject to kerbside activities, road facilities (e.g. whether there are pedestrian crossings or bus stops) or traffic management measures (e.g. whether there are restricted zones), etc. As such, the design capacity concept is not applicable.

media, TD and the Airport Authority's mobile phone applications, variable message signs on nearby trunk roads and radio rebroadcast systems inside tunnels. The ETCC will also advise members of the public to plan their journeys early or change their routes or modes of commuting based on their locations and destinations so as to minimize the impact of the incident.

With a number of large-scale developments planned for North Lantau in the future, including Tung Chung New Town Extension and top-side development at Mass Transit Railway Siu Ho Wan Depot, they will bring additional population and increase the corresponding traffic demand. When handling such projects, the Government will require project proponents to conduct traffic impact assessments and put forward mitigation proposals so as to ensure that the transport infrastructure in North Lantau could cope with the additional traffic flow brought by the new development projects.

Currently, the Civil Engineering and Development Department is conducting the "Study on Traffic, Transport and Capacity to Receive Visitors for Lantau" to comprehensively examine the transport infrastructure and transport services on Lantau Island. The study will also cover ways to improve traffic within Lantau Island (such as improving the traffic network between Tung Chung Town Centre and Airport Island), put forward improvement proposals and formulate overall development strategies for the transport infrastructure network and transport services on Lantau Island. The above mentioned consultancy study has commenced in July 2017 and will last 18 months for completion in early 2019.

Furthermore, the Development Bureau and the Planning Department are undertaking the planning study "Hong Kong 2030+: Towards A Planning Vision and Strategy Transcending 2030" ("Hong Kong 2030+") to look into the longer term planning for Hong Kong. On the basis of the outcome of the Hong Kong 2030+ and its public engagement exercise, TD and HyD will conduct the "Strategic Studies on Railways and Major Roads beyond 2030" to comprehensively review the traffic demand of Hong Kong from 2031 up to 2041 or beyond, make recommendations on the required strategic transport infrastructure network in the future, and improve

the performance of the current major transport corridors (including external transport corridors on Lantau Island) to cope with the additional traffic demand.

## Annex 1

**Traffic Flow on Lantau Link, North Lantau Highway  
and Shun Tung Road from 2012 to 2016**

Road		Design Capacity <sup>(1)</sup> (number of vehicles/ hour)	Traffic flow during peak hours <sup>(2)</sup> (number of vehicles/hour)									
			2012		2013		2014		2015		2016	
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Lantau Link	(Eastbound)	4 700	1 710	2 490	1 790	2 750	1 880	3 050	2 030	3 320	2 090	3 500
	(Westbound)	4 700	2 570	1 970	2 800	2 210	2 990	2 140	3 270	2 220	3 750	2 360
North Lantau Highway (the section between Tung Chung Eastern Interchange and Airport Road at Chek Lap Kok)	(Eastbound)	4 700	1 110	1 580	1 060	1 520	1 080	1 580	1 260	1 740	1 340	1 920
	(Westbound)	4 700	1 600	1 310	1 790	1 330	1 890	1 360	1 900	1 430	1 810	1 400
Shun Tung Road	(Eastbound)	<sup>(3)</sup>	570	490	580	500	630	570	680	620	640	640
	(Westbound)	<sup>(3)</sup>	560	440	560	450	600	500	630	520	660	530

## Notes:

- (1) The design capacity of a road is calculated based on the number of traffic lanes and width of the road section concerned. The actual traffic capacity is often affected by traffic congestions at its downstream roads and the connecting roads or other traffic factors. As a result, the actual traffic capacity will be lower than the traffic capacity derived based on the number of traffic lanes and width. Moreover, other traffic factors affecting traffic capacity include the types of vehicles using the road section concerned (if the proportion of heavy vehicles using a road section is comparatively higher, the actual traffic capacity of that road section will be comparatively lower), the gradients and curvatures of the road section concerned, etc.
- (2) The traffic flow data listed in the above table is extracted from the Annual Traffic Census. The morning peak hours refer to 7 am to 9 am and evening peak hours refer to 4 pm to 7 pm (Mondays to Fridays, except public holidays).
- (3) Shun Tung Road is a District Distributor road. Its capacity is subject to kerbside activities, road facilities (e.g. whether there are pedestrian crossings or bus stops) or traffic management measures (e.g. whether there are restricted zones), etc. The design capacity concept is not applicable.

Number of traffic accidents on Lantau Link, North Lantau Highway,  
Tat Tung Road and Shun Tung Road from 2012 to 2017

<i>Road</i>	<i>Number of traffic accidents</i>					
	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i> <i>(January to</i> <i>November)<sup>Note</sup></i>
Lantau Link	26	20	30	29	37	27
North Lantau Highway (the section between Lantau Link and Airport Road at Chek Lap Kok)	47	47	50	75	86	80
Tat Tung Road	12	10	15	15	15	7
Shun Tung Road	8	11	12	8	13	9

Note:

Provisional figures

**MR HOLDEN CHOW** (in Cantonese): *President, I think part of the Secretary's main reply is inconceivable. The Secretary says that he does not have an estimation of the v/c ratio of Tat Tung Road and Shun Tung Road for the coming five years, but we know that there have been frequent traffic congestions at Tat Tung Road and Shun Tung Road in Tung Chung. Facing the tremendous growth in traffic demand in the future, the traffic network actually has to be planned again and improved, as such a great increase in traffic demand in Tung Chung was not envisaged when the network was first designed. Now the Secretary says that he does not have an estimation of the v/c ratio of these two roads, I really find it inconceivable.*

*President, concerning the number of traffic accidents on North Lantau Highway, the Secretary has pointed out in the main reply that it has increased from 47 in 2012 to 80 in 2017, an increase of nearly 100%. President, I have asked the related questions many times at the District Council meetings, but the authorities repeatedly said that they were at the end of their tethers. President, I cannot subscribe to that kind of reply. My question to the Secretary is that since the number of traffic accidents on North Lantau Highway has obviously doubled in recent years, can the authorities put in place any monitoring measures,*



*including enhancing the enforcement work and road monitoring work so as to hopefully reduce the number of traffic accidents, instead of being at the end of their tethers as in the past?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, we just mentioned that Shun Tung Road is a District Distributor road. Its capacity is subject to kerbside activities, road facilities (e.g. whether there are pedestrian crossings or bus stops) or traffic management measures, etc. Therefore, the design capacity concept is not applicable.

However, we have conducted on-site surveys on the traffic flow at different periods of time. From April to May 2017, we conducted some on-site surveys on the traffic flow at the junction of Shun Tung Road and Tat Tung Road. As indicated by the survey data, there was still reserve capacity at that junction during peak hours. For example, there was still about one third of reserve capacity at the junction of Shun Tung Road and the eastern part of Tat Tung Road in the morning and in the afternoon, while the reserve capacity at the junction of Shun Tung Road and the western part of Tat Tung Road was from 29% to 37%. The reserve capacity at the junction of Tat Tung Road and Mei Tung Street was nearly 50%. Hence, although they are being defined as District Distributor roads, we spare no efforts in estimating their traffic flow and following up their situations.

As regards the proposal mentioned earlier, in the light of the increase in the number of traffic accidents which we also notice, we will step up cooperation with the Police Force in traffic management. Concerning the aspects of traffic management, motorists' attitude and the arrangements in handling accidents, as I clearly explained in the main reply, we hope that the number of traffic accidents can be reduced through inter-departmental collaboration, planning and traffic management. When I mentioned some figures earlier, I was only giving a statement of the facts. I hope Members can understand that this does not mean that we are complacent of the present situation.

**MR FRANKIE YICK** (in Cantonese): *President, in part (1) of the main reply, the Secretary points out that at present, the external land transport for Lantau Island is mainly served by one road, and the replacement link, TM-CLKL, will only be commissioned in the first half of 2019 at the earliest. This exactly is the matter of our concern.*

*As mentioned in the Government's reply, there will be a number of large-scale developments in the future, including Tung Chung New Town Extension and top-side development at Mass Transit Railway Siu Ho Wan Depot. The Government says that it will require project proponents to conduct traffic impact assessments and put forward mitigation proposals. I find this strange as what the developers can do is very limited. The construction of bridges and roads is basically the work of no one but the Government.*

*In the next paragraph of the reply, the Government mentions the study that it is currently undertaking, but I notice that the existing development projects of the airport are not included. A mega shopping mall and storage facilities will be built there, with a pace faster than the development of the Government. Judging from the existing situation, I have no idea what phenomena will come forth in the future.*

*Besides, a lot of people ask whether the train frequency can be increased. But it is heard that the Tsing Ma Bridge is subject to a lot of restrictions while the train frequency is also affected by certain factors. As I learn nothing about the fact, can the Secretary offer an explanation?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, in the coming 10 to 20 years, there will surely be a number of developments in Tung Chung. In terms of transport planning, the authorities will also take account of the growth in population and the supporting transport facilities concerned. We mainly consider the issue on two levels, and the first is the traffic flow within Tung Chung (Lantau Island). We know that many Tung Chung residents work on the Airport Island. Hence, as regards the internal traffic of that area, we are currently studying with the related stakeholders, including the Airport Authority ("AA"), TD and other government departments concerned, on how to improve the transport network, such as providing supporting transport facilities to link up with the MTR stations so as to facilitate local residents in travelling to and from work.

Indeed, the existing external land transport links for Lantau Island are mainly by Lantau Link, MTR Tung Chung Line and Airport Express Line. In this respect, a study is now being conducted. Concerning the development of the future Tung Chung New Town, we are studying how to enhance the carrying capacity and train frequency of the railway system.

Of course, bridges and railway transportation are interconnected. Due to the design and life cycle of a bridge, there is a cap to the number of vehicles passing the bridge per hour. The authorities are working in this area and are stepping up deployment, in the hope that the carrying capacity of the railway system can be enhanced in future.

Of course, when the Southern Connection of TM-CLKL is completed in 2019 and the Northern Connection is also completed in 2020, I believe that by that time, not only will Tung Chung residents and people going to work in Tung Chung be facilitated, but the logistics industry will also be benefited. However, these are merely the undergoing works of the authorities according to their decisions and planning. As I highlighted earlier, we will conduct Hong Kong 2030+ to look into the road traffic design and planning of Hong Kong from 2031 to 2041 or beyond, in the hope that we can take care of the traffic demand of Tung Chung New Town and the development on Lantau Island in the long run.

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

**MR FRANKIE YICK** (in Cantonese): *I just heard the Secretary say that many residents in Tung Chung work on the Airport Island. However, from the figures of my business group, this is not the fact ...*

**PRESIDENT** (in Cantonese): Mr Frankie YICK, you should have pointed out the part of the supplementary question that has not been answered, but you just raised a new supplementary question ...

Ms Claudia MO, please raise your supplementary question.

**MS CLAUDIA MO** (in Cantonese): *President, the vehicular flow of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") definitely involves commercial tours and self-drive tours, and there are bound to be private cars. I learn that at present, the Government may consider controlling the traffic flow of private cars in Hong Kong. In fact during the past 10 years, the number of private cars has increased by nearly 50%, whereas the number of parking spaces has increased only by less than 10%. The Government now says that the fixed penalty for illegal parking has to be amended from \$320 to \$480. I see that ...*

**PRESIDENT** (in Cantonese): Ms Claudia MO, your question is not related to the main question.

**MS CLAUDIA MO** (in Cantonese): *Yes, it is related. According to the main reply, the daily traffic volume of the HZMB would reach 30 000 vehicles in 2030. However, it also says that the Government has already relaxed the quota for Hong Kong cross-boundary private cars ...*

**PRESIDENT** (in Cantonese): Ms Claudia MO, your question is not related to the main question. Please sit down.

**MS CLAUDIA MO** (in Cantonese): *No, the main reply ...*

**PRESIDENT** (in Cantonese): Ms Claudia MO, both of your questions not related to the main question.

**MS CLAUDIA MO** (in Cantonese): *I will ask the questions later then.*

**PRESIDENT** (in Cantonese): Mr YIU Si-wing, please raise your supplementary question.

**MR YIU SI-WING** (in Cantonese): *President, according to the figures provided by the authorities, over the past five years, the traffic flow and the number of traffic accidents on Lantau Link and North Lantau Highway have obviously risen. With the additional factor of global warming, there is a higher possibility of bridge closure due to severe typhoons, thus affecting the travellers and flight crew heading to the airport. If this is not properly handled, the international reputation of Hong Kong will be tarnished.*

*I would like to ask the Secretary whether he has conducted a comprehensive review on the impact of late arrival of passengers at the airport due to traffic and weather conditions and on the handling measures, including discussion with AA so as to minimize the possibility of missing the flight by passengers.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I thank Mr YIU for his supplementary question. The Hong Kong International Airport is indeed the lifeline of the air transport of Hong Kong, and we thus attach great importance to the traffic links between the Hong Kong International Airport and the urban areas or the New Territories. In the wake of some cases of traffic congestion and delay due to traffic accidents or inclement weather, the Bureau and the departments concerned have conducted an in-depth internal study and review. We can say that the transport services and the performance of the organizations concerned in Hong Kong are very professional on the whole. Despite some traffic delays in the past which have caused inconvenience to the public and the tourists, overall speaking, the impact on aviation services has been minimized as far as possible. Besides, we can see either on the scene or from the news that basically, cross-border visitors or travellers departing from Hong Kong have a very high opinion of our contingency measures.

In regard to the situation just mentioned, TD has already formulated a contingency mechanism. For instance, in the event of any traffic accidents or worsened weather conditions, it will issue proper notification to drivers and travellers in advance or in a timely manner. This is one of the measures.

Besides, we will also make arrangements on traffic diversions. Through broadcasting and public communication channels, we will alert the drivers in the hope that they can adjust their routes. We will have proper arrangements with the management company of the Lantau Link such that resources can be deployed to relieve congestion in case of such incidents. We will also put in place comprehensive and sophisticated arrangements with the Police Force and the Traffic Control Centre of TD.

Through the implementation of such planning and measures, we hope that in case of undesirable traffic accidents or inclement weather in future, smooth traffic can still be maintained while the impact on aviation and passenger traffic of the airport can be reduced.

(Mr YIU Si-wing stood up)

**PRESIDENT** (in Cantonese): Mr YIU Si-wing, which part of your supplementary question has not been answered?

**MR YIU SI-WING** (in Cantonese): *The Secretary has not answered my question. He only focused on the internal measures of the Government, but my supplementary question is whether he has any further study with AA on message dissemination or other supporting measures in this aspect, which he has not given an answer.*

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): We have close cooperation with AA as we understand that in the event of serious traffic accidents or worsened weather conditions, quite a number of travellers will be stranded in Hong Kong. We have 1 100 flights each day. When there are 200 to 300 passengers in each flight, the number of passengers affected will be very large.

We have been closely connected with AA, the Civil Aviation Department and other related organizations, including the tourism industry. Hence, we have been working smoothly in easing the traffic flow and following up on flight changes. We will continue to put in efforts and look for better arrangements.

**PRESIDENT** (in Cantonese): Third question.

### **Commissioning arrangements for the Hong Kong-Zhuhai-Macao Bridge**

3. **MR KENNETH LAU** (in Cantonese): *President, last month, the Secretary for Transport and Housing said that the main bridge of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") had achieved readiness for commissioning, but the commissioning date of HZMB was pending, which was to be decided by the Central Authorities after full preparation had been made by the authorities of the three places of Hong Kong, Zhuhai and Macao. Regarding the commissioning arrangements for HZMB, will the Government inform this Council:*

- (1) *of the authorities' latest projections on the daily vehicular and traveller flows during the initial stage of commissioning of HZMB, and how such figures compare with those projected in 2008; whether*

*it has proposed to the Mainland authorities the implementation of concessionary measures during the initial stage of commissioning so as to boost the utilization rate of HZMB; if so, of the details; if not, the reasons for that;*

- (2) *whether 24-hour clearance will be implemented during the initial stage of commissioning of HZMB; if so, of the details; if not, the reasons for that; and*
- (3) *as it has been reported that the Macao and Mainland authorities have agreed to adopt a "joint boundary control system" which is a new mode of clearance whereby travellers commuting between Zhuhai and Macao via HZMB may complete the clearance procedures in one go by simply presenting the travel documents required by the place that they are entering when undergoing the departure procedure, whether the authorities will adopt a similar mode of clearance for travellers commuting to and from Hong Kong via HZMB; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):  
President, the Hong Kong-Zhuhai-Macao Bridge ("HZMB") is an unprecedented cross-boundary transport infrastructure connecting Guangdong, Hong Kong and Macao.

With HZMB, travelling time between Hong Kong and western Pearl River Delta ("PRD") will be reduced significantly and thereby bringing western PRD into the area that is accessible from Hong Kong within three hours' drive. For example, the travelling time between Zhuhai and Kwai Chung Container Terminal will be reduced from currently 3.5 hours or so to about 75 minutes. The travelling time between Zhuhai and Hong Kong International Airport will also be reduced from currently four hours or so to about 45 minutes. With HZMB, cargo originated from western PRD, western Guangdong, and Guangxi can make better use of the airport and container port of Hong Kong, thereby strengthening Hong Kong's position as a trading and logistics hub. HZMB will boost the economic development and enhance connection within the cities of Guangdong-Hong Kong-Macao Bay Area ("the Bay Area"), will facilitate personnel exchange, and will bring strategic significance for the development of both Hong Kong and the Bay Area.

The entire HZMB project consists of two parts: HZMB Main Bridge (comprising both bridge and tunnel sections) built in Mainland waters by HZMB Authority, and the link roads and boundary crossing facilities under the respective responsibility of the three governments.

For the Hong Kong projects (i.e. the Hong Kong Boundary Crossing Facilities ("HKBCF") and the Hong Kong Link Road ("HKLR")), reclamation for HKBCF has been completed. The structural works of the Passenger Clearance Building in HKBCF were completed in 2017. All ancillary buildings in the vehicle clearance plaza have been topped out. The remaining works being carried out mainly include indoor fitting-out works, building services works, electric and mechanical works, road surfacing works, etc. Installation of clearance facilities are also in progress.

Further to the complete connection of the viaduct, tunnel and at-grade roads of HKLR in May 2017, road surfacing works and road facilities will be completed within this week. The remaining works in progress mainly include the final installation and testing of the Traffic Control and Surveillance System, as well as the final works of some ancillary facilities.

As regards the commissioning date of HZMB, the governments of the three places are striving to improve the clearance conditions of the boundary crossing facilities ("BCFs"). The commissioning date of HZMB will be reported to the Central Authorities and will be announced once confirmed.

My consolidated reply to the various parts of Mr LAU's question is as follows:

- (1) Given that HZMB is about to be commissioned, we think that there is not much material meaning in making projections on traffic and passenger flow for the initial stage of commissioning. HKBCF of HZMB, situated at Lantau Island, together with the adjacent Hong Kong International Airport, will become the geographical converging point of Guangdong, Hong Kong and Macao. Coupled with the development of the Bay Area, we anticipate that HZMB will play an important function of fostering the smooth flow of people, capital, technology, and so forth within western PRD and the Bay Area. The Government will keep in view the utilization rate of HZMB and will look into suitable measures in conjunction with the



governments of the other two places as well as HZMB Authority so as to bring the benefits of HZMB into full play.

As regards mid- to long-term projections on the vehicular flows of HZMB, the consultant engaged by the three sides has estimated that the daily traffic volume of HZMB would be around 29 100 and 42 000 vehicles in 2030 and 2037 respectively, while the daily passenger flow would be 126 000 and 175 000 passenger trips respectively. However, I would like to point out that since the aforementioned mid- to long-term projections focus on a time that is 10 to 20 years from now, the estimations above may vary as a result of external factors such as the respective developments of the three places and new planning initiatives.

The governments of Guangdong, Hong Kong and Macao have been actively studying and negotiating a set of cross-boundary transport arrangements which can meet the needs of local residents, travellers and the trades in the three places so as to increase the utilization rate of HZMB, ensure convenient access, and maximize the economic and transport benefits of HZMB. To facilitate access by travellers with different transport needs, the three governments have agreed to arrange various modes of cross-boundary transport, including cross-boundary shuttle buses, cross-boundary coaches, cross-boundary hire cars, cross-boundary goods vehicles and cross-boundary private cars. We have also simplified the requirements for application for cross-boundary vehicle licences with a view to encouraging the freight transport industry and travellers to use HZMB. For example, existing cross-boundary goods vehicles travelling between Guangdong and Hong Kong will be allowed to use HZMB automatically. As regards cross-boundary private cars which are permitted to travel between Guangdong and Hong Kong through designated BCFs, they will be allowed to use HZMB on a trial basis automatically within the first two years upon commissioning. In addition, the Guangdong and Hong Kong governments announced in December last year that the quota for Hong Kong cross-boundary private cars using HZMB would be increased from 3 000 to 10 000 in response to the public demand.

- (2) In 2010, Guangdong, Hong Kong and Macao concluded an agreement on the construction, operation, maintenance and management of HZMB ("the agreement"). According to the agreement, the Main Bridge and other parts of HZMB should in-principle be open for access on a 24-hour basis, and the three governments should regularly discuss the best date for implementing 24-hour clearance in the light of actual circumstances. The governments of Guangdong, Hong Kong and Macao have already reached a consensus that 24-hour clearance should be implemented from the date of the commissioning of BCFs of HZMB. The three sides are currently working on the related supporting arrangement accordingly.
- (3) According to the agreement, BCFs of HZMB will adopt the "separate locations" mode of clearance arrangement. The governments of the three sides are responsible for setting up their own BCFs, which are located within their respective boundaries. In other words, upon commissioning, HKBCF will not adopt a "co-location" mode of clearance arrangement.

**MR KENNETH LAU** (in Cantonese): *President, the Government has conducted three comprehensive transport studies with the most recent one done in 1997 covering a planning period of up to 2016. The theme of these studies focuses on the internal transport of Hong Kong. The increase in cross-boundary transport, such as due to the Bay Area initiative and the commissioning of HZMB, will generate a heavy transport needs both in terms of travellers and cargoes. May I ask whether the Government will initiate a fourth comprehensive transportation study? It is because according to the latest planning data, apart from studying the new development areas, the Government also needs to vigorously study how to boost regional development and cooperation and connect with PRD and its neighbouring areas through a comprehensive cross-boundary linkage system, with a view to formulating a comprehensive strategic planning for Hong Kong in the coming 20 years, and thereby enhancing Hong Kong's position as a regional transport and logistics hub.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I thank Mr LAU for his supplementary question. Situated in the

southern tip of the country, Hong Kong is small in area but plays a very important role in connecting with the world due to its economic and logistics development. We timely review the external traffic conditions, including three-dimensionally reviewing the transport networks on land, sea and air. We keep in close view the works projects on the airport third runway, HZMB, the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Liantang/Hueng Yuen Wai border crossing.

Moreover, regarding domestic transport needs, as I said in my main reply to the second oral question, Development Bureau and Planning Department are now conducting the Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 ("Hong Kong 2030+") to look into the long-term planning of Hong Kong. Transport Department and Highways Department will conduct Strategic Studies on Railways and Major Roads beyond 2030 based on Hong Kong 2030+ and the result of its public engagement exercise to comprehensive review the transport needs of the territory from 2031 to 2041 (or beyond). We are happy to listen to Members' views in this regard and make timely adjustments to and formulate support measures for the long-term development of Hong Kong.

**MS CLAUDIA MO** (in Cantonese): *President, I am sorry. I thought just now Mr Holden CHOW was asking a question on HZMB because successive oral questions have been answered by the same Public Officer. The vehicular flow of HZMB should include private cars used for self-drive tours. Private cars in Hong Kong have increased by almost 50% in the past 10 years, but the number of parking spaces has only increased by less than 10%, and the penalty charge for illegal parking will now be increased from \$320 to \$480.*

*The Government has allowed more vehicles to use HZMB. It made an unrealistic projection in the beginning on the vehicular flow of HZMB, but then it made another projection on the vehicular flow of HZMB in 2030, saying that the daily traffic volume will be about 30 000 by then. I find this strange. The Government has increased the quota for cross-border private cars from 3 000 to 10 000. In other words, the Government projects that there will be this quantity of private cars using HZMB. Although I do not know how this quota will relate to the daily traffic volume of HZMB, can it at least give us a rough estimation and tell us how this estimation will affect the overall traffic volume of Hong Kong?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I thank Ms MO for her supplementary question. Indeed, at present, we need to address some issues of the road traffic planning. Hong Kong has some 2 000 km of highways, but there are almost 800 000 vehicles. We thus have said on different occasions that we will strive to make suitable arrangements having regard to both parking needs and transport facilities.

As regards the vehicular flow of HZMB, the number of vehicles we mentioned covers all types of vehicles, including goods vehicles, container trucks, van-type light goods vehicles and cross-boundary coaches. So, the number basically covers point-to-point transport needs, such as travelling from Zhuhai or Macao to Hong Kong International Airport, from Zhuhai or Macao to Kwai Chung Container Terminal, and some point-to-point transport needs are about cross-border bus lane ...

**MS CLAUDIA MO** (in Cantonese): *I am not asking the Secretary to describe the situation. I am asking about the number.*

**PRESIDENT** (in Cantonese): Secretary, please reply.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, regarding the number, basically, like I said just now, given that HZMB is about to be commissioned, it is of little meaning to make projections now. This is what I meant to say. I hope that we are clear about the subject under discussion now.

But as we know, not all vehicles are allowed to directly use HZMB. Van-type light goods vehicles, lorries and cross-border coaches are required to apply for a "dual licence" before the commissioning of HZMB. So, we need to note that there is an overall quota of 10 000 private cars for this "dual licence". But HZMB is designed to carry far more vehicles than this number. We made projections on the vehicular flows of HZMB in 2030 and 2037 because we need to look further ahead. We should be able to cope with the present vehicular flow now. The important point is that future government supporting facilities will enable the economy, transport and society of Hong Kong to develop healthily.

**MR MA FUNG-KWOK** (in Cantonese): *President, I am baffled after reading the Secretary's main reply. Just now, the Secretary elaborated a little more on part (1) of his main reply. He means that it does not mean much for the authorities to make any more assessments and projections because HZMB is about to be commissioned. I do not think this is justified. The authorities should make assessments in any situations. He says private cars with a "dual licence" can automatically use HZMB because the bridge is about to be commissioned, and that the quota for Hong Kong cross-boundary private cars using HZMB will be increased from 3 000 to 10 000. But based on existing established policies, the authorities should be able to project the number of private cars using HZMB in the initial stage of commissioning. If not, I will query why the authorities do not set the quota at 50 000 or 100 000 private cars, but only increase it from 3 000 to 10 000. The Secretary cannot answer the question this way.*

*And then in another paragraph of the reply, the Secretary says that the vehicular flow in 2030 projected by the Government not be taken as an accurate projection. I can understand that no projection can be absolutely accurate because it is difficult to make an accurate projection. But the Government should be frank and open to the public and should not hide information from the people. If it has projected a higher than actual traffic volume, it should open the spare traffic volume to other policies or review the charging scheme to attract more people to use HZMB. The Government should make public its criteria or measures that it will adopt to tackle the situation in case the actual traffic volume is different from its projected volume. I cannot understand or accept the Secretary's main reply. Can the Secretary supplement his view?*

*For instance, the Government can make an actual assessment on the average vehicular flow one month after the commissioning of HZMB to see the difference. If there is a discrepancy, the authorities should see how to increase the traffic volume or keep it under an acceptable level, and then let the governments of the three places to come up with policies through discussions. I hope the Government can tell us more.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *President, why did I refrain from providing the number just now, or why did the Government seem not to have this number? In fact, it did have. But we need*

to understand that the number the Government provided to the Legislative Council in 2008 is a projection it made at that time. And at that time, the Government projected that HZMB would be commissioned in 2016. That is why I say it does not have much meaning to make another projection today.

Mr MA is absolutely correct in saying that there was a projected number made in that year. In 2008, it was projected that HZMB would be commissioned in 2016 with a daily vehicular flow of about 9 200 to 14 000 and a daily passenger flow of about 55 800 passenger trips to 69 200 passenger trips. The authorities obtained these numbers but I hope Members will understand that if we apply these numbers to the situation now (i.e. 2018) or a later time, the numbers will be highly inaccurate. That is why I would rather let Members know the actual numbers.

**MR CHAN HAN-PAN** (in Cantonese): *President, Mr Holden CHOW and I held a press conference some time ago. We are concerned that the supply of parking spaces will become a serious problem, especially to the Tung Chung residents, after the commissioning of HZMB. Parking spaces in Tung Chung are fully utilized, and there will only be 500 parking spaces in HKBCF. After the commissioning of HZMB, if people arriving at HKBCF cannot find a parking space, they will have to turn back to Tung Chung to park their cars. The Government has yet to tell the public the final number of parking spaces in HKBCF. May I ask the Secretary when can we have the answer?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the authorities basically have set the number of parking spaces for private cars. After the commissioning of HZMB, HKBCF will have no less than 650 parking spaces for private cars for Hong Kong drivers to park their cars and ride shuttle buses to Zhuhai and Macao. The nature and arrangement of the parking spaces will be very similar to those of other parking spaces in the territory. But as for the overall transport support, at the initial stage of commissioning of HZMB, the authorities will encourage the public to use more cross-boundary feeder services, apart from considering increasing the number of parking spaces.

The authorities, together with transport service providers, have already set several airport "A" bus routes to HKBCF for future use. There will also be three

new feeder bus routes to HKBCF operated by franchised buses, and other new green minibuses operating from the airport island to HKBCF. And of course, other buses and non-franchised buses can also reach HKBCF.

(Mr CHAN Han-pan stood up)

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

**MR CHAN HAN-PAN** (in Cantonese): *President, the Secretary has not answered my supplementary question. I asked him just now after the commissioning of HZMB, ultimately how many parking spaces will be provided on the artificial island. I did not ask him to tell me there are now 650 parking spaces. I asked him the number of parking spaces after the commissioning.*

**PRESIDENT** (in Cantonese): Mr CHAN Han-pan, you have pointed out the part of your supplementary question that has not been answered. Please sit down. Secretary, do you have anything to add?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, as far as I know, the Development Bureau is exploring with us the feasibility of making suitable adjustments to the parking spaces in HKBCF. I do not have anything further to add for now.

**PRESIDENT** (in Cantonese): Fourth question.

### **Implementing Co-location Arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link**

**4. MS TANYA CHAN** (in Cantonese): *President, on 27 December last year, the Standing Committee of the National People's Congress made a decision ("the Decision") to approve 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") signed between the Government of the Hong Kong Special Administrative Region and the Mainland authorities on 18 November last year. The explanations made by the Director of the Hong Kong and Macao Affairs Office of the State Council on the Decision ("the Explanations") pointed out that Articles 2, 7, 118 and 119 of the Basic Law had provided the legal basis for the Co-operation Arrangement. The Government will commence the domestic legislative exercise for implementing the co-location arrangement. In this connection, will the Government inform this Council:*

- (1) given that reference to a number of Basic Law articles was made in a paper submitted by the Government to this Council in July last year in relation to the co-location arrangement, but Articles 7, 118 and 119 were not mentioned, when the Government came to know that these three articles would be among those articles providing the legal basis for the Co-operation Arrangement, and why the Government has not submitted at an earlier time a supplementary paper on this issue to this Council; whether the Government and the Mainland authorities have studied the implementation of the co-location arrangement by interpreting or amending the Basic Law through invoking Article 158 or Article 159;*
- (2) whether the Legal Policy Division under the Department of Justice has studied the legal effects of the Decision and the Explanations in the judicial system of Hong Kong, and whether such instruments and the co-location arrangement comply with the Basic Law and the legal doctrines (especially in relation to Hong Kong courts' power to inquire into the constitutionality of laws) enunciated by the courts of Hong Kong in their judgments; if so, whether the Government will give this Council a detailed account of the outcome of the study; and*
- (3) whether the "facilities and equipment provided by the Mainland authorities stationed at the Mainland Port Area themselves or exclusively used by them in carrying out duties and functions pursuant to this Co-operation Arrangement" as mentioned in Article 7(2) of the Co-operation Arrangement include detention rooms and weapon storerooms; if so, of the details?*



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

Construction works of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") which started in 2010 are now roughly 98% complete. The project is expected to commission in the third quarter this year. Should co-location arrangement be implemented at the West Kowloon Station ("WKS"), it will enable passengers to travel to and from different destinations across the country conveniently, and 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. The co-location arrangement is a facilitation measure for cross-boundary transport and a livelihood issue by nature, and its objective is to fully unleash the benefits of XRL and maximize convenience to passengers.

Throughout the consultations on co-location arrangement between the Government of the Hong Kong Special Administrative Region ("HKSAR") and the Mainland, both sides have always agreed and insisted that the co-location arrangement must be consistent with "one country, two systems" and must not contravene the Basic Law. HKSAR Government officials have also clearly stated in the past that "one country, two systems" will not be harmed or the Basic Law contravened just for the sake of promoting convenience or enhancing economic benefits and efficiency. It is precisely for this reason that the two sides have, for the past period of time, repeatedly studied different co-location arrangement options as well as the legal issues involved. Since the Basic Law has to be construed as a whole, the two sides have considered many provisions of the Basic Law, including Articles 2, 7, 22, 118, 119, 154, and so on, which are relevant, as well as the different views in society on the relevant provisions of the Basic Law. The "Three-step Process" was proposed by the two sides in taking forward the work relating to the co-location arrangement following in-depth study, with a view to providing a sound legal basis for the co-location arrangement.

As the HKSAR Government explained in the Annex to the discussion paper provided to the Legislative Council on 25 July 2017, the Basic Law of the Hong Kong Special Administrative Region is not only a national law but is also the constitutional document of HKSAR which provides for the implementation of "one country, two systems" in HKSAR. The Basic Law is the legal safeguard

for implementing the "one country, two systems" policy in Hong Kong and for maintaining the long-term prosperity and stability of Hong Kong. It has a solemn status and should not be amended lightly. Having studied the matter in detail, the HKSAR Government and the relevant central authorities were of the view that the proposed "Three-step Process", an approach other than amending the Basic Law, can appropriately implement the co-location arrangement.

At the same time, pursuant to Article 158 of the Basic Law, the Standing Committee of the National People's Congress ("NPCSC") has the ultimate power to interpret the Basic Law. However, the procedures for interpreting the Basic Law under Article 158 of the Basic Law should also be invoked with care. On 27 December 2017, NPCSC has made the Decision on Approving 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 approving the Co-operation Arrangement and confirming that the Co-operation Arrangement is consistent with the Constitution of the People's Republic of China and the Basic Law of the Hong Kong Special Administrative Region. The second step of the "Three-step Process" has formally completed. The HKSAR Government is now forging ahead with the remaining third step of the "Three-step Process", namely the enactment of local legislation to implement the co-location arrangement. The HKSAR Government has no plans to request NPCSC to issue an interpretation of the Basic Law pursuant to Article 158(1) of the Basic Law with respect to the co-location arrangement.

As mentioned above, the relevant bureaux and departments of the HKSAR Government, including the Department of Justice, are now actively taking forward the work relating to the local legislative process with a view to implementing the co-location arrangement upon the commissioning of the Hong Kong Section of XRL in the third quarter this year, in order to fully unleash the transport, social and economic benefits of XRL and maximize convenience to passengers. The Department of Justice has been working closely with the relevant bureaux and departments in the course of the legislative drafting process in providing legal advice on the co-location arrangement and different aspects concerning the bill. The HKSAR Government is now actively working towards the aim of introducing the bill into the Legislative Council no later than early February this year. Legislative Council Members can further discuss the bill and related matters.

Under the co-location arrangement, passengers will need to undergo Hong Kong and Mainland customs, immigration and quarantine procedures in WKS respectively. Mainland Authorities Stationed at the Mainland Port Area will only perform duties and functions in the WKS Mainland Port Area. "Facilities and equipments provided by the Mainland Authorities Stationed at the Mainland Port Area themselves or exclusively used by them in carrying out duties and functions pursuant to this Co-operation Arrangement" as mentioned in Article 7(2) of the Co-operation Arrangement refer to the apparatus necessary for the Mainland personnel to perform duties in daily operation (for example, luggage inspection machines, computer systems, communication equipment, health inspection machines, and so on), and do not refer to the specific rooms of the Mainland Port Area. Since these facilities and equipments will be provided and exclusively used by the Mainland Authorities Stationed at the Mainland Port Area, they will not be matters under the jurisdiction of HKSAR in accordance with the Co-operation Arrangement.

**MS TANYA CHAN** (in Cantonese): *Secretary, it is indeed a hard day for you, please have a sip of water first. It is really hard for you since you are the public officer to reply to four consecutive oral questions.*

*However, I still have to point out that another "Three-step Process" is also involved in this question raised today. The first step is the disappearance of Teresa CHENG, who has actually "fled away". My main question consists of three parts, and two of them are about law-related matters, but Teresa CHENG is not here to reply. The remaining part is about arms and ammunition, and I originally thought that the Secretary for Security would be the one to reply, but he is also not here today. As a result, Secretary Frank CHAN has to take the trouble to reply to the entire fourth question here.*

*What is the second step? It is about the breaking of promises, and this is definitely related to Secretary Frank CHAN. Let me first briefly cite two examples here, and a letter will be submitted to the Secretary later. The promises broken include the decrease in the number of destinations for long-haul and direct train services from 16 to 10, and the alteration of the meaning of direct train services from reaching various destinations with no intermediate stops to travelling to these places without interchanging. President, there is a huge*

*difference between the two, otherwise it can also be said that we can travel directly from Admiralty to Tsuen Wan, regardless of whether there are intermediate stops or not.*

*There is also one more step ... I am about to raise the main point ...*

**PRESIDENT** (in Cantonese): Ms Tanya CHAN, this is not a debate session, please state your supplementary question.

**MS TANYA CHAN** (in Cantonese): *I am about to raise the main point, President, and there is no need for you to worry. The most important part is the contravention of the Basic Law in the third step, which will then fling the door wide open for transporting arms and ammunition to Hong Kong, and will it really be the case?*

*According to the main reply given by the Secretary, you will have to accept what they have done as long as they claim that the facilities and equipments, including arms and ammunition, are provided by the Mainland Authorities Stationed at the Mainland Port Area themselves, and are exclusively used by them in carrying out duties and functions. Does it mean that everything shall entirely be determined by the Central Government, and anything can be transported to and used in Hong Kong? Does it imply that the Government of the Hong Kong Special Administrative Region cannot and will not even ask a question about it? My question is actually very simple.*

*Furthermore, Secretary, please go back and take a closer look at both the Chinese and English texts, since the wording used in the English text is "facilities" ... and I wonder if arms and ammunition will be stored under WKS ...*

**PRESIDENT** (in Cantonese): Ms Tanya CHAN, you have already stated your supplementary question, please sit down. Secretary, please reply.

(Ms Tanya CHAN continued to speak in her seat)

**PRESIDENT** (in Cantonese): Ms CHAN, you have already stated your supplementary question. Secretary, please reply.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I thank Ms CHAN for her question. First of all, I have to reiterate that the HKSAR Government has never broken any promise from the first day till now. The Secretary for Justice, the Secretary for Security and I have been working together closely from the very first day as the trio to take forward the tasks of implementing the co-location arrangement. It is just that I am sent by my team members to reply to this oral question here today.

Secondly, with regard to destinations for long-haul and direct train services, a number of issues are yet to be finalized and announced since our discussions and negotiations with the China Railway Corporation are still underway. Hence, in respect of the Mainland cities to which long-haul and direct train services will be available, please be patient for a little longer, and we will report on the progress once a decision is reached.

As for the availability of facilities for storing weapons at the Mainland Port Area and the related situation, I believe that as all other boundary control points, the Hong Kong Port Area and Mainland Port Area at WKS are established mainly for meeting the needs of actual operations, so as to enable law enforcement officers to perform customs, immigration and quarantine procedures effectively, and ensure a smooth and efficient passenger clearance service. With regard to the facilities, equipment and other arrangements necessary for the relevant personnel to perform their duties, I think relevant criteria have already been put in place all over the world, and according to my understanding, the facilities and equipment provided at and the arrangements made for the Mainland Port Area are comparable to those provided and made in Hong Kong or other places.

(Ms Tanya CHAN stood up)

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

**MS TANYA CHAN** (in Cantonese): *President, you have heard my supplementary question just now, and I was asking whether arms and ammunition would be stored there. This is a very simple question.*

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I have nothing to add.

**MR JEFFREY LAM** (in Cantonese): *President, Article 158 of the Basic Law has clearly stipulated that NPCSC is vested with the power of interpretation of the Basic Law, and NPCSC has also confirmed that the Co-operation Arrangement on the co-location arrangement is consistent with the Constitution of the People's Republic of China and the Basic Law. The arrangement is therefore legally sound and has a very solid legal basis. However, a certain group of people in Hong Kong are fond of playing deaf and dumb, and they have misled Hong Kong people with all sorts of fallacies, alleging that there is no legal basis for making such a decision and trying to obstruct the passage of the co-location arrangement.*

*This is really a fallacy to suggest that WKS would be used for storing arms and ammunition, and XRL would be used for transporting arms and ammunition. There are barracks, aircrafts and artillery in Hong Kong, so why is there a need to use WKS for such purposes? Is it not a fallacy? Therefore, when forging ahead with the enactment of local legislation to implement the co-location arrangement, how will the Government present the facts to members of the public, so that they will not be kept in the dark by people who make such sweeping statements and untruthful remarks?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I thank Mr LAM for his supplementary question. With regard to the legal basis for the co-location arrangement, NPCSC has already given a detailed explanation in the decision it has made. NPCSC is constitutionally the highest organ of state

power, and it has already sent out a very clear message by making the decision to confirm that the relevant arrangement and handling procedures are consistent with the Constitution of the People's Republic of China and the Basic Law.

There are of course still a lot of work for the HKSAR Government to do. We will strive to give a thorough explanation during the drafting and deliberation of the bill to be introduced, and in addition to soliciting Members' support, it is also our wish to let the general public understand that the co-location arrangement proposed for XRL is basically and definitely a facilitation transport measure for the convenience of passengers, and that there is no other political consideration behind. We do not wish to see anyone making any unnecessary speculation or conjecture during the process.

We hope that in the course of explaining and promoting our proposals in the future, our efforts will be backed up by a very clear elaboration on the relevant legal basis and arrangement in a language that is easily comprehensible to ordinary members of the public. In this process, we seek to win the support of the Legislative Council to secure the passage of the bill to be introduced, and gain public acceptance of our proposals in order to take forward the tasks of implementing the co-location arrangement as early as possible.

**DR PRISCILLA LEUNG** (in Cantonese): *President, it is indeed no wonder that Ms Tanya CHAN would have such queries, because the Basic Law has all along possessed the features of both Chinese law and common law, and this has been the case since the first day of its promulgation. The co-location arrangement is exactly an example as to how a provision or the same legislative intent of the Basic Law can be interpreted differently from the perspective of Chinese law and under the principles of common law.*

*However, on the basis of some questions raised by Ms Tanya CHAN, I wish to elaborate further and see how the Secretary will follow up on the issues involved. She has mentioned in her question the power to inquire into the constitutionality of laws, but China has in fact all along denied the existence of such a power. Hong Kong courts can at most exercise its power to interpret in adjudicating cases the provisions of the Basic Law within the limits of "a high degree of autonomy", but not every case can be handled in this way ...*

**PRESIDENT** (in Cantonese): Dr Priscilla LEUNG, please state your supplementary question.

**DR PRISCILLA LEUNG** (in Cantonese): *I am about to state my supplementary question, President, please let me finish this part first.*

*I wish to tell the Secretary that her question can actually reflect that not only ordinary members of the public but also Members of the Legislative Council or members of the legal sector have taken an one-sided view of the Basic Law. However, if we view it from the perspective of the Constitution of the People's Republic of China and the Legislation Law of the People's Republic of China, we can fully understand what status does an "explanation" or a "decision" really have. Hence, if this is a common phenomenon among Members of the Legislative Council and even members of the legal sector, what about ordinary members of the public?*

*Secretary, you have indicated in your main reply that the Government will introduce a bill into the Legislative Council in early February this year. I would like to ask: While introducing a bill into the Legislative Council, whether the authorities concerned will provide training to law enforcement officers of both sides in advance, so that these officers can first understand the legal problems that may arise during law enforcement by both sides and the law enforcement practices of the other party, thus ensuring as far as possible that everything will operate under broad daylight?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): With regard to the part concerning the provision of training in the supplementary question raised by Dr LEUNG just now, I will give a detailed reply later. As for the power to inquire into the constitutionality of laws, I think we all understand that NPCSC has already stated very clearly in its decision that the Co-operation Arrangement is consistent with the Constitution of the People's Republic of China and the Basic Law of the Hong Kong Special Administrative Region. The community of Hong Kong should then respect the decision made by NPCSC.

The entire process leading to the adoption of the decision by NPCSC involves the signing of the Co-operation Arrangement between HKSAR and the Mainland, followed by the submission to NPCSC by the State Council for



examination, and finally the adoption of the decision by NPCSC by voting following deliberations in group meetings. This is fully consistent with the constitutional process of the country.

Moreover, the National People's Congress ("NPC") is the highest organ of state power, whereas NPCSC is a permanent body of NPC, and also the final gatekeeper of all provisions of the Basic Law. According to Article 158 of the Basic Law, NPCSC is vested with the general and comprehensive power of interpretation of the provisions of the Basic Law, and its interpretation is binding on all organizations in HKSAR. Therefore, as I mentioned earlier, when NPCSC has exercised its constitutional power to make the decision in accordance with the Constitution of the People's Republic of China and the Basic Law, the community of Hong Kong should respect NPCSC's constitutional status, power and decision.

With regard to the question raised by Dr LEUNG just now on the provision of training, we understand that in implementing the co-location arrangement at WKS of XRL, there will actually be no overlapping in the administration of justice and the application of laws. The laws of Hong Kong will be applied in the Hong Kong Port Area on the basis of Hong Kong's system of rule of law, while the legal system and laws of the Mainland will principally be applied in the Mainland Port Area. Hence, in respect of staff training, we will promote their understanding about ways to enhance communication and collaboration with the Mainland side in case of job handover or interconnection, so as to complete the clearance procedures in a safe, efficient and convenient manner, thereby maximizing the transport, traffic and economic benefits to members of the public and passengers.

**MR KENNETH LEUNG** (in Cantonese): *People always use the common law system, the continental law system or the Constitution of the People's Republic of China to obscure the facts, but I would like to raise a simple question, because I am very stupid.*

*The Secretary has cited Articles 118, 119 and 154 in the main reply to illustrate his points, but as pointed out by a number of Chinese legal scholars, some provisions in the Basic Law are overriding, such as Article 1 to Article 11 in "Chapter I: General Principles", as well as all provisions in "Chapter II: Relationship between the Central Authorities and the Hong Kong Special*

*Administrative Region". Under such circumstances, how will the Secretary justify himself and give us an explanation regarding this issue of overriding provisions?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I have to reiterate that the Hong Kong Section of XRL is an important strategic infrastructural development projects for the future development of Hong Kong. Our aim is to fully unleash the transport, social and economic benefits of XRL, and this is also fully consistent with the policy intent to maintain prosperity and stability in Hong Kong under "one country, two systems". This policy intent has already been reflected and embodied to various extents at different aspects and levels in a number of provisions in the Basic Law, including Articles 118 and 119 mentioned by Mr LEUNG just now.

As a matter of fact, NPCSC has also affirmed in its decision that the conduct of consultations by the HKSAR Government with the relevant parties of the Mainland for making an appropriate arrangement on issues relating to the establishment of a port at WKS and the implementation of the co-location arrangement thereat is a clear demonstration of the exercise of a high degree of autonomy by HKSAR in accordance with the law, and as mentioned by Mr LEUNG just now, this has already been stipulated in Article 2 of the Basic Law. The implementation of the co-location arrangement at WKS can comply with the requirements under the Basic Law of the Hong Kong Special Administrative Region that the HKSAR Government shall formulate appropriate policies to promote and coordinate the development of various trades, and provide an appropriate economic and legal environment for the promotion of economic development. All these are in line with the principle of "one country, two systems" and the fundamental purpose of the Basic Law of the Hong Kong Special Administrative Region.

Basically, some terms and wordings which I have used just now are in fact taken directly from the Basic Law. The relevant legal basis is thus very clear, and it is enshrined in the Basic Law for all to see.

**MR KENNETH LEUNG** (in Cantonese): *The Secretary has not answered my supplementary question. According to the Secretary's interpretation of the Basic Law, if the Government of Germany wishes to establish a special economic zone*

*in Hong Kong under the "Three-step Process" and apply the laws of Germany thereat, it would be feasible to do so, right?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I think this question is highly hypothetical, but the arrangement for the Hong Kong Section of XRL is a practical issue we need to handle now. Please pardon me for not being able to provide a reply at this stage to a question raised out of thin air on some arrangements concerning Germany or other countries.

**PRESIDENT** (in Cantonese): Fifth question.

### **Compliance with the laws and regulations of different jurisdictions by Hong Kong accounting firms**

5. **MR KENNETH LEUNG** (in Cantonese): *It was reported that a number of personnel from an accounting firm were issued summons for contempt of court in November last year as the firm failed to produce, pursuant to a High Court's order, the working papers concerning the auditing of the accounts of a Mainland enterprise. The reason for the firm's non-compliance was that the relevant papers involved state secrets and sensitive information, and the production of such papers without the Mainland authorities' permission might violate Mainland laws and regulations. Some members of the accounting sector have pointed out that similar cases have occurred from time to time in recent years, and the differences between Hong Kong and the Mainland in the relevant laws and regulations have put them in a difficult situation. In this connection, will the Government inform this Council:*

- (1) *whether it has assessed the impacts, on business development, work procedure to be followed as well as the legal liabilities and risks to be borne by Hong Kong accounting firms when conducting audits, brought about by the situation that since the Interim Provisions on Accounting Firms' Provision of Auditing Services for the Overseas Listing of Enterprises in Mainland China promulgated by the Ministry of Finance of China took effect on 1 July 2015, Hong Kong accounting firms have to concurrently comply with the relevant provisions and regulatory requirements of Hong Kong, the Mainland*

*and the international community when they conduct cross-border auditing businesses; if so, of the outcome;*

- (2) *whether it will discuss with the Mainland authorities the establishment of a mechanism to assist Hong Kong accounting firms in obtaining the Mainland authorities' approval for the production of papers concerning the auditing of accounts of Mainland enterprises pursuant to the orders of Hong Kong's court or regulatory bodies, and the setting out in such a mechanism the procedure for handling audit papers involving state secrets and sensitive information; if so, of the details (including the work schedule); if not, the reasons for that; and*
- (3) *whether it will request the Financial Reporting Council ("FRC"), upon its becoming an independent oversight body of auditors of listed entities, to discuss with the Mainland authorities the establishment of a mechanism to facilitate FRC to obtain papers concerning the auditing of accounts of Mainland enterprises which are needed in disciplinary hearings, and the setting out in such a mechanism the procedure for handling audit papers involving state secrets and sensitive information; if so, of the details (including the work schedule); if not, the reasons for that?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, my reply to the three parts of the question raised by Mr LEUNG is as follows:

- (1) All along, when Hong Kong auditors carry out auditing work outside Hong Kong, they are required to comply with the local legislation and the requirements of the relevant local regulators. The Interim Provisions on Accounting Firms' Provision of Auditing Services for the Overseas Listing of Enterprises in Mainland China ("the Interim Provisions"), as mentioned by Mr LEUNG, is one of the principal regulatory requirements promulgated by the Ministry of Finance ("MoF") to govern Hong Kong auditors in carrying out auditing work in the Mainland.

After the issue of the exposure draft in April 2014 and the release of the official version in May 2015 by MoF, the Interim Provisions have been in full implementation since 1 July 2015. The Interim Provisions set out the relevant rules and regulatory requirements on the business cooperation arrangement between a non-Mainland accounting firm (including any Hong Kong accounting firm) and a Mainland accounting firm, when the former is commissioned by a Mainland enterprise to provide listing audit services.

Overall, since the implementation of the Interim Provisions, compliance by Hong Kong accounting firms with the requirements in respect of business cooperation arrangement has been generally smooth. The Hong Kong Institute of Certified Public Accountants ("HKICPA") has also formulated relevant guidelines, such as a sample business cooperation agreement, for reference by accounting firms. It is worth noting that when the exposure draft was issued by MoF in 2014, the Hong Kong audit profession conveyed to us a number of concerns regarding the proposed requirements. These concerns mainly related to the scope of Mainland enterprises covered by the Interim Provisions, the criteria of Mainland accounting firms that can be chosen as business cooperation partners and the rights of Hong Kong accounting firms in the business cooperation. Having discussed with HKICPA, the Securities and Futures Commission ("SFC"), the Hong Kong Exchanges and Clearing Limited and the Financial Reporting Council ("FRC"), we relayed the concerns of the Hong Kong audit profession over the Interim Provisions and put forth the issues that required clarification and further deliberation to MoF. Subsequently, several refinements and adjustments in the official version of the Interim Provisions promulgated by MoF in 2015 have served to address the major concerns of the audit profession and financial regulators in Hong Kong. These refinements and adjustments include:

- (a) Scope of Mainland enterprises covered by the Interim Provisions—For enterprises legally established in the Mainland in which over 50% of the shares, equities, assets, voting rights or other similar interests are directly or indirectly held by investors from the Hong Kong Special Administrative Region, the Macao Special Administrative Region or Taiwan,

the audit services relating to their overseas listing are not governed by the Interim Provisions. This has addressed the request of the Hong Kong audit profession.

- (b) Mainland accounting firms that can be chosen as business cooperation partners—Accounting firms that are legally established in the Mainland with over 25 Chinese certified public accountants and with quality practice and sound professional ethics are eligible to become business cooperation partners. This provision has offered more choices for Hong Kong accounting firms seeking business cooperation partners.
- (c) Rights of Hong Kong accounting firms in the business cooperation—When a Hong Kong accounting firm enters into business cooperation with a Mainland accounting firm, it has the right to determine the assignment of work, distribution of profits and related matters in the business cooperation. This provision has also addressed the queries of the Hong Kong audit profession regarding the exposure draft.

Besides, the enterprises and accounting firms concerned are also required under the Interim Provisions to strictly comply with the relevant requirements on confidentiality and records management. The details are elaborated in the ensuing paragraphs.

(2) and (3)

According to the Interim Provisions, audit working papers prepared in the Mainland during the auditing process shall be kept in the Mainland. If a Mainland enterprise is involved in legal proceedings or related matters where non-Mainland judicial authorities or regulators need to review its audit working papers, or non-Mainland regulators need to review the audit working papers in performing their regulatory functions, such reviews shall be conducted based on a regulatory agreement reached between the Mainland and the relevant non-Mainland regulators. We understand that the auditor oversight bodies in Hong Kong (namely, HKICPA and FRC) have been separately discussing with the relevant Mainland authorities on the relevant cooperation agreement. In order to enable the auditor

oversight bodies in Hong Kong to effectively carry out their statutory duties such as inspections and investigations within the appropriate ambit, the cooperation agreements would cover, amongst other things, the mechanism to obtain or review the relevant auditors' audit working papers kept in the Mainland, and how cases where the audit working papers involve state secrets and sensitive information or are required to be used in judicial proceedings should be handled.

As mentioned in the question raised by Mr LEUNG, the Government is proceeding with the reform on the regulatory regime for listed entity auditors. We propose that FRC will become the independent oversight body of listed entity auditors under the new regulatory regime. In addition to its existing investigatory function, FRC will be further vested with day-to-day inspection and disciplinary functions. Therefore, the cooperation agreement to be entered into between FRC and the relevant Mainland authorities pursuant to the Interim Provisions will cover the FRC's future functions under the new regulatory regime, including the issue of allowing FRC to use the relevant audit working papers in its disciplinary hearings.

Over the years, HKICPA and FRC have maintained good communication with the relevant Mainland authorities on cross-boundary regulatory cooperation. We believe that the discussion among the parties concerned will continue with a view to concluding the cooperation agreements as soon as possible. We also understand that prior to the signing of the cooperation agreements, FRC will not request accounting firms to produce the relevant audit working papers kept in the Mainland; and HKICPA will not initiate disciplinary actions against accounting firms because of their failure to produce the audit working papers kept in the Mainland. The Government will closely monitor the development and maintain liaison with all relevant stakeholders on this matter.

**MR KENNETH LEUNG** (in Cantonese): *President, I am disappointed at the Secretary's main reply, especially the last paragraph, which states, "Over the years, HKICPA and FRC have maintained good communication with the relevant Mainland authorities on cross-boundary regulatory cooperation." It also states that the authorities will maintain liaison with all stakeholders on this matter.*

*President, I think this is absolutely a "G2G" issue, and the authorities should not solely rely on a single professional organization and a statutory regulatory body. I urge the Secretary and even the Financial Secretary to strike up direct communication and dialogue with the relevant ministries and commissions of the country, so as to forge a cooperation agreement straightaway. May I ask if the Secretary can do so? Can the Secretary provide a timetable?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, as I said just now, speaking of our communication with the profession, we have communicated closely with the relevant Mainland departments on various occasions and relayed the concern of regulatory bodies in Hong Kong about obtaining or reviewing auditors' audit working papers kept in the Mainland.

On the matter of timetable, since it is a sensitive issue involving various Mainland units and confidentiality, we will continue to express our concern to them and follow it up. We hope that various sides can draw up a solution expeditiously, so as to achieve mutual benefits and a multiple-win situation in the three areas of auditing, regulation and cooperation. As far as our understanding goes, the relevant Mainland departments have attached a great deal of importance to their discussions with the auditor oversight bodies in Hong Kong, in the hope of reaching a cooperation agreement as soon as possible.

**MR CHRISTOPHER CHEUNG** (in Cantonese): *President, throughout all this period, some listed companies have been suspended from trading by SFC as they refused to produce their accounts on the ground that such accounts involved state secrets. The persistent trading suspension imposed on the relevant listed companies has jeopardized investors' interests and confidence. As projected by Charles LI, Hong Kong will accept the listing of new economy and technology companies with a "weighted voting right" structure beginning from June this year. I am concerned that a large portion of such companies' accounts may involve state secrets. May I ask whether the Government has squarely addressed this issue? Will the Government request SFC in Hong Kong to join hands with the China Securities Regulatory Commission ("CSRC") and the relevant Mainland departments to coordinate a solution acceptable to both places regarding the issue of whether their accounts involve any state secrets? Will the*



*Government require such companies to disclose in their listing documents the involvement or otherwise of any state secrets in their accounting records, so as to alert investors and in turn enable them to assess their bearable risk level?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, SFC and CSRC have signed various agreements on cooperation arrangements since 1993, including the Memorandum of Regulatory Cooperation signed between CSRC, SFC, the Shanghai Stock Exchange, the Shenzhen Stock Exchange and the Stock Exchange of Hong Kong. Second, CSRC and SFC signed the Memorandum of Understanding on Strengthening Regulatory and Enforcement Cooperation under the Mainland-Hong Kong Stock Connect. Third, the Multilateral Memorandum of Understanding of the International Organization of Securities Commissions is also included.

Over all these years, cooperation between CSRC and SFC in various aspects such as listing has been based on the three agreements on cooperation arrangements mentioned above. Both sides have cooperated closely with each other and attained some fruit.

As for the Honourable Member's earlier question ...

(Mr Christopher CHEUNG stood up)

**PRESIDENT** (in Cantonese): Secretary, please hold on. Mr Christopher CHEUNG, what is your point?

**MR CHRISTOPHER CHEUNG** (in Cantonese): *The persistent trading suspension imposed on certain companies for failing to produce accounts involving state secrets has made it impossible for them to cash out by selling their shares on the market. Now that a long time has passed, the Government has not given any reply. I hope the Government can show concern about this matter.*

**PRESIDENT** (in Cantonese): Mr Christopher CHEUNG, please sit down. Secretary, please answer.

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I was about to point out just now that to our understanding, the above agreements would also serve as the basis for handling confidential and sensitive files involving companies with a "weighted voting right" structure as mentioned by the Honourable Member just now.

Earlier on, Mr LEUNG and I also talked about the handling of confidential files and working papers. This mainly pertains to communication between the two Governments and also between the profession and regulatory bodies. Both sides are discussing the formulation of a cooperation agreement, in a bid to provide an approach for handling confidential or sensitive documents.

**MR KENNETH LEUNG** (in Cantonese): *President, FRC is still discussing the formulation of a cooperation agreement with the relevant Mainland authorities, and it looks like the Government intends to introduce a Professional Accountants (Amendment) Bill ("the Bill") to this Council to empower FRC to regulate listed companies and auditors. But before the signing of a cooperation agreement, this regulatory body is literally a "toothless tiger". Can the Secretary undertake that the Bill will not be introduced to this Council before the signing of a cooperation agreement?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, as I said just now, before reaching a cooperation agreement and implementing the new regulatory regime, we will ... What I mean is that under the new regulatory regime, FRC will become the independent body overseeing auditors of listed entities. As I said just now, before a consensus on a cooperation agreement is forged, the regulatory bodies concerned will not take enforcement or disciplinary actions in this regard.

**MR HOLDEN CHOW** (in Cantonese): *President, this question states right at the beginning, "It was reported that ... an accounting firm ... failed to produce, pursuant to a High Court's order, the working papers concerning the auditing of the accounts of a Mainland enterprise." The Secretary's main reply states that the Government is now holding discussions with the Mainland authorities on the formulation of a handling mechanism. My supplementary question is this. Has*

*the Government assessed the existing number of cases where law enforcement agencies may apply to court to require the relevant companies to produce their working papers? A handling mechanism has yet to be negotiated, meaning that discussion on a cooperation agreement is still underway. So, regarding those cases which are still pending, can the Secretary tell Members if it is possible for the Government to suspend the relevant applications for requiring the companies involved to produce their working papers? The reason is that discussion on a cooperation agreement is still underway. Will this be fairer?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, regarding the case mentioned in the question of the Honourable Member just now, as it has entered judicial proceedings, it is not appropriate for me to pass any comments. However, I also understand the profession's concern in this respect. So, depending on the circumstances, we will join hands with regulatory bodies in Hong Kong and the relevant organizations to explore a solution. We will communicate with them and seek to understand their concern. We will also join hands with CSRC and other Mainland organizations to study ways of handing similar incidents under a cooperation agreement in the future.

**MR PAUL TSE** (in Cantonese): *President, a cooperation agreement has yet to be formulated at present. Speaking of the summons mentioned in the question, was it issued by the Administration, a prosecutorial department or a law enforcement agency? Or, was it a summons for contempt of court to a party to a private litigation arising from a dispute for failing to comply with a court order issued upon the request of the other party? If the former situation is the case, the Secretary has just stated that no enforcement action will be taken. I understand this point. But if the latter situation is the case, what measures can be taken by the authorities to spare the undue worry on the part of the accounting and auditing professions without perverting the course of justice?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, such litigations do not involve any disciplinary matters. Some of them are private litigations, and some involve issues such as liquidation. The situation is rather complicated because they do not involve the question of

whether a law enforcement agency or a regulatory body will enforce the law or take any action. President, as I have just said, since the situation is rather complicated, Hong Kong and the Mainland regulatory authorities must particularly study ways to handle such litigations initiated by a third party or requests for the production of working papers kept in the Mainland in their discussion on a cooperation agreement. At present, since we have become aware of the problems in handling such matters, we have already requested to identify a solution that can deal with such cases in the discussion on a cooperation agreement.

**MR PAUL TSE** (in Cantonese): *What policies have been put in place to offer protection?*

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

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): I have nothing to add.

**PRESIDENT** (in Cantonese): Last oral question.

### **Use of force by police officers during law enforcement**

6. **DR CHIANG LAI-WAN** (in Cantonese): *In the course of handling law-breaking incidents such as road occupations and riots in recent years, it has been necessary for police officers to use force to clear the scene in order to restore social order. Some police officers have subsequently been convicted by the court of assaulting occasioning actual bodily harm. Some members of the public have expressed the concern that such convictions may deal a blow to the morale of the police force and even cause the perfunctory law enforcement by police officers owing to concerns over undue blame, which will eventually have an adverse impact on law and order. In this connection, will the Government inform this Council:*

- (1) *as it has been reported that the Police have established a working group to conduct a review on the guidelines, procedures and training, etc. in relation to the use of force by police officers and to study improvement measures, of the details and the timetable of the review and study; whether the working group will make reference to the criteria for the use of force by law enforcement officers adopted by western countries such as the United Kingdom and the United States; if so, of the details; if not, the reasons for that;*
- (2) *whether "appropriate force" is clearly defined in the guidelines issued by the authorities on matters related to the use of force by police officers; and*
- (3) *given that the behaviours of some of the participants of demonstrations and assemblies have become increasingly radical in recent years, how the authorities ensure that police officers will not commit criminal offences as a result of their use of force during law enforcement in chaotic situations?*

**SECRETARY FOR SECURITY** (in Cantonese): President, Hong Kong has long been one of the safest cities in the world. This is due in no small part to the efforts and contributions of the Police. In 2016, Hong Kong's crime rate hit the lowest in 44 years, with crime rate per 100 000 population standing at 827. Compared with 1997 during Hong Kong's return to China where the crime rate per 100 000 population was 1 038, the crime rate has declined by 20%. The work of the Police is particularly important in achieving such good results. I believe that the general public in Hong Kong recognize, support, trust and respect police officers, especially frontline police officers, and are grateful for their efforts.

Since Hong Kong's return to China, the number of public meetings, processions and demonstrations have rapidly increased, from about 2 300 per year in the early years of Hong Kong's return to China to over 11 800 in last year, with an increase of over four times. In recent years, some public meetings, demonstrations and processions have become more radical, with the 79-day illegal "Occupy Movement" in 2014 attracting most attention. There was serious road blockage and traffic congestion in the occupied areas, severely

affecting the delivery of emergency services and daily life of the public. Even more serious was the Mong Kok riot that occurred in early 2016, of which offences included hurling bricks and wounding others, burning cars, mobbing police, sieging police vehicles, vandalizing public properties and pavements. Over 80 police officers were injured in the incident. In face of difficulties and attacks, police officers remained undaunted, devoted to duty, and gave their best. Eventually, they successfully restored public order and public safety so that society could resume normal operation.

The responsibilities of police officers are to prevent crimes and uphold law and order. Therefore, they need to possess the necessary power to discharge their duties. The public should express their views and participate in meetings or processions in a lawful and peaceful manner. The Police will endeavour to provide facilitation to ensure such events are conducted in an orderly and safe manner. According to the International Covenant on Civil and Political Rights and the Hong Kong Bill of Rights Ordinance (Cap. 383), the public has the right to freedom of expression, but the exercise of such a right carries with it special duties and responsibilities, and thus is subject to certain restrictions provided by law. Such restrictions are necessary for the respect of the rights or reputations of others, protection of public order or morals, etc. If someone engages in illegal acts in a radical manner, or if public order, public safety and the lives and properties of the public are threatened, police officers must exercise professional judgment in light of the actual circumstances, take appropriate actions, including whether the use of force is necessary to achieve the lawful purpose, whether the use of force is reasonable, etc., to prevent public order and public safety from being endangered.

The Police have established guidelines on the use of force. Police officers may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers shall give verbal warning prior to the use of force as far as circumstances permit, while the person(s) being warned shall be given every opportunity, whenever practicable, to obey police orders before force is used. Generally speaking, "appropriate force" means the minimum force reasonably necessary for a lawful purpose in the circumstances. Once that purpose is achieved, the Police shall cease to use force. In formulating guidelines on the use of force, the Police have made reference to overseas practices and taken into account the uniqueness of various scenarios.

The objective of Police's enforcement is against unlawful actions, and force will be used under strictly necessary circumstances. Every police officer, whether newly recruited or serving, has to go through rigorous training on the use of force in order to fully understand how to use different levels of force in a safe and effective manner, including the use of verbal advice/verbal control, empty-hand control, oleoresin capsicum foam, batons and firearms, as a means to achieve the relevant lawful purpose. The training is classified into three categories:

- (1) Fundamental Training—to equip trainees with the skill of using different levels of force in a safe and effective manner;
- (2) Decision-making Training—trainees will learn to decide, in accordance with the principles on the use of force and the relevant regulations of the Police, whether to use force and the level of force to be used under various circumstances and when faced with threats; and
- (3) Tactical Training—by means of simulated cases and scenes, trainees will learn how to handle suspects, suspicious vehicles, etc. so as to enhance their ability in handling similar circumstances in real-life cases, and strengthen cooperation among team members and their capability in tactical deployment.

In response to the major incidents that occurred in recent years, the Police have kept on reviewing its operational contingency strategies, guidelines and training. The Police have started the relevant work and set up in last October a steering committee under the chairmanship of a Senior Assistant Commissioner. The work in relation to the review of policies and guidelines on the use of force has been passed to the steering committee for follow-up actions. A working group, led by an Assistant Commissioner, has been formed under the steering committee and comprises staff and departmental representatives to follow up matters relating to the modification of guidelines, procedures and training on the use of force. Relevant work also includes making reference to overseas experience. The work of the working group is currently in progress.

The HKSAR Government fully recognizes and supports the work of the Police. We have increased the Police's manpower, and will keep on enhancing their equipment and training. The Security Bureau and the Police attach great importance to the occupational safety of police officers during their execution of duties, and from time to time examine and enhance the protection offered to officers. By purchasing and renewing operation equipment and protective gear, including shields, helmets, emergency rescue apparatus, etc., we ensure that the personal safety of frontline officers during their execution of duties will be duly protected. We will continue to keep in view the occupational safety and welfare of police officers, and will maintain close communication with relevant bureaux for making timely improvement.

As mentioned by the Chief Executive at the Question and Answer Session in the Legislative Council on 11 January, frontline officers face enormous pressure in maintaining public order as a result of some political incidents in recent years. I would like to take the opportunity to thank the Police for their contribution, and encourage each and every police officer to keep up their efforts and face difficulties with courage. The general public knows that a highly effective and capable police force is crucial to Hong Kong's continued prosperity and stability. The Security Bureau fully supports police officers in remaining steadfast in their duties and staying united to uphold law and order, so as to ensure that Hong Kong will continue to be one of the safest cities in the world.

**DR CHIANG LAI-WAN** (in Cantonese): *President, one of my Honourable colleagues often greets others enthusiastically. He will come to me and pat me on my shoulder to greet me. Several days ago, he patted me on my shoulder to say hello to me. But the pat almost made me fall down. I think he only wishes to say hello to me and does not mean to use force. So, the point is the amount of force used in that particular pat, whether it is a light pat or a heavy pat. As police officers are allowed to use batons to perform their duties in certain circumstances, I wonder if one particular forceful baton strike to disperse crowds may constitute the use of force. We are anxious to know how the authorities can ensure that the law enforcement actions of police officers will not constitute the use of excessive force under this circumstance. Will clear guidelines be available in the future? I hope the Secretary can formally respond to this supplementary question.*



**SECRETARY FOR SECURITY** (in Cantonese): President, I am all for the idea of providing appropriate legal protection to law enforcement officers, particularly police officers, in the course of their enforcement duties. The Security Bureau will certainly examine ways to provide appropriate protection to law enforcement officers, particularly police officers, in the light of the law, the systems and the policies. Having said that, the Police have set up a working group, led by an Assistant Commissioner, to comprehensively review policies and guidelines on the use of force. The working group exactly seeks to address the problems raised by Dr CHIANG.

Of course, the working group will study the judgment, the interpretation as well as the legal requirements in respect of the court's ruling on a relevant case, and will give such information serious consideration when it formulates relevant policies and guidelines. While the legal protection is essential, other forms of protection outside the legal support are equally important. The protective gear, for example, is also an important tool for the effective discharge of duties of police officers. Besides, it is also necessary for us to consider how we can provide welfare and support to police officers who are in need of them. The Security Bureau or the Police have to take full account of these in formulating the relevant policies.

Besides, a number of chapters of the Civil Service Regulations issued by the Civil Service Bureau have set out various protections to civil servants, including law enforcement officers, to address their welfare and support needs in their delivery of duties.

Finally, the rights of all Hong Kong people, including law enforcement officers, police officers, and other civil servants, are protected under the Basic Law.

**DR JUNIUS HO** (in Cantonese): *President, we have heard that the Police are reviewing the relevant guidelines, and we are fully convinced that police officers will perform their duties according to the law enforcement guidelines. But at the end of the day, police officers will still face the risk of criminal charges as some community organizations may initiate private prosecutions against them. This will put pressure on the police officers concerned.*

*My supplementary question is, apart from the current review of the guidelines, will senior officials of the Hong Kong Police Force provide an additional protection to police officers? This can be in a form of statements of proof that the police officers concerned have performed their duties according to the guidelines. In case they face criminal liabilities later on, such statements would serve as evidence and are thus helpful. Will senior police officials, in parallel to the proposed formulation of the law enforcement guidelines by the Police, conduct such a review to offer police officers more protection and support?*

**SECRETARY FOR SECURITY** (in Cantonese): President, I thank Dr HO for the supplementary question. In the formulation of these guidelines or tactics and the code of practice, we have to bear in mind that police officers, decision makers and policy executors alike, have to perform their duties in accordance with the law of Hong Kong. Hong Kong is a place where the rule of law is upheld. Whether we are police officers in the discharge of duties or the general public in the everyday life, we have to abide by the same legal principles. In Hong Kong, the principle of equality before the law applies.

In the formulation of the guidelines, our prime consideration is their compliance with the legal standards. Bearing this in mind, the Police have frequently consulted colleagues of the Department of Justice for legal opinions in the process. With their legal advice, I am confident that the drafted measures, guidelines, or principles can fully meet the existing legal standards. In respect of Dr HO's question, I will make sure that the Police will fully consider the legal opinions in the formulation of the guidelines, procedures, and measures to ensure their compliance with the legal principles.

Concerning the preparation of guidelines on the routine operation of the police force, our primary concern is the occupational safety. In other words, we have to assess the risks of each and every operation, which include the legal requirements we have to meet and the personal safety of police officers under different environments and situations. For example, in some occasions, police officers may require to carry out some risk-bearing tasks. We will need to formulate polices and take precautionary measures to minimize the risks involved. A simple example is the display of fireworks on festive dates. Since a big crowd of people will gather at the scene to see the fireworks, according to the procedures, we will ask the officers in charge of the action agenda or plan to

assess the risks involved, taking into account the crowd size, their emotions and some other factors, so as to formulate different measures to reduce such risks. Hence, in the formulation of any action guidelines, including those on the use of force, we have to make sure that police officers are appropriately protected against the legal and occupational safety risks in their discharge of duties.

**DR ELIZABETH QUAT** (in Cantonese): *I definitely hope that the Bureau can clearly set out the criteria for the use of force as soon as possible, and to provide frontline police officers with more clear guidelines so as to avoid turning law enforcement officers into law offenders.*

*President, in recent years, quite a number of people participating in public processions and demonstrations would direct their angers at police officers in the law enforcement process. We can see that apart from organizing violent protests against the police force, many demonstrators deliberately use provocative languages and foul languages to hurl insults at police officers. Recently, a police officer has become a lawbreaker in the course of law enforcement. All these have eaten into the morale of the police force, which will in turn affect the law enforcement of police officers and their maintaining of law and order, threatening the security of Hong Kong. Although the Chief Executive and the Commissioner of Police have expressed their support to police officers, and the Secretary has just reaffirmed the Government's support, these are nothing but empty talks. We hope that apart from the verbal support, the SAR Government can also give practical support to the police force. In this respect, I want to know what the Secretary will do to boost the morale of the police force. Will the authorities expeditiously carry out the Grade Structure Reviews? Will the authorities provide the police force with more reasonable welfare and occupational safety protection? Will the authorities also consider introducing "the offence of insulting public officers" to enable our frontline police officers to carry out their law enforcement duties more effectively and in a more dignified manner?*

**SECRETARY FOR SECURITY** (in Cantonese): Thank you, President. I would like to thank Dr QUAT for her support to the police force and her concern about their routine work and their morale. The police force will be very grateful to her for the support.

I attach great importance to the morale of the police force. As I have said, the police force are at the service of society and the public, which I believe is one of the important factors making Hong Kong continue to be one of the safest cities in the world. In this respect, I have agreed to communicate more often with the police force, particularly with the staff side. Next week, I will meet with representatives of the Junior Police Officers' Association to listen to their views. I think communication is important because increased dialogues enable me to understand more of the police force and let me know better the difficulties encountered by our frontline officers. I will study ways to help them tackle the difficulties. As Dr QUAT has suggested just now, I will look into how we can provide assistance to the police force through policies, the law, and the reinforcement of their sense of dignity. These are what I have to deal with carefully.

Dr QUAT has asked how we should carry out the Grade Structure Reviews to improve the conditions of service so as to boost the morale of the police force. The Civil Service Bureau and I will both look into this option very carefully. I will also relay Dr QUAT's reviews to the Civil Service Bureau.

With regard to the occupational safety of the police force, I have clearly explained the responsibilities of the management in my reply to Dr HO's question. On top of the existing system, we are also actively working on the further enhancement of the occupational safety of the police force.

I am open to the suggestion of introducing "the offence of insulting public officers" in Hong Kong, and I will listen to the views of police officers, particularly how our frontline colleagues think about this. This is not a brand new idea. People have expressed diverse views on it when the proposed offence was once brought up to discussion. I do not have any predetermined stance on the issue, and I will consider both the supporting and opposing views. I will also make reference to overseas practices, including the relevant legal provisions and the effectiveness of the measures.

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

**WRITTEN ANSWERS TO QUESTIONS****Replacement of senescent *Acacia confusa***

7. **MR HUI CHI-FUNG** (in Chinese): *President, since the seventies of the last century, the Government has planted *Acacia confusa* ("Acacia") extensively in the countryside and the urban areas to prevent soil erosion, stabilize slopes and increase vegetation. Some tree experts have pointed out that as the average life span of *Acacia* is 50 to 60 years, those trees are in senescence, they will gradually wither with the risk of collapsing, posing safety hazards to members of the public. In this connection, will the Government inform this Council:*

- (1) of the number of *Acacia* on government lands that were removed by the authorities in the past five years, and their distribution;*
- (2) of the current number of *Acacia* on government lands and their distribution, and whether it has compiled statistics on the age of those trees and examined their health conditions; and*
- (3) whether it has formulated a plan to gradually remove senescent *Acacia* and replace them by planting trees of other species; if so, of the implementation timetable, the estimated expenditure and the number of *Acacia* involved, as well as the species of the new trees to be planted and their places of origin?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): *President, my reply to the three-part question raised by Mr HUI Chi-fung is as follows:*

- (1) In the past five years from 2012-2013 to 2016-2017, during routine tree maintenance, the core tree management departments removed around 13 000 *Acacia* beset with health or structural problems or severe damage caused by inclement weather, posing potential risk to the public. These *Acacia* were located mainly on roadside slopes, in public housing estates, parks, as well as recreational facilities and venues. Their distribution is set out below:*

<i>Core Tree Management Department</i>	<i>Number of Acacia Removed</i>					<i>Total</i>
	<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>	
Agriculture, Fisheries and Conservation Department ("AFCD")	116	155	172	127	247	817
Architectural Services Department ("ArchSD")	869	840	606	1 059	1 305	4 679
Civil Engineering and Development Department ("CEDD")	29	27	36	38	31	161
Drainage Services Department ("DSD")	9	21	70	34	17	151
Highways Department ("HyD")	732	809	735	806	953	4 035
Housing Department ("HD")	218	420	289	424	325	1 676
Leisure and Cultural Services Department ("LCSD")	185	247	265	305	202	1 204
Water Supplies Department ("WSD")	191	86	2	56	99	434

- (2) According to the Development Bureau's Tree Management Information System, as at 31 December 2017, the number and distribution of Acacia in areas of high pedestrian and vehicular flow are set out as follows:

<i>Core Tree Management Department</i>	<i>Distribution of Acacia in High Pedestrian and Vehicular Flow Areas</i>			<i>Total</i>
	<i>Hong Kong</i>	<i>Kowloon</i>	<i>New Territories</i>	
AFCD	348	110	7 138	7 596
ArchSD	704	4 262	9 993	14 959
CEDD	1	4	1 578	1 583
DSD	17	29	718	764
HyD	3 529	4 138	16 054	23 721
HD	2 617	12 445	2 972	18 034
LCSD	11 758	4 039	10 811	26 608
WSD	45	1 893	706	2 644

In accordance with the "Guidelines for Tree Risk Assessment and Management Arrangement", every year before the onset of wet season, tree management departments are required to undertake tree risk assessments and implement timely mitigation measures (including removal of dead branches, tree pruning, pest and disease control, cabling, etc.) for trees (including Acacia) in areas of high pedestrian and vehicular flow to maintain tree health and stable structure so as to minimize tree failure. We do not have statistics on the age of individual Acacia.

- (3) Generally speaking, during routine tree maintenance and tree risk assessments outlined above, tree management departments will remove Acacia that are in senescence, unstable structure, poor health conditions with potential risk of failure. Depending on actual site conditions, suitable native tree species, such as Liquidambar formosana, Machilus spp., Gordonia axillaris and Schima superba, etc., will be planted as replacement. Tree maintenance and planting are part of routine duties of tree management departments and no additional resources are involved.

Nevertheless, in view of the substantial number of Acacia on roadside slopes, in mid-2016, HyD launched the "Enhancement of Vegetated Slopes Programme" to progressively replace the ageing Acacia. HyD consulted all district councils on the programme in 2016. In the past two years, HyD has launched 16 pilot schemes in which around 340 senescent Acacia with poor health and structural conditions were replaced, with an expenditure of approximately \$5 million. The distribution of Acacia removed in the 16 pilot schemes is as follows:

<i>District</i>	<i>Number of Acacia Removed<sup>(1)</sup></i>
Eastern	30
Southern	20
Wan Chai	10
Kowloon City	50
Sham Shui Po	40
Wong Tai Sin	20
Islands	30

<i>District</i>	<i>Number of Acacia Removed<sup>(1)</sup></i>
Sai Kung	10
Sha Tin	40
Tai Po	50
Kwai Tsing	10
Tuen Mun	20
Yuen Long	10

Note:

(1) Figures rounded off to the nearest 10

After removing the Acacia, HyD has planted around 340 trees and 100 000 shrubs and ground covers as replacement. These included native plants, such as *Gordonia axillaris*, *Cinnamomum burmannii*, *Sterculia lanceolata*, *Pongamia pinnata*, *Liquidambar formosana*, *Rhododendron simsii*, *Rhaphiolepis indica*, *Ixora chinensis*, etc., and naturalized plants, such as *Rhododendron pulchrum*, *Gardenia jasminoides*, *Ligustrum sinense*, etc. The tree stocks are mainly sourced from Southern China.

Currently, HyD is conducting detailed tree surveys to ascertain the distribution, extent, tree health and site conditions, etc. of the Acacia plantation areas to work out the priorities of the replacement programme. For 2018-2019, HyD preliminarily plans to replace the senescent Acacia in 13 slopes with an expenditure of approximately \$4 million. Upon the completion of the detailed tree surveys in other areas, HyD will finalize the phased programme timeline and the expenditure required.

The programme to replace senescent Acacia mentioned above received the Silver Award under the "Landscape Management" category of the Hong Kong Institute of Landscape Architects Design Awards in 2016, and an Honourable Mention under the "Analysis and Master Planning" category of the International Federation of Landscape Architects Asia-Pacific Region Landscape Architecture Awards in 2017, showing that this programme is well recognized by the industry.



**Tree management**

8. **DR PIERRE CHAN** (in Chinese): *President, it has been reported that incidents of tree mismanagement (e.g. some banyan trees being planted in small planters and the roots of some trees being covered with concrete) have happened from time to time in Hong Kong in recent years. In this connection, will the Government inform this Council:*

- (1) *whether it has compiled statistics on the respective current numbers of trees in Hong Kong which (i) are planted in planters or flower pots which are too small in size and (ii) have their roots covered with concrete; if so, of the numbers, and whether it will take remedial measures; if it has not, whether it will compile such statistics before the onset of the rainy season this year;*
- (2) *of the total number of complaints received in each of the past five years by the various tree management departments about tree mismanagement and, among them, the number of cases considered to be posing immediate danger; the average and longest processing time taken for cases posing immediate danger and for non-emergency cases respectively;*
- (3) *in respect of each tree management department at present, (i) of the number of trees managed, (ii) whether contractors have been commissioned to undertake the relevant work and (iii) the number of tree management personnel (including those supervising the contractors) and, among them, of the number of persons possessing the professional qualifications of landscape architects and arborists; the expenditure on tree management incurred by each of such departments in the past five financial years;*
- (4) *of the existing guidelines and practice notes on tree management with which the various tree management departments and their contractors are required to comply, and whether those documents have specified that non-compliant personnel may be penalized; if so, the number and details of the cases in which penalties were imposed in the past five years; and*

- (5) *given that the Ombudsman made 11 recommendations on the Government's tree management regime and practices in 2016, of the latest progress of the follow-up work taken on those recommendations by the authorities?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my reply to the five-part question raised by Dr Pierre CHAN is as follows:

- (1) The Greening, Landscape and Tree Management Section ("GLTMS") does not have the figures of trees planted in planters, pots or with roots covered with concrete. The risk of trees is contributed by various interdependent factors, including growing environment. Every year before the onset of wet season, tree management departments will review and assess the health and structural condition of trees in accordance with the Guidelines for Tree Risk Assessment and Management Arrangement, especially trees growing in restricted environment or with high risk of failure (such as senescent trees and stonewall trees) and implement necessary mitigation measures (including crown pruning, removing dead branches and where warranted, removing the tree) in a timely manner to ensure the healthy growth of trees and to protect public safety. The risks of trees in poor growing environment (such as trees planted in pots) will be determined by the annual tree risk assessment.

Planting trees in pots or narrow planters, or covering tree roots with concrete is not advisable. GLTMS has promulgated guidelines on "Right Tree Right Place" and asked tree management departments to select suitable tree species in appropriate places, with due consideration of various environmental factors prior to planting in order to ensure healthy plant growth.

- (2) In the past five years from 2012-2013 to 2016-2017, the "1823" Call Centre and the core tree management departments received around 89 000 enquiries and complaints on tree management. Details are as follows:

<i>Core Tree Management Department</i>	<i>Enquiries and Complaints on Tree Management Received in the Past Five Years</i>				
	<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>
Agriculture, Fisheries and Conservation Department ("AFCD")	150	83	129	91	130
Architectural Services Department ("ArchSD")	66	31	38	56	40
Civil Engineering and Development Department ("CEDD")	96	54	45	47	109
Drainage Services Department ("DSD")	34	15	30	74	78
Highways Department ("HyD")	1 316	1 525	1 896	2 678	4 730
Housing Department ("HD")	501	128	596	438	685
Lands Department ("LandsD")	12 367	8 876	7 710	10 719	11 366
Leisure and Cultural Services Department ("LCSD")	5 022	3 073	3 055	3 221	6 932
Water Supplies Department ("WSD")	220	157	147	122	126

Of these figures, a total of 13 180 cases were tree failure reports which required immediate attention. Upon receiving a complaint, tree management departments would deploy officers in a timely manner to look into the case, reply to the complainant and submit a report for follow-up. We do not have statistical figures on the processing time of the complaints.

- (3) As at 31 March 2017, the number of trees maintained by the core tree management departments and their tree management staff (including officers involved in supervision of tree management contractors, but excluding other managerial and frontline staff who provide assistance and support) are set out below:

Core Tree Management Department	Number of Trees Maintained and Number of Staff					
	Number of trees maintained <sup>(1)</sup>	Engagement of contractors	Staff Responsible for Tree Maintenance			
			Number	By Profession		
				Landscape Architect	Certified Arborist	Landscape Architect and Certified Arborist
AFCD	38 000 <sup>(2)</sup>	No	87	0	28	0
ArchSD	200 000	Yes	5	1	1	1
CEDD	300	Yes	8	4	1	0
DSD	24 800	Yes	17	3	1	0
HyD	633 000	Yes	58	20	8	4
HD	100 800	Yes	41	3	15	0
LandsD	N/A <sup>(3)</sup>	Yes	14	0	13	0
LCSD	515 000	Yes	217	0	70	0
WSD	157 100	Yes	21	1	0	0

Notes:

- (1) Rounded to the nearest 100.
- (2) AFCD manages all trees in country parks. The figure includes only the number of trees in frequently used areas and facilities.
- (3) The unallocated and unleased Government land ("UUGL") is under the jurisdiction of LandsD, which is responsible for providing non-routine tree maintenance on UUGL that is not maintained by any designated government departments. In practice, trees on the UUGL cannot be counted due to the large number of trees. LandsD officers will take follow-up actions upon referrals or complaints.

The expenditure incurred by the core tree management departments (excluding personal emoluments) for tree management in the past five financial years is as follows:

Core Tree Management Department	Expenditure on Tree Management in the Past Five Years <sup>(4)</sup> (\$ million)				
	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
AFCD	Not Applicable <sup>(5)</sup>				
ArchSD	52	67	67	67	69
CEDD	10	8	0.2	1	1
DSD	5	5	7	10	8
HyD	55	57	58	57	55
HD	24	22	22	21	19
LandsD	36	55	55	32	24
LCSD	130	161	181	200	228
WSD	6	6	6	10	7

Notes:

- (4) Including tree management contracts (covering tree care, facility maintenance and horticultural care and greening) as well as tree inspection equipment purchased for in-house use.
  - (5) AFCD is responsible for the management of country parks (including trees) and there is no itemized breakdown for expenditure on tree management.
- (4) GLTMS has issued a number of technical circulars and guidelines to ensure that tree management departments and their contractors follow proper practices on tree preservation, planting, risk assessment and maintenance, etc., including Technical Circular on Tree Preservation, Guidelines for Tree Risk Assessment and Management Arrangement, Proper Tree Planting, Management Guidelines for Stonewall Trees, Guidelines on Arboriculture Occupational Safety and Health and Fact Sheet on Brown Root Rot Disease, etc. Relevant technical circulars and guidelines can be found on the GLTMS website at <<https://www.greening.gov.hk>>. When formulating contracts for horticulture and tree management, government departments will clearly stipulate all the service requirements in the contracts. If the contractor fails to deliver the level of services as required in the contract, the relevant government department will take enforcement actions against the contractor in accordance with the contract provisions. In the five-year period from 2012-2013 to 2016-2017, a total of 130 enforcement actions were taken by core tree management departments against the contractors on non-compliance, including issuance of warning letters and deduction of contract payments, etc.
- (5) Of the 11 recommendations made in the Ombudsman's direct investigation on government's tree management regime and practices, GLTMS has been carrying out and making progress on 10 recommendations relating to manpower resources, and management of trees on both Government land and private land. These include assisting in the establishment of the Arboriculture and Horticulture Industry Training Advisory Committee and develop a qualifications framework for the industry so as to enhance the professional standards; working closely with tertiary institutions and training institutions to increase training courses to accelerate the

development of professionals and frontline staff to meet market demands; improving the guidelines for tree risk management and upgrading the requirements of trees inspectors in arboricultural qualifications and experience; uplifting trees asset management works on Government land; and promulgating a Handbook on Tree Management to provide private property owners with guidelines and standards of good practice on tree management.

As regards the recommendation on tree legislation, given the impact such legislation might have on private property management, we must consider thoroughly and carefully. At present, the key issue is a shortage of qualified tree management personnel in the industry. In this connection, GLTMS has been coordinating with training institutions and professional organizations to systematically up-skill tree management personnel at different levels, and increase qualified personnel to meet demands.

### **Statistical information on government sites**

9. **MR JEREMY TAM** (in Chinese): *President, regarding the statistical information on government sites, will the Government inform this Council of:*

- (1) *the total area of sites which are currently zoned (i) Government, Institution or Community ("G/IC"), (ii) Recreation, (iii) Open Space and (iv) Other Specified Uses, and changes in such figures in the past five years (with a breakdown by District Council district);*
- (2) *the number of G/IC sites rezoned for other uses in the past five years, with a breakdown of the total area of such sites by the new use;*
- (3) *the respective numbers of idle government sites zoned G/IC, Recreation and Open Space which are currently (i) planned and (ii) not planned to be opened for public use; and*
- (4) *the respective numbers of G/IC, Recreation and Open Space sites which are currently allocated for use by (i) various bureaux and government departments and (ii) other organizations by way of*

*government land allocations and temporary government land allocations, with a breakdown of the total area of such sites by their planned uses?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my reply to various parts of the question is as follows:

- (1) As at 31 December 2017, the areas of land zoned as "Government, Institution or Community" ("G/IC"), "Recreation" ("REC"), "Open Space" ("O") and "Other Specified Uses" ("OU") on statutory plans are about 3 389 hectares, 584 hectares, 2 282 hectares and 7 103 hectares respectively. The changes of areas of aforementioned zonings in the past five years by District Councils are set out in Annex 1. The above figures are compiled with reference to the planning of relevant uses as shown on statutory plans, but do not completely reflect existing land uses, such as the provision of open space facilities in some land zoned "G/IC" as open space is always permitted in the latter zoning. The existing uses before the making of statutory plans are also not covered therein.
- (2) From 2013 to 2017, a total of 173 sites on land zoned "G/IC" in statutory plans have been rezoned to other uses. The total area and land uses (after rezoning) of relevant sites are set out in Annex 2.
- (3) The Government strives to optimize land resources through continued efforts in land use planning, allocation and management. If certain sites cannot be developed within a short time frame due to factors such as technical assessments, statutory procedures, land resumption and clearance or infrastructure works, there is an established mechanism to put these sites to appropriate short-term or temporary use if possible.

The Lands Department ("LandsD") regularly provides information of vacant sites that may be applied by non-Governmental organizations ("NGOs") for temporary greening or other community use in respective districts to relevant District Councils, District Offices and District Social Welfare Offices, and makes the information available in the relevant District Lands Offices for public inspection free of

charge. Since March 2017, information of vacant school premises ("VSPs") assessed by relevant District Lands Offices as being suitable for application for short-term use by NGOs has been published on LandsD's website, including VSPs assessed by the Planning Department as suitable for "G/IC" use. Moreover, from 28 November 2017, LandsD also publishes on its website the aforementioned information of vacant government sites suitable for greening or community use to facilitate application by NGOs.

As at 7 December 2017, there are 869 sites (including VSPs) for application for greening or community use. Among these temporary vacant sites which can be applied, as per their planned uses shown on statutory plans, 91 sites have the majority of the area of the site zoned for "G/IC" use, 11 sites have the majority of the area of the site zoned for "REC" use, and 81 sites have the majority of the area zoned for "O" use.

- (4) Generally speaking, LandsD through Government Land Allocations and Temporary Government Land Allocations allocate land for use by Policy Bureaux and government departments. According to LandsD, as at early January 2018, the information of sites with the majority of the area of the site zoned for "G/IC", "REC" and "O" uses as well as other land use zonings or not covered by any statutory plans, allocated through Government Land Allocation and Temporary Government Land Allocation (including Simplified Temporary Government Land Allocation), are set out in Annex 3.

Annex 1

Table 1: Total Area of Land Zoned "G/IC" on Statutory Plans

<i>District Councils</i>	<i>Area of land zoned "G/IC" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Central and Western	104	104	104	104	105
Wan Chai	71	71	71	71	71
Eastern	121	121	121	121	121



<i>District Councils</i>	<i>Year</i>	<i>Area of land zoned "G/IC" (hectare) (about)</i>				
		<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Southern		238	238	238	238	237
Yau Tsim Mong		82	82	82	82	82
Sham Shui Po		133	133	133	132	132
Kowloon City		163	166	166	166	160
Wong Tai Sin		91	92	92	91	91
Kwun Tong		136	124	124	123	128
Kwai Tsing		165	163	163	163	163
Tsuen Wan		142	142	142	143	143
Tuen Mun		322	310	310	310	322
Yuen Long		205	206	206	206	246
North		296	296	275	278	297
Tai Po		249	243	244	246	243
Sha Tin		350	349	348	348	344
Sai Kung		250	250	256	256	256
Islands		193	205	205	244	245
Total <sup>#</sup>		3 311	3 295	3 281	3 323	3 389 <sup>^</sup>

Notes:

\* Figures as at 31 December of the year.

# The figures may not add up to the numeric total due to rounding.

<sup>^</sup> Including about 4 hectares of "G/IC" land in the Draft Lok Ma Chau Loop Outline Zoning Plan which currently does not fall within any District Councils.

Table 2: Total Area of Land Zoned "REC" on Statutory Plans

<i>District Councils</i>	<i>Year</i>	<i>Area of land zoned "REC" (hectare) (about)</i>				
		<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Central and Western		0	0	0	0	0
Wan Chai		0	0	0	0	0
Eastern		0	0	0	0	0
Southern		0	0	0	0	0
Yau Tsim Mong		0	0	0	0	0

<i>District Councils</i> \ <i>Year</i>	<i>Area of land zoned "REC" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Sham Shui Po	0	0	0	0	0
Kowloon City	0	0	0	0	0
Wong Tai Sin	0	0	0	0	0
Kwun Tong	0	0	0	0	0
Kwai Tsing	0	0	0	0	0
Tsuen Wan	0	0	0	2	2
Tuen Mun	0	0	0	0	0
Yuen Long	205	205	205	205	161
North	232	220	220	220	212
Tai Po	13	13	13	13	13
Sha Tin	15	15	15	15	15
Sai Kung	151	151	151	151	151
Islands	28	29	29	29	29
Total <sup>#</sup>	644	634	634	636	584

Notes:

\* Figures as at 31 December of the year.

# The figures may not add up to the numeric total due to rounding.

Table 3: Total Area of Land Zoned "O" on Statutory Plans

<i>District Councils</i> \ <i>Year</i>	<i>Area of land zoned "O" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Central and Western	67	67	67	68	69
Wan Chai	56	56	56	56	56
Eastern	70	70	70	70	70
Southern	73	73	74	74	71
Yau Tsim Mong	89	89	89	89	89
Sham Shui Po	93	93	93	93	93
Kowloon City	167	165	165	165	165
Wong Tai Sin	65	64	64	64	64
Kwun Tong	131	129	129	129	124
Kwai Tsing	163	162	158	160	160

<i>District Councils</i>	<i>Area of land zoned "O" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Tsuen Wan	141	141	141	141	141
Tuen Mun	118	115	115	115	122
Yuen Long	147	147	147	147	223
North	106	106	110	110	109
Tai Po	78	78	78	78	78
Sha Tin	298	297	296	296	296
Sai Kung	202	202	222	222	222
Islands	95	98	98	113	113
Total <sup>#</sup>	2 156	2 151	2 170	2 189	2 282 <sup>^</sup>

Notes:

\* Figures as at 31 December of the year.

# The figures may not add up to the numeric total due to rounding.

<sup>^</sup> Including about 18 hectares of "O" land in the Draft Lok Ma Chau Loop Outline Zoning Plan which currently does not fall within any District Councils.

Table 4: Total Area of Land Zoned "OU"<sup>@</sup> on Statutory Plans

<i>District Councils</i>	<i>Area of land zoned "OU" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Central and Western	38	38	38	39	39
Wan Chai	102	102	102	102	102
Eastern	141	141	141	141	141
Southern	341	341	344	344	344
Yau Tsim Mong	109	109	109	109	109
Sham Shui Po	150	150	150	150	150
Kowloon City	79	79	79	79	79
Wong Tai Sin	26	26	26	26	26
Kwun Tong	125	125	125	125	121
Kwai Tsing	541	543	543	543	543
Tsuen Wan	180	180	180	196	196
Tuen Mun	365	349	622	622	626
Yuen Long	745	748	791	791	883
North	436	436	436	436	436

<i>District Councils</i>	<i>Area of land zoned "OU" (hectare) (about)</i>				
	<i>2013*</i>	<i>2014*</i>	<i>2015*</i>	<i>2016*</i>	<i>2017*</i>
Tai Po	218	210	210	210	210
Sha Tin	231	231	231	231	242
Sai Kung	493	493	401	401	401
Islands	2 005	2 006	2 383	2 403	2 404
Total <sup>#</sup>	6 325	6 307	6 909	6 947	7 103 <sup>^</sup>

Notes:

\* Figures as at 31 December of the year.

@ "OU" include "OU" annotated "Business", "Mixed Use", "Railway Depot Comprehensive Development Area", "Industrial Estate", "Science Park", "Airport", "Boundary Crossing facilities" and so on.

# The figures may not add up to the numeric total due to rounding.

^ Including about 53 hectares of "OU" land on the Draft Lok Ma Chau Loop Outline Zoning Plan which currently does not fall within any District Councils.

## Annex 2

### Total Area of Land Rezoned from "G/IC" to Other Uses in the Past Five Years

<i>Land Use after Rezoning</i>	<i>Land Area (hectare) (about)</i>
Commercial	7.6
Residential	67.3
Village Type Development	0.2
Agricultural	0.1
O	7.6
Green Belt	2.6
OU	14.2
Road	18.4
Undetermined	1.7
Total	119.7 <sup>#</sup>

Note:

# The figures may not add up to the numeric total due to rounding.

## Annex 3

Information on Sites Allocated through  
Government Land Allocation and Temporary Government Land Allocation  
(including Simplified Temporary Government Land Allocation)

<i>Type of land allocation</i>	<i>Government Land Allocation</i>				<i>Temporary Government Land Allocation (Including Simplified Temporary Government Land Allocation)</i>			
	<i>G/IC</i>	<i>REC</i>	<i>O</i>	<i>Other land use zonings or not covered by statutory plans</i>	<i>G/IC</i>	<i>REC</i>	<i>O</i>	<i>Other land use zonings or not covered by statutory plans</i>
<i>Land use zoning</i>								
Number of sites allocated to Policy Bureaux/ government departments (about)	1 572	19	794	2 054	494	29	434	2 934
(Area) (about)	(1 241 hectare)	(21 hectare)	(888 hectare)	(1 936 hectare)	(131 hectare)	(100 hectare)	(205 hectare)	(2 823 hectare)

Note:

If a site has different land use zonings, the site (in terms of number of sites) will be counted towards the zoning that corresponds to the zoning of the majority area of the site. The area of the entire site will also be accordingly counted towards the same land use zoning (i.e. the land use zoning corresponding to the zoning of the majority area of the site).

### Regulating the supply of corrective and non-corrective contact lenses

10. **PROF JOSEPH LEE** (in Chinese): *President, according to the Supplementary Medical Professions Ordinance (Cap. 359), only registered optometrists or persons who are exempted from regulation by the relevant section according to Schedule 4 to the Optometrists (Registration and Disciplinary*

*Procedure) Regulation (Cap. 359 sub. leg. F) (such as registered medical practitioners while practising medicine), ("approved persons") are allowed to prescribe, fit or supply on prescription optical appliances (e.g. corrective contact lenses). However, it is doubtful whether the sale of non-corrective contact lenses is subject to regulation by the Ordinance. It has been reported that there have been cases from time to time in recent years in which members of the public suffered from eye diseases or visual impairment after wearing contact lenses bought from shops or through the Internet. In this connection, will the Government inform this Council:*

- (1) whether the authorities investigated in the past five years the situation of non-approved persons selling corrective and non-corrective contact lenses at shops and through the Internet; if so, of the details; if not, the reasons for that;*
- (2) how the authorities currently monitor the situation of non-approved persons selling non-corrective contact lenses; and*
- (3) whether the authorities will consider, by making reference to the practice of the United Kingdom, enacting legislation to explicitly prohibit non-approved persons from selling non-corrective contact lenses; if so, of the details (including the legislative timetable); if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President,

- (1) The Optometrists Board ("the Board"), under the Supplementary Medical Professions Council ("the Council"), is a statutory body established under section 5 of the Supplementary Medical Professions Ordinance (Cap. 359) ("the Ordinance"). The Board is responsible for registration and regulation of professional conduct and act of optometrists. At present, the Board handles complaints related to optometrists in accordance with the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359F) ("the Regulation").

According to section 21 of the Ordinance and section 6 of the Regulation, only registered optometrists in Part I, Part II and some in Part IV of the register, or persons who are exempted from regulation by the Ordinance according to Schedule 4 to the Regulation (such as registered medical practitioners while practising), are allowed to prescribe, fit or supply on prescription optical appliances (including contact lenses). Any person who practises the optometry profession without being registered or exempted from registration, or employs such a person to practise the optometry profession, commits an offence and is liable on conviction to a fine of \$5,000 and imprisonment for six months.

Members of the public may report any suspected violation of the Ordinance to the Police. In the past five years, the Council and the Board have not received any requests from the Police for their professional advice on complaints related to the sale of contact lenses by non-registered health care professionals.

(2) and (3)

At present, the Ordinance does not impose any restrictions on the sale of contact lenses by non-registered health care professionals. To enhance public education on the proper use of contact lenses, the Department of Health ("DH") has published on its website information leaflets on using contact lenses (including decorative contact lenses), covering "Know More About Contact Lenses" and "Tips on Using Contact Lens Solution", as well as a video on "Proper Use of Contact Lenses" which is also broadcast regularly at public venues. The information leaflets and video remind members of the public to strictly follow the instructions of qualified registered optometrists or ophthalmologists to ensure proper use and care of contact lenses. In addition, DH will promote the message of "Proper Use of Contact Lenses" during festivals (such as Halloween, Christmas and New Year) through television and radio broadcasting.

Notwithstanding the above, the Government is in the process of drafting legislation related to the regulation of medical devices which would cover product safety and quality of contact lenses. Although non-corrective contact lenses (such as decorative contact

lenses) do not fall within the defined scope of medical devices, their use and the potential risks posed to the human body are similar to those of corrective contact lenses, which are defined as medical devices. The Government is now considering bringing non-corrective contact lenses under regulatory control. According to the legislative proposal now being drafted, contact lenses (both corrective and non-corrective) are classified as general medical devices at a low-moderate or moderate-high risk level. The devices and their authorized representatives ("ARs") are required to be registered with DH, and the importers and distributors of such devices must have obtained a licence from DH before they can supply the medical devices in Hong Kong. ARs, licensed manufacturers, licensed importers and licensed distributors or suppliers of such medical devices are also subject to the mandatory requirements of reporting and investigating adverse incidents associated with the medical devices, and implementing the corresponding remedial measures to the satisfaction of DH. The Food and Health Bureau is actively communicating with and seeking the views of different stakeholders, with the aim of introducing the Bill to the Legislative Council as soon as possible after fine-tuning the legislative proposal.

### **Child abuse cases**

11. **MR LEUNG CHE-CHEUNG** (in Chinese): *President, regarding cases of children (i.e. persons under the age of 18) being abused, will the Government inform this Council:*

- (1) *of the number of newly reported child abuse cases in each of the past five years, with a breakdown by age group to which the abused children belonged, nature of abuse (i.e. (i) neglect, (ii) sexual abuse, (iii) psychological abuse and (iv) multiple abuse) and identity of the abuser (i.e. (a) parent, (b) sibling, (c) step-parent, (d) grandparent, (e) other relative, (f) family friend/friend, (g) caregiver, (h) teacher, (i) tutor/coach, (j) co-tenant/neighbour, (k) unrelated person and (l) unidentified person/others) to be set out in tables of the same format as the table below;*



Year: \_\_\_\_\_

Age group		0-2				3-5				6-8				9-11				12-14				15-17				Total	
Nature of abuse		(i)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)		
Identity of abuser	(a)																										
	(b)																										
	(c)																										
	(d)																										
	(e)																										
	(f)																										
	(g)																										
	(h)																										
	(i)																										
	(j)																										
	(k)																										
	(l)																										
Total																											

- (2) *of the respective numbers of abusers in child abuse cases prosecuted and convicted in each of the past five years;*
- (3) *whether there was an upward trend in the number of newly reported child abuse cases in the past five years; if so, of the details, and whether it has studied the causes;*
- (4) *of the measures currently in place to prevent child abuse; whether it will review the effectiveness of such measures; if so, of the details and timetable; and*
- (5) *of the details of the services currently provided by the Social Welfare Department to the abused children, abusers and their family members; the attendances of such services in each of the past three years, and the number of cases in which the abusers were found abusing children again within one year after receiving the services?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, the Government attaches great importance to the well-being of children and firmly believes that every child has a right to protection against harm and abuse. Having consulted relevant bureaux and departments, including the Social Welfare Department ("SWD") and Hong Kong Police Force ("the Police"), my consolidated reply to the question is as follows:

- (1) SWD and the Police capture the statistics on child abuse cases separately. For the statistics regarding the newly reported child abuse cases captured by SWD during the period of 2013 to September 2017, please refer to Annex 1. SWD does not have the information on the statistics relating to the number of abused children by age and by relationship with the abusers.

The number of child abuse crime cases received by the Police from 2013 to the first half of 2017 is at Annex 2. For child abuse cases, the Police only maintain statistics on "physical abuse against children" (including negligence) and "sexual abuse against children", while statistics on children who are psychologically abused are not available.

When collecting the case figures, SWD and the Police adopt their own statistical definitions and bases in accordance with their different operational needs, hence the statistics cannot be compared directly.

- (2) According to information provided by the Police, cases of "physical abuse against children" and "sexual abuse against children" referred to in part (1) can be prosecuted as various criminal offences. Between 2013 and September 2017, the number of persons prosecuted and convicted under sections 26 and 27 of the Offences Against the Person Ordinance (Cap. 212) ("OAPO"), which target specifically ill-treating, neglect and abandoning of children, are set out at Annex 3. The Government does not collate the statistics of other criminal offences involving child abuse.
- (3) According to the statistics provided by SWD and the Police in Annexes 1 and 2, there is no indication reflecting an obvious trend of increase or decrease in the overall number of child abuse cases.
- (4) The relevant government bureaux and departments have launched various initiatives to prevent child abuse and are dedicated to provide services to abused children and their families. There are 65

Integrated Family Service Centres ("IFSCs") and two Integrated Services Centres ("ISCs") in the territory operated by SWD or Non-governmental Organizations ("NGOs") providing a spectrum of preventive, supportive and remedial services to enhance parenting capacity and assist those parents who have care and child discipline problem.

In addition, as some families in need are reluctant to actively seek help, IFSCs and ISCs operated by SWD or NGOs, Family and Child Protective Services Units ("FCPSUs") and Psychiatric Medical Social Service Units of SWD have jointly implemented the Family Support Programme to try to contact these families. Through telephone calls, home visits and other outreaching services, social workers contact the families with members at the risk of domestic violence (including child abuse) or mental illness etc., and those with problems of social isolation, and refer them to a host of support services. The service units will also recruit and train volunteers, including those with personal experience in overcoming family problems or crises, so that they can contact these families and encourage them to receive appropriate support services with a view to preventing the problems from deteriorating.

The Comprehensive Child Development Service jointly implemented by SWD, Education Bureau, Department of Health ("DH") and Hospital Authority ("HA") aims to identify, at an early stage, various health and social needs of children (aged 0 to 5) and their families as well as provide the necessary services so as to foster the healthy development of children. The Service makes use of the Maternal and Child Health Centres of DH, the hospitals of HA and other relevant service units, such as including IFSCs, ISCs and pre-primary institutions, to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs (including families at the risk of domestic violence), and pre-primary children with health, developmental and behavioural problems. Children in need and families identified will be referred to the appropriate health and social services units for follow-up.

SWD has stepped up its efforts and services to instill in parents the importance of children's safety and to introduce a range of services to assist families in different needs. These efforts include public education and publicity, family life education and family counselling services. For example, in recent years, SWD launched an animated short film on effective parenting and harmonious inter-generational family life, produced and launched a series of Announcements in the Public Interest ("APIs") on television and radio as well as through posters, promulgating the messages that people should not resort to violence against partners and children, but should safeguard the healthy development of their children and seek early assistance etc. In 2017-2018, SWD will also launch a series of APIs on television and radio as well as through poster to publicize widely the message of child protection and prevention of child abuse in public transportation systems and through hyperlink to the social media.

The Police also take child abuse reports very seriously, and will handle such cases with sensitivity and professionalism to achieve the dual objectives of protecting the victims of child abuse from further harm and bringing the offenders to justice. The Police will also maintain close liaison with overseas law enforcement agencies with regard to child abuse issues, including participating in the annual meeting of the INTERPOL Specialists Group on Crimes against Children, to keep abreast of overseas development in handling child abuse issues. Furthermore, the Police also, through active participation in relevant publicity and promotion activities, enhance public awareness of child protection and strengthen children's ability to protect themselves against abuse.

The relevant government departments will review the effectiveness of the services and publicity campaign according to the needs.

- (5) There are 11 FCPSUs under SWD and they are specialized in providing services to the children and families affected by child abuse. The social workers of FCPSUs provide comprehensive services to the victims of child abuse, such as temporary residential care service and counselling service, etc. In the course of providing follow-up services, the social worker will continuously review the

situation of the children and their families and provide necessary assistance to them. Apart from helping the victim of child abuse, the social worker will provide necessary services to their families, including the perpetrators. The services include regular visits, counselling services (such as emotional management and counselling, parenting skills, parent-child relationship), financial assistance, and referral for psychological assessment when necessary, so as to ensure the protection of the well-being of the child. Besides, social workers of FCPSUs will arrange group counselling and developmental programmes for the affected child and the family to help them overcome the negative impact of the violent incident, develop their resilience and self-confidence, and re-establish their interpersonal and family relationship.

SWD currently only captures the statistics of the newly reported child abuse cases as provided in Annex 1 and does not separately collate the statistics on the attendances of the relevant services and the number of cases in which the abusers were found abusing children again within one year after receiving the services.

## Annex 1

The statistics of the newly reported child abuse cases by age group to which the abused children belonged and by type of abuse

2013

<i>Age of Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
0 to 2	46	3	19	1	1	70
3 to 5	50	27	19	1	7	104
6 to 8	117	27	24	4	9	181
9 to 11	100	47	19	4	9	179
12 to 14	95	157	13	5	5	275
15 to 17	44	96	6	1	7	154
Total	452	357	100	16	38	963

2014

<i>Age of Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
0 to 2	46	1	31	0	3	81
3 to 5	52	27	27	0	7	113
6 to 8	101	40	29	2	6	178
9 to 11	92	43	23	1	2	161
12 to 14	87	112	11	0	7	217
15 to 17	35	62	1	3	5	106
Total	413	285	122	6	30	856

2015

<i>Age of Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
0 to 2	37	1	52	0	2	92
3 to 5	62	12	24	1	1	100
6 to 8	112	29	27	4	7	179
9 to 11	96	43	24	0	11	174
12 to 14	76	114	11	1	7	209
15 to 17	41	74	1	1	3	120
Total	424	273	139	7	31	874

2016

<i>Age of Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
0 to 2	42	1	109	1	5	158
3 to 5	62	16	20	1	5	104
6 to 8	94	30	22	1	6	153
9 to 11	93	42	26	5	6	172
12 to 14	61	124	4	1	4	194
15 to 17	26	81	1	1	2	111
Total	378	294	182	10	28	892

There are 704 newly reported child abuse cases under SWD in 2017 (January to September). SWD does not yet have the statistics of 2017 according to the breakdown of the above tables.

The statistics of the newly reported child abuse cases by abusers' relationship with abused children and by type of abuse<sup>(1)</sup>

2013

<i>Abusers' Relationship with Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
Parent	380	29	102	16	34	561
Family member	10	11	2	0	3	26
Step-parent	17	13	1	0	2	33
Relative	8	14	0	0	3	25
Family's friend/friend	3	88	0	1	0	92
Caregiver	18	7	1	0	0	26
Teacher	2	6	0	0	0	8
Tutor/coach	8	29	0	0	0	37
Co-tenant/neighbour	1	19	0	0	0	20
Unrelated person	1	104	0	0	0	105
Unidentified person	13	35	0	0	1	49
Other	0	4	0	0	0	4
Total	461	359	106	17	43	986

2014

<i>Abusers' Relationship with Abused Children</i>	<i>Type of Abuse</i>					
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	<i>Total</i>
Parent	330	27	120	7	23	507
Family member	7	10	2	1	2	22
Step-parent	23	10	3	1	4	41
Relative	10	14	0	0	0	24
Family's friend/friend	3	75	1	0	1	80
Caregiver	20	11	3	0	0	34
Teacher	2	8	0	0	0	10
Tutor/coach	8	17	0	0	0	25
Co-tenant/neighbour	1	13	0	0	0	14
Unrelated person	0	74	0	0	0	74
Unidentified person	13	25	1	0	1	40
Other	0	1	0	0	0	1
Total	417	285	130	9	31	872

(1) The number of abusers and the number of victims are not the same because one abuser may abuse more than one child and a child may be abused by more than one abuser.

2015

<i>Abusers' Relationship with Abused Children</i>	<i>Type of Abuse</i>					<i>Total</i>
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	
Parent	351	21	142	6	28	548
Family member	5	8	5	0	3	21
Step-parent	23	12	1	0	5	41
Relative	5	7	0	1	1	14
Family's friend/friend	2	83	0	0	0	85
Caregiver	17	5	3	0	0	25
Teacher	2	8	0	0	0	10
Tutor/coach	8	13	0	0	0	21
Co-tenant/neighbour	0	8	0	0	0	8
Unrelated person	1	99	1	0	2	103
Unidentified person	10	10	2	0	0	22
Other	0	2	0	0	0	2
<b>Total</b>	<b>424</b>	<b>276</b>	<b>154</b>	<b>7</b>	<b>39</b>	<b>900</b>

2016

<i>Abusers' Relationship with Abused Children</i>	<i>Type of Abuse</i>					<i>Total</i>
	<i>Physical</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Psychological</i>	<i>Multiple</i>	
Parent	310	13	178	9	24	534
Family member	12	6	8	1	0	27
Step-parent	19	23	3	0	1	46
Relative	8	13	0	0	0	21
Family's friend/friend	1	91	1	0	1	94
Caregiver	16	4	1	0	2	23
Teacher	1	6	0	0	0	7
Tutor/coach	3	25	0	0	0	28
Co-tenant/neighbour	0	14	0	0	0	14
Unrelated person	1	76	0	0	2	79
Unidentified person	8	25	2	0	0	35
Other	0	3	0	0	0	3
<b>Total</b>	<b>379</b>	<b>299</b>	<b>193</b>	<b>10</b>	<b>30</b>	<b>911</b>

There are 704 newly reported child abuse cases under SWD in 2017 (January to September). SWD does not yet have the statistics of 2017 according to the breakdown of the above tables.



## Annex 2

## Number of child abuse crime cases received by the Police

	2013	2014	2015	2016	2017 (January to June)
Physical abuse against children <sup>(2)</sup>	459(301)	425(281)	394(266)	393(283)	176(136)
Sexual abuse against children <sup>(3)</sup>	677(52)	506(53)	504(56)	477(67)	245(35)
Total number of crimes against children	1 136(353)	931(334)	898(322)	870(350)	421(171)

## Notes:

- (1) Cases with the offenders being family members, relatives or domestic helpers of the victims.
- (2) "Physical abuse against children" refer to such crimes as murder, manslaughter, wounding and serious assault involving a victim who is under 14 years of age, irrespective of the nature of relationship between the victim and the offender, as well as crimes involving an offender who has the care or charge of the victim as specified under other legislation, such as ill-treatment or neglect by those in charge of child or young person.
- (3) "Sexual abuse against children" refer to such sexual crimes as rape, indecent assault and unlawful sexual intercourse involving a victim who is under 17 years of age, irrespective of the nature of relationship between the victim and the offender, as well as crimes involving an offender who has blood relationship with the victim as specified under other legislation, such as incest.

## Number of child abuse crime cases received by the Police by age group

Year Age	2013		2014		2015		2016		2017 (January to June)	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
0 to 5	65	70	58	77	62	46	74	88	28	41
6 to 11	146	172	157	133	153	139	138	138	58	66
12 to 16	130	553	129	377	91	407	81	351	48	180
Total	341	795	344	587	306	592	293	577	134	287
	1 136		931		898		870		421	

Numbers of persons prosecuted and convicted<sup>(4)</sup>  
under sections 26 and 27 of OAPO

<i>Ordinance</i>	<i>Figure</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i> <i>(January to September)</i>
Section 26 <sup>(5)</sup>	Number of persons prosecuted	1	0	0	1	0
	Number of persons convicted	1	0	0	1	0
Section 27 <sup>(6)</sup>	Number of persons prosecuted	58	66	87	92	66
	Number of persons convicted	34	42	55	63	44

Notes:

- (4) The respective year of the above figures represents the year in which the trial was concluded. As some trials might take longer time, the year in which the Police received the case may be different from the year in which the trial was concluded.
- (5) According to section 26 of OAPO, any person who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of such child is endangered, or the health of such child is or is likely to be permanently injured, shall be guilty of an offence.
- (6) According to section 27 of OAPO, if any person over the age of 16 years who has the custody, charge or care of any child or young person under that age wilfully assaults, ill-treats, neglects, abandons or exposes such child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, or any mental derangement) such person shall be guilty of an offence triable upon indictment.

### **Occupational safety and health of professional drivers**

12. **MR LUK CHUNG-HUNG** (in Chinese): *President, the Occupational Safety and Health Council conducted in 2010 a questionnaire survey, the results of which revealing that quite a large number of professional drivers had developed unhealthy living and eating habits due to the constraints arising from job nature and environmental factors. Moreover, quite a number of*

*professional drivers indicated that they had been diagnosed as having health problems such as musculoskeletal discomforts, hypertension, gastrointestinal or digestive diseases and nerve pain. In addition, the results of a survey published by a community group in December last year showed that professional drivers had long working hours and heavy work pressure and their risk of suffering stroke was more than two times higher than that of the general public. Regarding the occupational safety and health ("OSH") of professional drivers, will the Government inform this Council:*

- (1) whether it knows the number of cases in the past three years in which professional drivers were diagnosed as suffering from work-related diseases, together with a breakdown by type of disease and category of the vehicles they drove;*
- (2) whether the authorities conducted in-depth studies and surveys in the past three years on the OSH issues of professional drivers; if so, of the details; if not, whether the authorities will expeditiously conduct such studies and surveys;*
- (3) whether the authorities have reviewed the effectiveness of the existing work to publicize messages on OSH of professional drivers; if so, of the details; and*
- (4) whether the authorities will consider specifying the aforesaid diseases suffered by professional drivers as compensable occupational diseases under the Employees' Compensation Ordinance (Cap. 282), and setting up a "central occupational insurance compensation fund" to be managed by a statutory body, with a view to processing expeditiously claims filed by professional drivers; if so, of the details and timetable; if not, the reasons for that?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my reply to the question raised by the Member is as follows:

- (1) The number of professional drivers who sought consultation at occupational health clinics of the Labour Department ("LD") and were diagnosed with diseases caused by/related to work in the past three years, with breakdowns by type of diseases and category of vehicles they drove, is set out in the following tables:

<i>Category of vehicles</i>	<i>Type of diseases*</i>	<i>Number of persons</i>		
		<i>2015</i>	<i>2016</i>	<i>2017</i>
Locomotive engine drivers and related workers	Injury	0	0	2
	Musculoskeletal diseases	0	2	0
	- Neck and back	0	0	0
	- Upper limb	0	1	0
	- Lower Limb	0	1	0
	Others	1	0	0
Car, van and motorcycle drivers	Injury	1	1	1
	Musculoskeletal diseases	24	21	15
	- Neck and back	14	3	4
	- Upper limb	6	11	8
	- Lower Limb	4	7	3
	Others	0	0	1
Heavy truck and bus drivers	Injury	3	3	4
	Musculoskeletal diseases	24	15	16
	- Neck and back	11	6	8
	- Upper limb	11	5	5
	- Lower Limb	2	4	3
	Others	0	1	0
<b>Total</b>		<b>53</b>	<b>43</b>	<b>39</b>

Note:

\* Injury cases are caused by work, other cases are related to work.

(2) and (3)

LD keeps track of the occupational safety and health ("OSH") risk of different industries (includes professional drivers) through different means, including surprise inspections, accident statistics and investigations, complaint handling, consultations at LD's occupational health clinics, meetings and contacts with the industries (say through publicity and promotional activities), and surveys

conducted by the Occupational Safety and Health Council ("OSHC"), etc. to ensure that our enforcement, promotion and education strategy evolves with the time, and addresses the latest OSH situations in the relevant industries effectively. With regard to professional drivers, LD has also adjusted our enforcement, promotion and education strategy through the above approach. In light of the OSH information we gathered, we focused our inspection work on the professional drivers' risk of heat stroke, musculoskeletal diseases and meal time arrangement, etc. in the past few years.

As far as publicity and promotion are concerned, the focus of LD's work in the past few years was on the importance of heat stroke prevention and healthy living. In order to enhance the effectiveness of the publicity and promotion work, apart from producing educational short films for broadcasting in the mobile promotional media, LD and OSHC also organized the "Professional Drivers Health Ambassadors Workshop" from 2013 to 2016 to explain directly to professional drivers the importance of healthy eating and regular exercise, and to improve their health awareness. On the whole, participants agreed that the workshop enhanced their awareness about their health conditions and improved their health, as well as helped them to develop good eating and exercise habits. In addition, according to LD's records, there has been a downward trend in the number of professional drivers attending occupational health clinics in the past three years, and there has been a noticeable decrease in the heat stroke cases of professional drivers since 2012. In 2017, LD, in conjunction with OSHC and the relevant workers' unions, continued to promote OSH messages among professional drivers.

LD will continue to keep track of the OSH situation of professional drivers and the effectiveness of the LD's publicity efforts through the above mentioned means to ensure that our enforcement, promotion and education work can address the actual needs of professional drivers.

- (4) Occupational disease refers to those diseases which have clear and strong relationship with certain occupations, and usually there is only one causal factor involved. In considering whether a disease should be prescribed as an occupational disease under the

Employees' Compensation Ordinance ("ECO"), LD would consider whether there is direct causal relationship between the disease and certain type of work, including whether there is any medical evidence to indicate that the disease is clearly associated with a particular occupation. With regard to hypertension, general musculoskeletal discomfort, diseases of the gastrointestinal and digestive system, neuralgia, and stroke, etc., apart from work, they can also be caused by other factors including those that have no direct relationship with work, such as personal living and eating habits, age, medical history, family history, etc. These diseases do not fall under the definition of occupational diseases. Nevertheless, when an employee suffering from a disease that is not an occupational disease prescribed in ECO, he/she may still submit a claim for compensation under ECO if it is proved that the bodily injury was sustained as a result of an accident arising out of and in the course of employment.

The existing employees' compensation system is primarily premised on a no-fault principle and employers' liability to pay compensation under ECO. At the same time, employers must, in accordance with ECO, take out employees' compensation insurance with authorized insurance companies. This is to ensure employers' ability to pay employees injured at work or family members of deceased employees compensation stipulated in ECO and common law compensation awarded by the Court. Given that the cost-effectiveness of a central occupational insurance compensation fund has yet to be established and the above mentioned mode of operation of the current employees' compensation system has been working well to better cater for the circumstances of Hong Kong, it is not advisable to make any substantial change at present.

### **Paternity leave for male employees**

13. **MR KWOK WAI-KEUNG** (in Chinese): *President, since 1 April 2012, eligible male government employees are entitled to five days' paternity leave on full pay for each confinement of their spouse/partner. Moreover, starting from 27 February 2015, eligible male employees are entitled to three days' statutory paternity leave for each confinement of their spouse/partner, and to receive paternity leave pay at a daily rate of 80% of their average daily wages. It is*

*learnt that quite a number of male employees take annual leave in addition to the three-day statutory paternity leave at the delivery of their child in order to help take care of their spouse/partner and the child. As such, the labour sector has all along been striving for seven days' statutory paternity leave on full pay. In this connection, will the Government inform this Council:*

- (1) among the (i) male civil servants, (ii) male non-civil service contract staff and (iii) male employees of subvented organizations which have implemented the initiative of five-day paternity leave, of the respective numbers and percentages of those who were granted paternity leave each year since 1 April 2012;*
- (2) whether it consulted government employees and employees of subvented organizations in the past five years on the need to increase the number of paternity leave days; if so, of the details; if not, the reasons for that and whether it will consult those employees formally on this matter; and*
- (3) whether it has plans to raise the paternity leave entitlement of government employees to seven days so as to take the lead; if so, of the details and the timetable; if not, the reasons for that?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): President, since April 2012, government employees may take paternity leave in accordance with the provisions of the Civil Service Regulations and the circular concerned. At present, a government employee who is employed on a "continuous contract" as defined in the Employment Ordinance and with not less than 40 weeks' continuous service immediately before the day of paternity leave is eligible for five days of paternity leave with full pay. Having consulted the relevant Policy Bureau, our reply to the different parts of the question is as follows:

- (1) During the five financial years between 2012-2013 and 2016-2017, an average of about 3 000 government employees were granted five days of paternity leave with full pay each year, including around 2 900 civil servants and around 100 non-civil service contract staff. On average, the number of civil servants who had taken paternity leave was about 2.8% of the total number of male civil servants each year, while the number of non-civil service contract staff who had

taken paternity leave was about 1% of the total number of non-civil service contract staff. The Government does not maintain statistics on paternity leave taken by employees of subvented organizations.

(2) and (3)

Since its implementation, the paternity leave arrangement for government employees has been operating smoothly with positive feedback. We will continue to monitor the implementation of the arrangement, listen to the views of employees and review the details as necessary. Our guiding principle is to strike an appropriate balance between the provision of the family-friendly initiative of paternity leave for government employees on the one hand and the prudent use of public funds on the other. The provision of paternity leave for employees of subvented organizations is subject to the regulation of relevant legislation. The Government has not conducted any dedicated consultation to gauge the views of employees of subvented organizations on the need to increase the number of days of paternity leave.

### **Learning of Chinese language by non-Chinese speaking students**

14. **MS CLAUDIA MO** (in Chinese): *President, in the 2014-2015 school year, the Government introduced the Chinese Language Curriculum Second Language Learning Framework ("Learning Framework") to help non-Chinese speaking ("NCS") students overcome the difficulties of learning Chinese as a second language, and introduced the subject of Applied Learning Chinese (for NCS students) ("ApL(C)") at the senior secondary level. Regarding learning of Chinese language by NCS students, will the Government inform this Council:*

- (1) *among the Secondary 5 NCS and Chinese speaking students from schools under various modes of subsidies, of the respective numbers and percentages of those taking the ApL(C) subject in each year from 2015 to 2017 and, among such NCS students, the respective numbers and percentages of those enrolling in the courses of (a) Chinese for the Service Industry and (b) Practical Chinese in Hospitality under that subject (set out in Table 1);*



Table 1

	2015		2016		2017	
	<i>NCS students</i>					
<i>Number of students</i>						
<i>Percentage</i>						
	(a)	(b)	(a)	(b)	(a)	(b)
<i>Number of students</i>						
<i>Percentage</i>						
	<i>Chinese speaking students</i>					
<i>Number of students</i>						
<i>Percentage</i>						

- (2) regarding the courses of (a) Chinese for the Service Industry and (b) Practical Chinese in Hospitality under the ApL(C) subject for the first cohort, of the respective (i) numbers of schools offering such courses, (ii) numbers of enrolled students at the beginning, (iii) numbers of enrolled students in the end, and (iv) numbers of candidates sitting for the Hong Kong Diploma of Secondary Education Examination ("HKDSE") on such courses (and (v) a breakdown by attainment of such candidates) (set out in Table 2);

Table 2

		(a)	(b)
(i)			
(ii)			
(iii)			
(iv)			
(v)	<i>Attained with distinction</i>		
	<i>Attained or above</i>		
	<i>Unattained</i>		

- (3) whether the Education Bureau ("EDB") has conducted a review on the implementation and effectiveness of the ApL(C) subject; if so, of the details; if not, the reasons for that, and whether it will conduct such a review expeditiously;
- (4) whether EDB has taken measures to enhance employers' recognition of the HKDSE results for the ApL(C) subject; if so, of the details; if not, the reasons for that;

- (5) of (i) the number of candidates sitting for the Chinese Language subject of HKDSE, and (ii) among the NCS candidates of HKDSE, the percentage and number (with a breakdown by their attainment and the relevant percentages) of those sitting for this subject, in each of the past six years, to be set out in tables of the same format as that of table 3; and

Table 3

Year: \_\_\_\_\_

(i)							
(ii)	Number of NCS candidates						Percentage
Attainment	Level 5 or above	Level 4	Level 3	Level 2	Level 1	Unclassified	
Number							
Percentage							

- (6) whether it has drawn up a timetable and a work plan for reviewing the Learning Framework; if so, of the details, including the commencement and completion dates of such a review as well as the stakeholders to be consulted; if not, the reasons for that?

**SECRETARY FOR EDUCATION** (in Chinese): President, my reply to the question raised by Ms Claudia MO is as follows.

- (1) Applied Learning Chinese (for non-Chinese speaking students) ("ApL(C)") is introduced starting from the 2014-2015 school year. The course is for non-Chinese speaking ("NCS") students, which provides an additional channel exclusively for NCS students fulfilling the specified circumstances<sup>(1)</sup> to obtain an alternative Chinese language qualification. It is designed from the perspective of second language learners and provides a simulated applied learning context for students to learn Chinese through different
- (1) Students who have learned Chinese Language for less than six years while receiving primary and secondary education; or students who have learned Chinese Language for six years or more in schools, but have been taught an adapted and simpler Chinese Language curriculum not normally applicable to the majority of students in local schools.

modes of activities. The duration of ApL(C) courses extends over three school years at the senior secondary level, i.e. Secondary Four to Secondary Six. In the past three cohorts, the enrolment of Secondary Four students in ApL(C) in schools of various funding modes (including aided, Government and Direct Subsidy Scheme schools) is as follows:

	<i>2015-2017 Cohort</i>		<i>2016-2018 Cohort</i>		<i>2017-2019 Cohort</i>	
	<i>NCS Students</i>					
Number of Students	181		178		199	
	(a) ApL(C)— Chinese for the Service Industry	(b) ApL(C)— Practical Chinese in Hospitality	(a) ApL(C)— Chinese for the Service Industry	(b) ApL(C)— Practical Chinese in Hospitality	(a) ApL(C)— Chinese for the Service Industry	(b) ApL(C)— Practical Chinese in Hospitality
Number of Students	125	56	138	40	132	67
Percentage	69%	31%	78%	22%	66%	34%

- (2) For the first cohort, the enrolment of the two ApL(C) courses is as follows:

	<i>(a) ApL(C)— Chinese for the Service Industry</i>	<i>(b) ApL(C)— Practical Chinese in Hospitality</i>	
(i) Number of Schools	7	7	
(ii) Initial Enrolment <sup>(2)</sup>	125	56	
(iii) Final Enrolment <sup>(3)</sup>	118	45	
(iv) Number of Students Entered for the Hong Kong Diploma of Secondary Education ("HKDSE") Examination <sup>(4)</sup>	111	42	
(v)	Attained with Distinction	20	9
	Attained or above	99	30
	Unattained	12	12

Notes:

- (2) Number of NCS students enrolled in ApL(C) at Secondary Four.
  - (3) Number of NCS students enrolled in ApL(C) at Secondary Six.
  - (4) Number of NCS students entered for ApL(C) of the 2017 HKDSE.
- (3) Evaluation of ApL(C) has commenced upon course completion of the first cohort (2015-2017 cohort). We are collecting information related to the participation, learning, performance and articulation pathways of students for analysis.
- (4) For civil service appointments, the Government accepts "Attained" and "Attained with Distinction" results in ApL(C) respectively as meeting the Chinese language proficiency requirements of Level 2 and Level 3 in Chinese Language in HKDSE Examination. To enhance employers' understanding of students' language competency in different aspects, in addition to the HKDSE qualification, ApL(C) is also pegged at the Qualifications Framework Levels 1 to 3. We will continue to maintain communication and exchanges with stakeholders to enhance their understanding and recognition of ApL(C).
- (5) (i) There were 69 725, 69 150, 64 540, 60 305, 55 117 and 50 108 candidates sitting for the HKDSE (Chinese Language) Examination in 2012, 2013, 2014, 2015, 2016 and 2017 respectively.
- (ii) There were 510, 568, 731, 830, 1 046 and 1 072 NCS students from public sector and Direct Subsidy Scheme schools offering the local curriculum sitting the HKDSE Examination in 2012, 2013, 2014, 2015, 2016 and 2017 respectively, of which 95, 120, 113, 97, 116 and 106 (i.e. about 18.6%, 21.1%, 15.5%, 11.7%, 11.1% and 9.9%) took the HKDSE (Chinese Language) Examination and 22, 37, 27, 21, 32 and 28 (i.e. approximately 23.2%, 30.8%, 23.9%, 21.6%, 27.6% and 26.4%) attained Level 3 or above, meeting the general entrance requirement of the University Grants Committee-funded undergraduate programmes in respect of the Chinese Language subject.

- (6) The Education Bureau has consulted teachers and language experts when formulating the Chinese Language Curriculum Second Language Learning Framework ("Learning Framework") and will continue to collect views of various stakeholders on the "Learning Framework" as well as the effectiveness of the related supporting materials. As an integral part of the evaluation process, the Education Bureau would engage stakeholders including school teachers, students, parents and non-governmental organizations through various channels such as focus group discussions and interviews on a continuous basis. The "Learning Framework" would be reviewed, as appropriate, at an interval of three years, when a cycle of learning at each Key Stage (e.g. Primary One to Primary Three, Primary Four to Primary Six, Secondary One to Secondary Three) has been completed. The information collected through school-based professional support services, teacher professional development programmes and focus group interviews since the 2014-2015 school year is being collated and analysed, so as to understand the implementation of the "Learning Framework" in schools, and to propose specific recommendations for improvement in the "Learning Framework", the Chinese Language assessment tools and the supporting learning and teaching materials. The initial findings would be reported to the Legislative Council after the completion of collation and analysis.

**Taking sick leave, receiving diagnoses and treatments as well as filing employees' compensation claims, etc. by employees injured at work**

15. **DR KWOK KA-KI** (in Chinese): *President, according to the Employees' Compensation Ordinance (Cap. 282) ("ECO"), employees who have sustained an injury or died as a result of an accident which occurred in the course of their employment or those who have suffered from an occupational disease specified in ECO owing to the nature of their work may receive compensation under a no-fault principle. On taking sick leave, receiving diagnoses and treatments as well as filing employees' compensation ("EC") claims, etc. by employees injured at work, will the Government inform this Council, in respect of each year since 2012:*

- (1) *of the number of cases in which the Labour Department ("LD") instituted prosecutions against employers who had failed to take out EC insurance policies (commonly known as "labour insurance policies");*
- (2) *of the respective numbers of cases in which LD issued warning letters and instituted prosecutions against employers who had failed to pay (i) periodical payments (i.e. "sick leave payments") and (ii) medical expenses on time to employees injured at work and, among the prosecution cases, the respective numbers of those in which the employers were convicted;*
- (3) *of the respective numbers of EC claims received by LD, with a breakdown by whether the employees were incapacitated for (i) not more than or (ii) more than three days; among those claims involving an incapacitation period exceeding three days, the respective numbers of claims which were (iii) settled and (iv) unsettled within 12 months after they had been lodged, as well as (v) the total amount of compensation and (vi) the total number of lost working days involved in the former and (vii) the relevant reasons for the latter; among the claims involving an incapacitation period exceeding three days, (viii) the number of cases in which the employees concerned received a work capability assessment conducted by the Employees' Compensation Assessment Board after resuming duty, and (ix) the average time lapse between their resumption of duty and the conduct of the assessment;*
- (4) *of the respective numbers of employees who were granted sick leave due to work injury for a period of (i) three to six months, (ii) more than six months to one year, (iii) more than one year to two years, and (iv) more than two years, with a tabulated breakdown by trade;*
- (5) *of the number of EC claims filed with the court by employees, with a breakdown by case nature (i.e. injury or fatality);*
- (6) *of the respective numbers of legal aid applications (i) received and (ii) approved by the Legal Aid Department ("LAD") in respect of EC claims; in respect of the approved cases, the amount of expenditure incurred so far, as well as the average and median time taken from submission of applications to granting of approval;*

- (7) *of (i) the respective numbers of EC claims with legal aid granted which were heard by the court (with a breakdown by result (i.e. claims awarded, dismissed or settled)), and (ii) the number of cases in which legal aid was discharged by LAD in the course of action; the respective highest, lowest, median and average amounts of compensation payable in the cases in which (iii) the court ruled in favour of the claimants concerned and (iv) settlement agreements were reached by both parties to proceedings;*
- (8) *of the respective numbers of cases in which employees incapacitated as a result of a work injury (i) applied for and (ii) were granted Comprehensive Social Security Assistance, Normal Disability Allowance and Higher Disability Allowance, and the amount of expenditure involved in the approved cases for each type of allowances;*
- (9) *of the attendances at the accident and emergency departments under the Hospital Authority ("HA") by employees injured at work for diagnoses and treatments;*
- (10) *of (i) the attendance at the specialist outpatient clinics (including orthopaedics, neurosurgery and surgery) under HA by employees injured at work for diagnoses and treatments, (ii) the attendance among them involving new cases, and (iii) the respective current average waiting time for the old and new cases concerned, broken down by specialty; and*
- (11) *of the amount of expenditure incurred by the authorities on promoting the prevention of industrial accidents?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, in consultation with the Food and Health Bureau and the Legal Aid Department ("LAD"), my reply to the Member's question is as follows:

- (1) From 2012 to 2017, the yearly number of summonses heard in respect of failure to take out employees' compensation insurance under the Employees' Compensation Ordinance ("ECO") as processed by the Labour Department ("LD") is provided below:

<i>Year</i>	<i>Number of summonses heard</i>
2012	797
2013	1 024
2014	936
2015	868
2016	604
2017	717

- (2) From 2012 to 2017, the yearly numbers of summonses heard and convicted in respect of failure to pay periodical payments on time under ECO as processed by LD are provided below:

<i>Year</i>	<i>Number of summonses heard</i>	<i>Number of summonses convicted</i>
2012	32	24
2013	28	25
2014	19	14
2015	26	26
2016	93	61
2017	41	32

LD does not keep the number of warning letters issued to employers for failure to pay periodical payments and medical expenses to employees under ECO. Besides, since failure to pay medical expenses is not a prosecutable offence under ECO, LD does not have the related prosecution and conviction figures.

- (3) From 2012 to 2017, the yearly number of employees' compensation claims reported under ECO and received by LD is provided below:

<i>Duration of incapacitation</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Not more than three days	16 266	16 096	15 531	14 994	15 134	14 645
More than three days*	40 497	39 072	38 386	36 923	36 420	36 463
Total	56 763	55 168	53 917	51 917	51 554	51 108

Note:

\* Figures include fatal cases.



From 2012 to 2017, of the compensation claims involving incapacitation of employees for more than three days reported under ECO and received by LD in each year, the number of claims settled in the same respective year, the total amount of compensation involved and the total number of working days lost are provided below:

	2012	2013	2014	2015	2016	2017
Number of claims settled in the same respective year	24 909	23 740	23 054	22 538	22 156	21 066
Total amount of compensation involved (\$ million)	214.3	226.4	233.0	270.5	272.5	250.8
Total number of working days lost*	394 090	396 705	390 353	408 292	407 679	375 027

Note:

\* The number of working days lost includes both the number of sick leave days granted and taken and the period of absence from duty certified to be necessary by the Employees' Compensation Assessment Board ("ECAB") under ECO.

From 2012 to 2017, of the compensation claims involving incapacitation of employees for more than three days reported under ECO and received by LD in each year, the number of claims which were not settled in the same respective year is provided below:

	2012	2013	2014	2015	2016	2017
Number of claims not settled in the same respective year	15 588	15 332	15 332	14 385	14 264	15 397

The above claims were not settled in the same respective year owing to various reasons, such as awaiting expiry of employees' sick leave, assessment of permanent incapacity or court judgment.

If the employees sustain work injuries which result in incapacitation for more than three days and will likely result in permanent total or partial incapacity, LD will arrange the employees to attend an assessment conducted by ECAB after they have recovered or their medical conditions have stabilized. The assessments are conducted by the relevant specialty departments (mainly the Orthopaedics and Accident & Emergency ("A&E") Departments) in 16 hospitals under the Hospital Authority ("HA"). Employees' waiting time will be affected by the different frequency of ECAB meetings convened by the specialty departments of different hospitals. From 2012 to 2017, the total number of assessments conducted by ECAB and the average waiting time for employees who were arranged to attend assessments after they had recovered or their medical conditions had stabilized in each year are provided below:

<i>Year</i>	<i>Number of assessments</i>	<i>Average waiting time (in terms of weeks)<sup>+</sup></i>
2012	22 229	11
2013	23 342	12
2014	23 164	11
2015	23 599	11
2016	22 995	10
2017	19 718 (as at end November)*	10

Notes:

\* The 2017 yearly figure is under preparation.

+ Involving the Orthopaedics and A&E Departments. Assessments by other specialty departments were arranged according to actual needs.

LD does not keep the number of cases and average waiting time for employees who were arranged to attend assessments after their resumption of duty.

- (4) From 2012 to 2017, the number of compensation claims settled in each year involving incapacitation of employees for more than three days (including compensation claims reported in or before the respective settlement year) with a breakdown by the number of working days lost is provided below:

<i>Number of working days lost</i>	<i>Number of settled compensation claims</i>					
	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Below 90 days	31 011	29 144	28 107	27 824	26 686	25 251
90 to below 180 days	2 753	2 706	2 783	2 902	2 787	2 741
180 to below 360 days	1 957	2 006	2 196	2 334	2 366	2 296
360 to below 720 days	1 573	1 381	1 765	1 795	1 956	1 801
720 days or above	5	6	2	3	1	2
Total	37 299	35 243	34 853	34 858	33 796	32 091

If the work injury sick leave of an employee does not exceed three days and no permanent incapacity is involved, the employer should make direct payment of compensation to the employee in accordance with ECO. LD does not keep statistics on the number of working days lost for this type of cases. Moreover, LD does not keep statistics on compensation claims with breakdowns by the number of employees or occupation.

- (5) From 2012 to 2017, of the reported compensation claims involving incapacitation of employees for more than three days, the number of claims where employees sought legal aid or adjudication by the court with a breakdown by fatal or injury cases is provided below:

<i>Year</i>	<i>Number of claims where employees sought legal aid or adjudication by the court (as at the end of the reporting year of the claims)</i>		
	<i>Injury cases</i>	<i>Fatal cases</i>	<i>Total</i>
2012	629	8	637
2013	587	7	594
2014	655	11	666
2015	664	5	669
2016	701	9	710
2017	732	20	752

The employer should make direct payment of compensation to the employee in accordance with ECO if the work injury sick leave of the employee does not exceed three days and no permanent incapacity is involved. LD does not keep statistics on the number of claims where employees sought adjudication by the court for this type of cases.

- (6) From 2012 to 2017, the numbers of legal aid applications, certificates granted and the median and average time taken to complete the processing of applications by LAD in respect of employees' compensation claims in each year are provided below:

		<i>Employees' compensation claims</i>					
		2012	2013	2014	2015	2016	2017
Number of legal aid applications received		2 276	2 165	2 267	2 135	2 076	2 157
Number of legal aid certificates granted*		1 483	1 241	1 411	1 300	1 325	1 313
Processing time (calendar days)	Median	63	62	62	63	64	64
	Average	58.62	60.48	61.79	63.97	65.50	64.90

Note:

- \* Legal aid certificates may not be granted in the same year as the applications were received.

From 2012-2013 to 2016-2017 financial years, the legal aid costs spent on cases in respect of employees' compensation claims are provided below:

<i>Employees' compensation claims</i>					
<i>Financial year</i>	2012- 2013	2013- 2014	2014- 2015	2015- 2016	2016- 2017
Legal aid costs (\$ thousand)	47,048.3	50,491.5	51,188.7	54,657.2	61,413.6

- (7) From 2012 to 2017, the success rates of legal aid cases in respect of employees' compensation claims which were closed in each year are provided below:

	<i>Employees' compensation claims</i>					
	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
In favour	94%	95%	96%	97%	96%	96%
Not in favour	1%	1%	1%	1%	1%	1%
Discharged/revoked prior to proceedings	1%	1%	1%	0%	1%	1%
Discharged at aided person's request during proceedings	2%	2%	1%	1%	1%	1%
Discharged/revoked during proceedings	2%	1%	1%	1%	1%	1%
Total	100%	100%	100%	100%	100%	100%

From 2012 to 2017, the highest, lowest, median and average amounts of damages received in legal aid cases in respect of employees' compensation claims that were closed in each year are provided below:

	<i>Amounts of compensation awarded in employees' compensation claims</i>					
	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Highest (\$ thousand)	12,200.00	1,913.46	2,553.57	2,979.80	3,756.00	3,360.62
Lowest (\$ thousand)	1.7	1.0	3.0	2.0	1.3	1.0
Median (\$ thousand)	100.00	102.11	130.00	137.26	150.00	150.00
Average (\$ thousand)	177.87	174.59	211.18	203.76	231.39	236.42

Note:

The amount of compensation awarded was low in some employees' compensation cases because of various reasons, e.g. the percentage of loss of earning capacity assessed was low or the final award was made after deducting a large amount of advance payment such as sick leave payment already received.

- (8) The Social Welfare Department does not keep the statistics and the expenditure for employees with work-related injuries under the Comprehensive Social Security Assistance Scheme and Disability Allowance.

(9) and (10)

HA does not have complete statistics on the treatment for work-related injuries under ECO, including the number of attendance and average waiting time of A&E Departments and specialist outpatient clinics or hospitals in HA. The number of attendances of A&E Departments in HA arising from industrial trauma and the number of subsequent attendances for specialist outpatient (clinical) services among the aforementioned patients from 2012-2013 to 2016-2017 financial years are set out in the table below:

<i>Financial year</i>	<i>Number of A&amp;E attendances arising from industrial trauma (A)</i>	<i>Among those patients as described in (A) who subsequently made a booking for specialist outpatient (clinical) services within 28 days after their A&amp;E attendances or inpatient discharges (B)</i>
2012-2013	70 758	48 878
2013-2014	69 268	48 142
2014-2015	67 812	47 485
2015-2016	66 755	48 134
2016-2017	65 980	48 541

Note:

It should be noted that not all medical treatment subsequently received by the above patients after their A&E attendance are necessarily related to their industrial trauma.

- (11) LD adopts a multipronged strategy to enhance occupational safety and health ("OSH") through inspection and enforcement, education and training as well as publicity and promotion. In respect of publicity, education and promotion, LD organizes promotional campaigns to enhance OSH awareness of employers and employees in various industries through training courses, seminars, roving exhibitions, out-reaching promotional visits, television and radio Announcements in the Public Interest, OSH messages disseminated through newspapers and LD's web pages, and compilation and updating of safety guidelines. A number of these activities are organized in collaboration with the Occupational Safety and Health

Council, trade associations and workers' unions. The above work is an integral part of LD's ongoing work, and the expenditure cannot be separately identified.

### **Provision of convention and exhibition facilities**

16. **MR WU CHI-WAI** (in Chinese): *President, in 2014, the Government commissioned a consultancy study on the demand for convention and exhibition ("C&E") facilities in Hong Kong. The study report made a number of recommendations, including (i) the construction of a convention centre above the Exhibition Station of the Sha Tin to Central Link ("SCL") ("convention centre"), (ii) construction of C&E facilities in Kai Tak, and (iii) expansion of AsiaWorld-Expo ("AWE"). In addition, the Government proposed, early last year on the ground that a new sports ground in the Kai Tak Sports Park would be completed in 2022, the demolition of the Wan Chai Sports Ground ("WCSG") to make way for comprehensive development and provision of C&E facilities. However, the Government announced in October last year that it would give up the identified site at WCSG and instead demolish the three government buildings in Wan Chai to release the site for the development of C&E facilities. In this connection, will the Government inform this Council:*

- (1) *of the existing development parameters of the various phases of the Hong Kong Convention and Exhibition Centre ("HKCEC"), including building height, plot ratio, actual and permissible floor areas, etc.; how HKCEC's current actual floor area compares with its permissible floor area; if HKCEC has room for expansion, whether the authorities have formulated expansion plans;*
- (2) *of the development parameters of the project to construct a convention centre; whether it will construct the proposed convention centre in a way that the plot ratio is fully utilized; the latest progress of the design work of the convention centre; the expected time for announcing the details of the project;*
- (3) *as the Government estimated in 2015 that the convention centre would provide 10 000 m<sup>2</sup> of convention facilities, but the Government announced in the Policy Address delivered in October last year that the convention centre would provide 15 000 m<sup>2</sup> of convention facilities, of the reasons for the increase in the estimated area of convention facilities;*

- (4) *given that the existing floor area of the three government buildings in Wan Chai totals about 175 000 m<sup>2</sup>, of the permissible floor area of the site concerned; according to the latest estimations, of the expected time for (i) vacation of the buildings, (ii) commencement of the demolition works of the buildings, (iii) completion of the construction works of C&E and related facilities, and (iv) completion of the entire development project; whether the Government will use the Build-Operate-Transfer approach, which was adopted for constructing HKCEC, or other options (please specify) in developing those facilities;*
- (5) *since the authorities pointed out in a paper submitted to this Council in 2003 that Phase 2 development of AWE would commence when certain performance triggers (e.g. utilization and cash flow parameters) had been met, of the details of those performance triggers; whether AWE has now met the performance triggers; if so, since when the performance triggers have been met; of the expected time for the Government to initiate the procedure for expanding AWE;*
- (6) *as the Government has indicated that even if the various C&E facility development projects are completed on schedule, Hong Kong will still face the problem of insufficient C&E facilities during peak periods by 2028, of the respective areas of C&E facilities expected to be provided upon completion of those development projects and the projected shortfall in the area of C&E facilities in Hong Kong in 2028;*
- (7) *whether the Government has, apart from taking forward the aforesaid C&E facility development projects, conducted any other planning studies or projects on the development of C&E facilities; if so, of the details; and*
- (8) *given that the new sports ground in the Kai Tak Sports Park is expected to be completed in 2022, whether the Government will review the planning for the sites of the Hong Kong Coliseum in Hung Hom and in the surrounding areas with a view to developing new C&E facilities near the Coliseum and the Hung Hom MTR Station on the premise of no change to the existing use of those sites for recreation and sports facilities?*



**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, the convention and exhibition ("C&E") industry plays an important role in promoting Hong Kong economy. Given that the existing dedicated C&E venues have been fully utilized during peak periods of C&E events, one of the important tasks of this term of Government is to expand new C&E venues to reinforce and enhance the international status of Hong Kong's C&E industry. Regarding the question raised by Mr WU Chi-wai, our reply is as follows.

- (1) At present, Phase 1 and Phase 2 (including the Atrium Link Extension) of the Hong Kong Convention and Exhibition Centre ("HKCEC") cover a site area of about 9.3 hectares and provide about 91 500 sq m of rentable C&E space. As HKCEC and other commercial facilities are already built on the site, and given HKCEC's extremely high utilization rate and the numerous activities being held there, it is not feasible to expand C&E space on the site.

(2) and (3)

The comprehensive development area above the Exhibition Station of the MTR Shatin to Central Link ("SCL") covers a site area of about 1.6 hectares with a height restriction of 50 m above Principal Datum. At the invitation of the Government, the Hong Kong Trade Development Council is working on the design of a new convention centre on the site. The latest estimate is that the comprehensive development area can provide:

- (i) about 15 000 sq m of convention facilities;
- (ii) about 1 300 sq m of public open space; and
- (iii) a public transport interchange accommodating around 20 bus routes, a cross-border coach terminus and a taxi stand.

We will consult the public on the project after completion of the design work.

- (4) Redevelopment of the three government towers in Wan Chai North and the Kong Wan Fire Station into C&E facilities, hotel and offices involves amendments to the relevant outline zoning plan. The actual development scale can only be accurately estimated when the proposed amendments have been finalized. Our preliminary estimate is that the site can provide about 23 000 sq m of C&E facilities. The plan involves relocation of 29 government departments in the three government towers, the law courts and the Kong Wan Fire Station. Our current estimation is that the relocation could only be completed in the mid-2020s. The Government will proceed with the relocation in accordance with established procedures, with a view to vacating the sites of the three government towers in Wan Chai North and the Kong Wan Fire Station for development of C&E facilities and commercial premises as soon as possible. The Government will proceed with the project in an open and transparent manner.
- (5) The AsiaWorld-Expo ("AWE") located on the Airport Island currently provides about 70 000 sq m of rentable C&E space, and land has been reserved for further expansion. The Government will continue to discuss the expansion plan with the AWE board of directors. We need to take into consideration AWE Phase 1's C&E business and operation, as well as the economic benefits that could be brought about by developing Phase 2, supporting facilities, financial arrangements, etc.
- (6) and (7)

As mentioned above, we estimate that the topside of the Exhibition Station of the SCL will provide about 15 000 sq m of convention facilities, while the redevelopment of the sites of the three government towers in Wan Chai North and the Kong Wan Fire Station will provide about 23 000 sq m of C&E facilities. For the longer-term, when the reprovisioning of the Wan Chai Sports Ground is satisfactorily resolved, the site can be earmarked for further C&E development to reinforce and enhance Wan Chai North as a C&E hub in Asia. We will also continue to explore the feasibility of expanding other existing C&E facilities.

- (8) In recent years, the demand for sports venues and facilities in Hong Kong has been increasing. The utilization rate of the Hong Kong Coliseum has always been very high. Apart from hosting major sports events, it is also a popular venue for cultural and entertainment events such as pop concerts. Therefore, we will continue to operate the Hong Kong Coliseum and upgrade its facilities as appropriate so as to meet the demand of different users. At present, the Government has no plan to develop C&E facilities in the vicinity of the Hong Kong Coliseum and the MTR Hung Hom Station.

### **Plans to revitalize the Kai Tak Cruise Terminal**

17. **MS STARRY LEE** (in Chinese): *President, report No. 68 of the Director of Audit published in April last year pointed out that the performance of the Kai Tak Cruise Terminal ("KTCT") in 2016 (in terms of the number of cruise calls, cruise passenger throughput, per capita spending of passengers, etc.) was below expectation. Some members of the tourism industry consider that notwithstanding KTCT's prime location at the Victoria Harbour and its great potential for tourism development, the visitor flow at KTCT is persistently low, and it is like a ghost town. They criticize that KTCT, which cost more than HK\$6.6 billion to build, has failed to achieve economic benefits, and the Government's objective of developing Hong Kong into an Asia cruise hub through KTCT has even become too remote to reach. Regarding plans to revitalize KTCT, will the Government inform this Council:*

- (1) *whether it has drawn up new plans with the aim to increase the attractiveness of KTCT and develop it into a tourist attraction; if so, of the details; if not, the reasons for that;*
- (2) *whether it has drawn up new plans with the aim to enhance the external transport of KTCT to facilitate tourists and members of the public to visit KTCT; if so, of the details; if not, the reasons for that;*
- (3) *whether it has drawn up new plans with the aim to make use of the idle commercial space at KTCT to attract tourists to go there and spend, thereby alleviating the pressure on shopping hotspots; if so, of the details; if not, the reasons for that; and*

- (4) *whether it will study how the facilities of KTCT and those in nearby areas may complement each other so as to increase the utilization rate of KTCT, e.g. locating the embarkation and disembarkation points for Victoria Harbour cruises within KTCT; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, since the commissioning of the Kai Tak Cruise Terminal ("KTCT") in mid-2013, its utilization has been rising steadily. The number of ship calls of KTCT in 2017 was around 190, representing an increase of almost six times since 2014 (i.e. its first full year after commissioning). The passenger throughput of KTCT has also gone up by close to five times during the same period to over 780 000. In 2017, the number of days with cruise ships at berth at KTCT was 161, of which 48 days were with more than one cruise ship at berth. Moreover, 10 different events involving a total of 33 days (including setting up, dismantling and reinstatement) were held at KTCT in 2017.

KTCT has, since its commissioning, also spurred the growth of cruise tourism business of Hong Kong as a whole. In 2017, we received 245 ship calls in Hong Kong as a whole (increased by 175% from 89 calls in 2013) and the cruise passenger throughput was over 900 000 (increased by around 370% from 191 000 in 2013). In fact, back in the earlier years when the Government was considering the construction of KTCT, the Government projected that the number of ship calls and cruise passenger throughput in Hong Kong as a whole would range from 181 to 258 and from 564 102 to 1 041 031 respectively by 2023. In other words, the number of ship calls and cruise passenger throughput in Hong Kong as a whole in 2017 have both achieved, ahead of plan, the then projected performance by 2023.

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

- (1) KTCT is a purpose-built construction and an important infrastructure for the development of cruise tourism in Hong Kong. Its core functions are for receiving cruise ships and handling large number of passengers at a time. Therefore, cruise business and operation take priority in the building design and operation arrangements. That notwithstanding, in addition to developing the cruise business of KTCT, we have all along been dedicated to making good use of the

space in KTCT and, wherever possible, for purposes other than berthing of cruise ships to enable more members of the public and visitors to enjoy the facilities of the terminal building.

The ancillary facilities of KTCT (including its ancillary commercial areas and the rooftop garden) are open every day, and members of the public, visitors as well as tour groups are welcome to visit these ancillary facilities. Apart from that, some parts of KTCT could be used as event venues when they are not in use for cruise operation. Many private and public events (including exhibitions, sports events, corporate functions, etc.) were held at KTCT in the past, thus making better use of the facilities thereat. We will continue to drive more events to be held at KTCT and attract members of the public and visitors to participate.

- (2) The Government has all along been committed to improving the transport connectivity of KTCT. At present, there are daily franchised bus services, green minibus services and ferry services connecting KTCT with other districts. Apart from strengthening the transport arrangements when there are cruise ships at berth (e.g. providing shuttle bus services as well as enhancing the frequencies and supplies of public transport services, including taxis), the Government has also improved the transport services and infrastructures of KTCT through different measures.

In terms of transport services, daily ferry service connecting Kwun Tong and North Point has been provided since 2016 after the completion of the refurbishment works of the ferry pier (now known as the Kai Tak Runway Park Pier) adjacent to KTCT in March that year. The weekend and public holiday services of franchised bus Route 5R, which run between KTCT and Ngau Tau Kok, have been strengthened to daily services since August 2016. Furthermore, the minibus Route 86 that provides daily services to Kowloon Bay has also been strengthened to operate with higher frequency and longer operating hours. Looking ahead, the Transport Department is preparing for the commissioning of a new bus route connecting KTCT with Kowloon Tong MTR Station within the first half of this year.

As regards transport infrastructures, the Civil Engineering and Development Department ("CEDD") is carrying out construction works for the realignment and widening of Shing Fung Road, which is in the vicinity of KTCT, to increase its capacity. The works are expected to be completed by 2019. For the longer term, CEDD is pressing ahead with the works of the remaining section of Shing Fung Road (i.e. Road D3 Metro Park section), which links Shing Fung Road with the future Shing Kai Road. This would further enhance the road network of the Kai Tak Development Area and strengthen the connectivity between the future MTR Kai Tak Station and KTCT. The commissioning of Tai Wai to Hung Hom section of the MTR Shatin to Central Link (including the Kai Tak Station) in 2019 will further improve the transport connectivity of the Kai Tak Development Area.

- (3) At present, there is no vacant shop at KTCT. All the seven shops of the ancillary commercial areas in the terminal building have been leased. Six of them are in operation while the remaining one has ceased operation due to its internal issues. The terminal operator is recovering the vacant possession of that shop from the sub-tenant through legal proceedings. We have urged the terminal operator to lease out the shop as soon as possible upon completion of the relevant proceedings and recovering possession of the shop. We note the proposal of relocating some of the shops in Kowloon City district that mainly serve tour groups to KTCT. We are also aware of the diverse views of the Kowloon City District Council on such proposal. In any event, commercial organizations that are interested in operating at KTCT are welcome to approach the terminal operator directly to discuss the corresponding commercial arrangements.
- (4) Apart from promoting more events to be held at KTCT, we also make use of the facilities at KTCT to support events held in its vicinity. Specific examples include the provision of coach parking spaces as well as pick-up and drop-off points for transport services, etc. for events like AXA Hong Kong Streetathon@Kowloon and HNA  
2017 respectively.

In the second half of this month, the major shore events of the world-renowned Volvo Ocean Race will be held at the Kai Tak Runway Park ("the Runway Park") adjacent to KTCT. On the other hand, the Government Flying Service is preparing to transfer the airframe of a retired fixed-wing aircraft (Jetstream-41) to the Runway Park for display to complement the Park's aviation design theme. In addition, the Development Bureau will make an open invitation to non-profit-making organizations for proposals to operate a weekend flea market at the Tourism Node site pending land disposal. We believe that the above mentioned initiatives will help integrate the potentials of KTCT and its surrounding areas, hence drawing more visitors and making better use of KTCT.

On the other hand, the refurbished Runway Park Pier can be used by small vessels running Victoria Harbour cruises for berthing and for embarkation/disembarkation of passengers. Service providers of Victoria Harbour cruises are welcome to use the pier. The apron of KTCT, when connected to a landing pontoon, can also be used by larger vessels of Victoria Harbour cruises for berthing and for embarkation/disembarkation of passengers. The berths and facilities at KTCT are operated by the terminal operator on commercial basis. Any service providers of Victoria Harbour cruises who are interested in using the facilities of KTCT for embarkation/disembarkation of passengers may approach the terminal operator for discussion.

### **Incidents of fresh water contamination caused by water works**

18. **MR WILSON OR** (in Chinese): *President, it was reported that two incidents occurred one after the other in November last year in which the water works arranged by the Water Supplies Department ("WSD") caused contamination of fresh water and odour emitting from it. A number of public rental housing ("PRH") estates, Home Ownership Scheme ("HOS") courts and private housing estates in Kwai Tsing, Tsuen Wan and Sha Tin were affected. Some residents said that they had developed gastrointestinal symptoms after drinking the contaminated fresh water. In this connection, will the Government inform this Council:*

- (1) *whether WSD will take water samples for laboratory tests from the residential flats affected by the aforesaid incidents, and make public the substances that caused the emission of odour from the fresh water and the potential hazards posed to human health by such substances; if so, of the details; if not, the reasons for that;*
- (2) *whether WSD issued guidelines to the estate management personnel of the PRH estates, HOS courts and private housing estates affected by the aforesaid incidents on cleaning the fresh water storage tanks and water supply pipes in the buildings concerned to ensure that the fresh water supplied to the residents conforms with the safety standards; if so, of the details; if not, the reasons for that;*
- (3) *whether WSD has, in the light of the aforesaid incidents, reviewed the relevant monitoring procedures to avoid the recurrence of incidents of contamination of fresh water by water works; if so, of the details; if not, the reasons for that; and*
- (4) *apart from the provision of temporary water supply to residents affected by incidents of fresh water contamination, whether WSD has formulated new contingency measures in the light of the experience gained from the aforesaid incidents, so as to ensure the safety of fresh water supplied to residents; if so, of the details; if not, the reasons for that, and whether WSD will formulate the relevant measures expeditiously?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, with regard to Member's questions on the two water quality incidents, their causes are as follows:

- (1) Unpleasant odour in drinking water in some areas of Kwai Chung and Tsuen Wan

The incident happened between 18 and 20 November last year. The preliminary probable cause of the incident was due to the application of a protective coating material, which had been approved for use in potable water installation works, by a maintenance contractor of the Water Supplies Department ("WSD") for the maintenance of the floor slab of the eastern compartment of the Tsuen Wan Fresh Water Service Reservoir. The coating material contains



volatile organic compounds ("VOCs") which have an unpleasant odour. The service reservoir has the eastern and western compartments which are separated by a central division wall. Since there were two openings between the top of the division wall and the roof of the service reservoir, part of VOCs got into the western compartment, which was in operation, through the openings on top of the division wall and dissolved in the drinking water which was then distributed to customers.

The Director of Water Supplies has set up an independent Investigation Team which will soon submit a detailed investigation report for the incident.

(2) Turbidity of drinking water in some areas of Fo Tan, Sha Tin

The incident, which happened in the evening of 29 November last year, was caused by the preparation work carried out by a contractor of WSD, including inspection and operation of gate valves, for replacing government mains at Tai Po Road (Sha Tin) near Wo Che Estate. Owing to the change of water flow arising from operating the gate valves, some sediments inside the water mains were stirred up, causing turbidity in the drinking water in some areas of Fo Tan.

WSD spared no effort in following up the above two water quality incidents in order to restore the quality of drinking water supply to residents as soon as possible. During the incidents, WSD deployed water wagons and water tanks near the affected estates to provide drinking water to the affected residents. The department also proactively contacted the management offices of related estates and offered technical support to them when necessary in order to drain away the residual water in the inside service.

The reply to the four parts of Member's questions is as follows:

- (1) For the incident of unpleasant odour in drinking water in some areas of Kwai Chung and Tsuen Wan, WSD took water samples from the outlet pipe of the western compartment of the Tsuen Wan Fresh Water Service Reservoir during the incident for rapid toxicity test. The test result was negative, i.e. non-toxic. The water samples were also tested for the contents of the 15 health-related VOCs parameters recommended in the World Health Organization's Guidelines for Drinking-water Quality ("WHO Guidelines"). All

results complied with the WHO Guidelines. Owing to the low odour detection threshold of VOCs, even if their concentrations comply with relevant WHO Guidelines, a very low VOC concentration in the drinking water would still be perceivable by the customers. However, it should not cause any health hazard. Immediately afterwards, WSD issued a press release to give an account of the initial test results on the drinking water quality and the preliminary probable cause of the incident.

For the incident of turbidity of drinking water in some areas of Fo Tan, Sha Tin, some sediments in the water mains were stirred up during the operation of gate valves, resulting in turbidity in the drinking water. Nevertheless, the sediments in the water mains were mainly hydrated lime, trace of iron or minerals, which should not cause health hazard.

- (2) During the above two incidents, WSD promptly contacted the property management personnel of the affected estates to provide appropriate technical support so as to assist them in cleansing water storage tanks, water pipes, etc., within the estates. To facilitate property management personnel to take prompt and appropriate contingency measures if similar water quality incidents occur in future, WSD is preparing relevant guidelines for reference by property management companies/owners' organizations.
- (3) In the light of the above two water quality incidents, WSD is reviewing its construction works procedures to identify room for improvements in every aspect that might affect the water quality. For the unpleasant odour in drinking water in some areas of Kwai Chung and Tsuen Wan, WSD has set up an independent Investigation Team which will not only look into the cause of the incident, but will also recommend improvement measures to prevent recurrence of similar incidents. In regard to the turbidity of drinking water in some areas of Fo Tan, Sha Tin, WSD is also reviewing the monitoring mechanism for the contractors and engineering personnel during the construction stage. The above reviews are substantially completed. WSD is now revising the relevant guidelines with a view to implementing the improvement measures under the revised guidelines as soon as possible.

- (4) In respect of the contingency measures for water quality incidents, WSD will review and formulate enhancement measures in various aspects, including the arrangements of releasing information, the provision of temporary fresh water supply during emergency incidents, and the collection of water samples for testing, etc.

**Assisting children from grass-roots families in tackling difficulties encountered in online learning**

19. **DR FERNANDO CHEUNG** (in Chinese): *President, some parents of students have pointed out that upon cessation of operation of the Internet Learning Support Programme ("the Support Programme") in August this year, children from grass-roots families will face a number of problems in online learning, including (i) the Internet service fees (about \$200 to \$300 per month) will be twice of those for the Internet access services subscribed through the Support Programme because such service is available from only one Internet service provider for most of the inadequate housing (e.g. sub divisions of flat units/cubicle apartments in old tenement buildings and remote areas) in which those children commonly reside, and (ii) parents of grass-roots families in general lack knowledge of computer technology and hence are unable to help their children tackle difficulties in online learning. Those parents are of the view that as the Government is actively implementing science, technology, engineering and mathematics ("STEM") education, it should provide more support for children from grass-roots families to help them learn information technology. In this connection, will the Government inform this Council:*

- (1) *how the Government will help children from grass-roots families tackle the two aforesaid problems;*
- (2) *as the Government indicated in the 2017 Policy Agenda that it would invite the Community Care Fund to consider providing subsidy to needy primary and secondary students for purchasing tablet computers, of the progress of such work; the details of the proposed subsidy scheme (e.g. the implementation date, as well as the specifications of the tablet computers to be purchased with the subsidy and the software to be installed in them);*

- (3) *apart from providing subsidy to children from grass-roots families for purchasing tablet computers, how the Government will help them tackle the various problems encountered in online learning, including the lack of financial means to purchase learning software, antivirus software and computer maintenance service; and*
- (4) *given that the Government recommends that in implementing STEM education, schools should arrange their students to take computer programming and coding courses, but those courses are often conducted after school and for a fee, and some parents of students therefore anticipate that such situation will widen the gap in learning between children from rich and poor families, of the support to be provided by the Government for children from grass-roots families to help them take such courses?*

**SECRETARY FOR INNOVATION AND TECHNOLOGY** (in Chinese):

President, having consulted the Education Bureau, our reply to the four parts of the question is as follows:

- (1) and (3)

The Internet Learning Support Programme ("ILSP") has been implemented since 2011. Its objective is to facilitate non-profit-making organizations ("NGOs") in progressively developing a long-term operating model within the five-year funding period to provide continuous support on Internet learning to needy students. Having regard to the financial position of ILSP, we extended it for two years up to August 2018 after consulting the Panel on Information Technology and Broadcasting of the Legislative Council in February 2016. We understand that having accumulated experience over the years and established good relationships with the beneficiary families and students, the two NGOs implementing ILSP intend to continue to provide Internet learning support services to students from low-income families after ILSP ends, and are currently looking into the scope of services and related details.

To support needy students in respect of Internet learning at home, the Student Finance Office and the Social Welfare Department will continue to provide Subsidy for Internet Access Charges for eligible families. Moreover, to facilitate Internet learning by students outside schools, the Government has been providing free Wi-Fi services at all 69 public libraries in Hong Kong. The Office of the Government Chief Information Officer also subsidizes around 170 study rooms and youth service centres operated by NGOs to offer free Wi-Fi services, which are expected to be in full operation in early 2018.

- (2) The Education Bureau has been implementing the Fourth Strategy on Information Technology in Education to enhance interactive learning and teaching experience. One of the key measures is to equip all public sector schools with Wi-Fi coverage in all classrooms to facilitate the use of mobile computing devices for e-learning. Relevant construction works will generally be completed in the 2017-2018 school year. At present, quite a number of schools have implemented "Bring Your Own Device" ("BYOD") and are using e-learning resources, e-textbooks and learning management systems to personalize student learning. The Government understands that the development of BYOD will increase the financial burden on students from low-income families. Thus, the Chief Executive's 2017 Policy Agenda announced that the Education Bureau would invite the Community Care Fund ("CCF") to consider providing subsidy to needy secondary and primary students for purchasing tablet computers to conduct e-learning. The Education Bureau is working on the details and will submit the programme proposal to CCF for consideration.
- (4) The aim of Science, Technology, Engineering and Mathematics ("STEM") education is to enhance students' interests in science, technology and mathematics, strengthen their ability to integrate and apply knowledge and skills, foster their creativity, collaboration and problem solving skills, so as to nurture talents/experts in STEM-related areas to facilitate the economic development of Hong Kong.

In the school curriculum, STEM education is not limited to information technology in education/coding education, but is implemented through the curricula of the Science, Technology and Mathematics Key Learning Areas, as well as STEM-related learning activities conducted outside the classroom, including project learning and various competitions. The Education Bureau released the "Computational Thinking—Coding Education: Supplement to the Primary Curriculum" in 2017 and encouraged schools to incorporate elements of coding education into the relevant curricula to enhance students' computational thinking skills. We have started organizing professional development programmes for teachers to enhance their ability to implement coding education in schools, and are developing learning and teaching resources for teachers' reference. Similar to that for other subjects, there is no need for parents to arrange primary students to attend fee-charging courses on coding during off-school hours, since the coding education provided by schools are already sufficient.

### **Curbing sex crimes**

20. **MR JIMMY NG** (in Chinese): *President, there were respectively 56 and 916 reported cases of rape and indecent assault ("sex crimes") in the first 10 months of 2017, or a growth of 9.8% and 9.2% respectively as compared with the figures in the same period in 2016. On curbing sex crimes, will the Government inform this Council, in the past five years:*

- (1) *of the (i) number of reported cases, (ii) detection rate and (iii) number of convictions in respect of sex crimes, as well as the respective numbers of black spots of sex crimes in various District Council districts each year;*
- (2) *whether the Police rolled out new measures to curb sex crimes, such as stepping up patrols at black spots of sex crimes and raising the alertness of the public by enhancing publicity efforts; if so, of the details; if not, the reasons for that;*

- (3) *whether all victims of sex crimes were assigned police officers of the same sex to conduct interviews with them and take statements from them; if not, of the reasons for that; whether there is currently a sufficient number of female police officers on duty at each police station to conduct interviews with and take statements from female victims of sex crimes; and*
- (4) *whether the Police stepped up training for police officers in light of the latest trend in sex crimes; if so, of the details (including the number of officers who received training each year); if not, the reasons for that, and whether it will consider step up training?*

**SECRETARY FOR SECURITY** (in Chinese): President, my reply to Mr Jimmy NG's question is as follows:

- (1) In respect of every case involving sexual offences, the Police spare no effort in investigations. In the last five years (2013 to October 2017), the detection rate for rape cases was around 95% whilst that for indecent assault cases was around 75%. After arrests of the suspects, the Police will comprehensively consider such factors as the case circumstances, the statements from victims and witnesses, whether there is any corroborative evidence assisting the court in determining the reliability of the evidence, including closed-circuit television images, forensic examination findings, victims' medical reports, etc.; and consult the Department of Justice for advice when necessary before prosecutions.

The numbers of rape and indecent assault cases received by the Police in the past five years are tabulated below:

<i>Number of cases</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017 (January to October)</i>
Rape <sup>(1)</sup>	105	56	70	71	56
Indecent assault <sup>(2)</sup>	1 463	1 115	1 068	1 019	916

Notes:

- (1) For rape cases received by the Police, the eventual charges laid depend on the case circumstances and the evidence obtained. Besides "rape" (section 118) under the Crimes Ordinance (Cap. 200), other possible charges include "Intercourse with girl under 16" (section 124 of the Crimes Ordinance), "indecent assault" (section 122 of the Crimes Ordinance), etc.
- (2) For indecent assault cases received by the Police, the eventual charges laid depend on the case circumstances and the evidence obtained. Besides "indecent assault" (section 122) under the Crimes Ordinance (Cap. 200), other possible charges include "Indecent conduct towards child under 16" (section 146 of the Crimes Ordinance), "common assault" (common law offence), etc.

The numbers of persons arrested, prosecuted and convicted for the offences of "rape" and "indecent assault" under the Crimes Ordinance (Cap. 200) in the past five years are tabulated below:

	2013	2014	2015	2016	2017 (January to September)
<b>Rape (section 118 of the Crimes Ordinance)</b>					
Number of persons arrested	106	62	70	65	43
Number of persons prosecuted	62	43	33	29	19
Number of persons convicted	18	17	10	6	10
<b>Indecent assault (section 122 of the Crimes Ordinance)</b>					
Number of persons arrested	959	798	782	757	592
Number of persons prosecuted	570	473	399	388	288
Number of persons convicted	376	328	275	272	207

Note:

As the years of arrest, prosecution and conclusion of the respective cases represented by the figures above may be different, the three sets of figures concerning the number of persons arrested, the number of persons prosecuted and the number of persons convicted cannot be compared directly.



The Police do not maintain other information requested in this part of the question.

(2) to (4)

The Police are very concerned with sex crimes and make all efforts to investigate each case. There were a total of 56 rape cases in Hong Kong in the first 10 months in 2017. Among them, 51 cases were detected and the detection rate was 91%. In October 2017 alone, all eight rape cases were detected. As for indecent assault cases, the Police found that many of them occurred in public places, aboard public transport and at stations. There were a total of 916 indecent assault cases in Hong Kong in the first 10 months in 2017, representing a decrease of over 10% as compared with the average number of cases in the same period in the past five years. Among them, 705 cases were detected and the detection rate was 77%.

The Police will continue to step up patrol by uniformed and plain-clothes officers and work closely with public transport utilities to jointly combat these offences. The Police will also enhance publicity and education, including raising public vigilance and encouraging victims to report crimes through the Police's online platform. For example, during the summer holidays and before the Christmas and New Year holidays in 2017, the Police organized anti-crime sharing sessions for over 600 members of the public and young people in Kwai Tsing, Yuen Long, Western and Yau Tsim Police Districts to raise public vigilance against crimes (including sex crimes) and encourage the public to make a report as soon as possible if they encounter crimes. In addition, Cheung Chau Division organized a thematic seminar on "Prevention of Sexual Abuse" for over 200 young people in the division to enhance their awareness against sexual abuse.

Furthermore, the Police attach great importance to officers' professional ability to handle sexual offence cases. To fully equip officers with the skills and knowledge in handling these cases, the Police College and its Detective Training Centre have incorporated relevant topics (including "sexual violence cases", "Victims Charter", "psychological skills in handling victims", "empathetic listening skills", "conflict management" and "violent behaviour and

ways to handle it") into various regular courses. These regular courses include Foundation Training Course for Recruit Constables, Foundation Training Course for Probationary Inspectors, development courses, promotion courses and criminal investigation courses. In addition, the Police have also incorporated such topics as "professional sensitivity required for handling victims of abuse" and "sexual violence cases" into the contents of on-the-job trainings. The Police do not maintain statistics on the number of officers who have received relevant training each year.

In the investigation of sexual violence cases, the Police will adopt various measures to ensure that the rights and safety of victims are duly protected. The Police have put in place a series of relevant procedures and guidelines and will review and update them at suitable times.

To ensure that the rights and privacy of a victim of sexual crime are properly taken care of, the Police will arrange for a police officer of the same gender of the victim with relevant training to interview and take statement from the victim as soon as practicable. The Police will also, having regard to the circumstances, provide "one-stop" service to the victim to reduce the stress borne by the victim while assisting investigation. With the victim's consent, the Police will arrange for the victim to give statement and receive forensic examination in the public hospital in which he/she receives treatment as far as practicable, so as to save the victim from the plight of travelling and speed up the investigation process. The victim may, at his/her own wish, choose to be accompanied by social workers or other suitable persons when he/she is interviewed by police officers or receives forensic examination. The investigating officer will also refer the victim to the Social Welfare Department or other agencies for supporting services having regard to the circumstances of the case and the victim's wish.

The Police will ensure that there is adequate manpower and will handle seriously all sex crimes with sensitivity for the purposes of protecting the victims from further sufferings and bringing the offenders to justice.

**Working conditions of staff members of the disciplined services**

21. **DR CHENG CHUNG-TAI** (in Chinese): *President, it has been learnt that in recent years, there has been an upward trend in the number of cases in which staff members of the disciplined services suffered strokes while on duty and a downward trend in the age of such staff members. Some staff members of the disciplined services have pointed out that inadequate manpower in various disciplined services in recent years has resulted in very long duty shifts for them. Moreover, the rest time between two shifts is not enough for them to recover their strength both mentally and physically. In this connection, will the Government inform this Council:*

- (1) *of the number of staff members of the disciplined services who suffered strokes while on duty in the past five years, together with a breakdown by the disciplined service, work unit and age group to which they belonged; the staff establishment of the work units concerned in the past five years;*
- (2) *of the criteria adopted by various disciplined services for determining whether there were work-related elements in the causes of stroke cases; and*
- (3) *of the measures adopted by the various disciplined services and work units concerned to address problems such as inadequate manpower and lengthy duty shifts?*

**SECRETARY FOR SECURITY** (in Chinese): President, the disciplined services attach great importance to the occupational safety and health of staff and organize publicity and educational programmes from time to time, with a view to enhancing staff's awareness of occupational safety and health. Our reply to the different parts of the question is as follows:

- (1) From April 2013 to December 2017, there were seven cases of staff members of the disciplined services suffering stroke while on duty in the Customs and Excise Department, Government Flying Service and the Hong Kong Police Force. Two of the staff members were between the age of 40 and 49 and the remaining five were between the age of 50 and 59. The establishment of the units to which these staff members belonged are as follows:

	<i>Number of cases of stroke while on duty</i>	<i>Establishment (by financial year)</i>				
		<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>	<i>2017-2018 (as at 31 December)</i>
<b>Customs and Excise Department</b>						
Office of Training and Development	1	72	68	72	72	99
Land Boundary Command	1	1 187	1 193	1 191	1 181	1 171
<b>Government Flying Service</b>						
Engineering	1	85	86	86	105	105
<b>Hong Kong Police Force</b>						
Identification Bureau	1	149	149	149	149	149
Marine North Division	1	346	349	349	349	349
Regional Control and Command Console, New Territories	1	76	76	76	76	76
Sha Tin Division	1	231	231	231	231	231
<b>Total</b>	<b>7</b>					

- (2) When determining whether a case was an injury-on-duty or included work-related elements, the departments will consider relevant information, including the specific facts of the case, medical reports and/or advice provided by the Labour Department in accordance with the Employees' Compensation Ordinance (Cap. 282), etc.

The Employees' Compensation Ordinance stipulates that if an employee sustains an injury or dies as a result of an accident arising out of and in the course of his employment, his employer is liable to pay compensation in accordance with the Ordinance. Upon receipt of notification on the relevant incident by an employer, the Labour Department will collect relevant information of the case, including investigation reports and medical reports etc. and, if necessary,

consult the Occupational Health Officer, to provide advice to the employer and the employee on the possibility of the case being an injury-on-duty from the medical viewpoint and in accordance with the Employees' Compensation Ordinance, with a view to assisting the employer, the employee or the family members of the deceased in handling the claim for compensation promptly.

The welfare units of the disciplined services will provide appropriate assistance to staff members suffering from a stroke and their family members. Funds relating to the welfare of disciplined services and staff associations will also provide appropriate support based on the individual circumstances of the case.

- (3) The disciplined services pay constant attention to the manpower situation of disciplined staff. These departments will make suitable manpower arrangements based on actual operations. They will also closely monitor the workload of staff and review the manpower situation. Where necessary they will redeploy or bid for additional resources in accordance with established mechanisms as needed. These departments have all increased their establishments in recent years to cope with increase in service demand. Furthermore, the departments have put in place measures to alleviate the stress of frontline staff. For instance, the Immigration Department has implemented business process re-engineering to streamline workload and utilized information technology to enhance efficiency.

As regards working hours, the departments will take into consideration the number of working hours of each shift and the rest time in between shifts when drawing up duty rosters. The departments will also conduct review from time to time and implement appropriate measures. For instance, the Fire Services Department has, on the premise that the department's operations would not be affected, reduced the conditioned working hours of the operational staff in the Fire Stream by three hours per week starting from July 2016, lowering the overall working hours of staff. Furthermore, where feasible, the disciplined services seek to implement the five-day work week as far as practicable, with a view to increasing the rest time of staff.

**Privacy concerns brought about by smart products**

22. **MR CHAN HAK-KAN** (in Chinese): *President, it has been reported that in recent years, more and more household appliances, personal electronic products and electronic toys can access the Internet and are equipped with sound-recording or video-recording functions ("smart products"). However, some of the smart products have poor information security features. Once hackers successfully break into such products, they can steal the personal data of the users and their family members and even carry out overhearing and peeping activities, thereby intruding on their privacy. In this connection, will the Government inform this Council:*

- (1) *of the respective numbers of requests for assistance and complaints received in the past three years by the authorities about smart products being used to steal personal data or intrude on privacy;*
- (2) *whether it has assessed the risks of smart products being used to steal personal data or intrude on privacy, and of the measures to lower such risks;*
- (3) *whether the authorities will (i) issue guidelines to stipulate the information security features with which smart products should be equipped, and (ii) launch a labelling scheme so that consumers can be informed of the information security features with which such products are equipped; and*
- (4) *whether the authorities will study the enactment of legislation to require that certain categories of smart products for sale in Hong Kong must comply with specified information security standards?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Chinese): *President, on Mr CHAN's enquiry, we have consulted the Office of the Privacy Commissioner for Personal Data ("PCPD") and the Innovation and Technology Bureau. Our consolidated reply is as follows:*

- (1) *During the period from 2015 to 2017, PCPD respectively received two requests for assistance and one case of complaint relating to the theft of personal data or intrusion of privacy arising from the use of smart electronic products connected to the Internet.*

(2) and (3)

The increasing popularity in the use of Internet of Things ("IoT") technologies nowadays as well as the use of smart electronic devices becoming an integral part of the daily life of the public has given rise to the potential risk of smart electronic products being used for theft of personal data or intrusion of privacy. The Office of the Government Chief Information Officer ("OGCIO") and its Government Computer Emergency Response Team have been cooperating closely with the Hong Kong Computer Emergency Response Team Coordination Centre ("HKCERT") under the Hong Kong Productivity Council and the Hong Kong Police Force ("HKPF") Cyber Security and Technology Crime Bureau to monitor the overall information security situation in Hong Kong and provide appropriate support. OGCIO, HKCERT, HKPF and other professional bodies organize various activities including "Build a Secure Cyberspace" annual campaign to raise public awareness and knowledge on information security. OGCIO has also established a "Cyber Security Information Portal" to provide general users, small and medium enterprises, and organizations with practical information and guidelines. These include protective and preventive measures against cyber attacks on computers and mobile communication devices.

Following the launch of various mobile payment services and development of mobile games, as well as the recent cyber security incidents arising from IoT devices, OGCIO and related organizations have included relevant topics and contents in various seminars and on the "Cyber Security Information Portal" to introduce the security risks involved in mobile games, mobile payment services and household network devices, and provided appropriate preventive measures and responsive solutions for risk mitigation.

Besides, PCPD has put in place measures to guard against the risk of data leakage, including the publication of the infographic "Protect, Respect Personal Data—Smart Use of Internet of Things" and the information leaflet "Physical Tracking and Monitoring Through Electronic Devices" to explain the possible personal data privacy risks associated with the use of IoT-enabled electronic devices, and to put forth recommendations on the different privacy protection

measures to be taken. To address the users' practice of using smart electronic devices to download mobile applications, PCPD has also produced publicity videos providing recommendations to the public on the protection of personal data during the use of such applications.

- (4) 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 information on "An Overview of ISO/IEC 27000 family of Information Security Management System Standards" on its website for reference by the public and private organizations.

## **GOVERNMENT MOTIONS**

**PRESIDENT** (in Cantonese): Government motions.

Proposed resolution under the Fixed Penalty (Criminal Proceedings) Ordinance.

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

I call upon the Secretary for Transport and Housing to speak and move the motion.

## **PROPOSED RESOLUTION UNDER THE FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE**

(Mr CHAN Chi-chuen stood up)

**PRESIDENT** (in Cantonese): Mr CHAN Chi-chuen, what is your point?



**MR CHAN CHI-CHUEN** (in Cantonese): President, I want to raise a point of order. I request a headcount.

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

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

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

**DEPUTY PRESIDENT** (in Cantonese): Will Members please return to their seats.

**DEPUTY PRESIDENT** (in Cantonese): A quorum is present in the Chamber now. The Council will now continue.

Secretary for Transport and Housing, please speak and move the motion.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, I move that the motion under my name, as printed on the Agenda, be passed.

Road traffic congestion in Hong Kong has been worsening in recent years. The Transport Advisory Committee ("TAC") recommended earlier in its Report on Study of Road Traffic Congestion in Hong Kong increasing the fixed penalty charges for congestion-related traffic offences to restore the deterrent effect. In February 2017, the Government tabled legislative amendments at the Legislative Council for vetting, proposing to increase by 50% the penalty charges for illegal

parking under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) as well as six of the congestion-related offences under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).

The relevant Subcommittee of the Legislative Council has completed scrutiny of the legislative amendments. I would like to take this opportunity to thank the Subcommittee, under the chairmanship of Mr Frankie YICK, for its meticulous scrutiny work. The motion passed by the Subcommittee supported increasing the penalty for five of the offences under Cap. 240 by 25% only. Although this may not be most effective in combating congestion-related offences, the Government understands the concern of Members and is willing to accept the proposal so that an important small step forward could be taken jointly with the Legislative Council to respond to the call of the community for prompt improvement to traffic congestion.

I must reiterate the Government's stance. The existing rampant illegal parking activities have caused a multitude of traffic congestion, air pollution and road safety problems. The Government considers that immediate action should be taken to increase the penalty charges for the illegal parking offences under Cap. 237 and the congestion-related offences under Cap. 240 to restore the deterrent effect at the same time. Some motorists choose to park their vehicles illegally on the roads for their own convenience or to save parking fees, treating penalty charges as parking fees only. However, their acts will likely cause traffic congestion and incur associated social costs. We consider that illegal parking activities must not be condoned and inadequate parking space is not a reasonable excuse for illegal parking. The TAC received about 2 040 complaints about illegal parking in 2017, an increase of 6% over the same period last year, underlining the call of the community for rectifying the illegal parking problem as soon as possible.

Some Members proposed increasing the supply of parking spaces and strengthening law enforcement. We acknowledge the need to alleviate the shortage of parking spaces. As set out in the Chief Executive's 2017 Policy Address, we will implement a series of short and medium to long-term measures to increase the supply of parking spaces in various districts having regard to the local situation. While we will accord priority to accommodating the parking needs of commercial vehicles as far as possible, suitable number of parking

spaces for private cars will also be provided. As regards law enforcement, the Police have stepped up action against illegal parking. A total of 1.68 million fixed penalty tickets ("FPTs") were issued in connection with the offences under Cap. 237 and six congestion-related traffic offences under Cap. 240 from January to November 2017, an increase of 14% from 1.47 million FPTs over the same period last year. The Police will continue its enforcement work.

After amending the penalty charges of these five offences under Cap. 240, we will continue to discuss with the Legislative Council and stakeholders the next step to increase the penalty charges for other congestion-related traffic offences. After the five new penalty charges stipulated in Cap. 240 have taken effect, we will also closely monitor whether there is any change of behaviour on the part of drivers, whether there is any reduction in the number of contraventions, and whether the rate of increase is adequate.

On the penalty charges of other traffic offences listed in Cap. 240 which may not directly result in traffic congestion (e.g. speeding), as stated in the fifth paragraph of the Legislative Council Brief submitted to the Legislative Council in February 2017, we will make a timely submission to the Legislative Council for deliberation on their adjustments for ensuring road safety.

Besides, the Subcommittee mentioned during its discussion that the penalty level should not be raised too much in each adjustment. Noting Members' concern, we will propose appropriate adjustments of penalty charges more frequently in future to restore the deterrent effect, so that the magnitude of increase will be relatively mild each time.

Deputy President, I hereby move a motion under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to increase by 25% the fixed penalty charges for five of the congestion-related offences specified in the Schedule to Cap. 240, i.e. from the current levels of \$320 and \$450 to \$400 and \$560 respectively, with effect from 1 June 2018. Upon passage of the motion by the Legislative Council, we will make consequential amendments to the forms (i.e. FPTs) in the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240A) and table them subsequently at the Legislative Council for scrutiny separately. Thank you, Deputy President.

**Secretary for Transport and Housing moved the following motion:**

"RESOLVED that, with effect from 1 June 2018, the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) be amended as set out in the Schedule.

**Schedule**  
**Amendments to Fixed Penalty (Criminal Proceedings)**  
**Ordinance**

1. Schedule amended (offence)
  - (1) The Schedule, item 9—  
**Repeal**  
"\$320"  
**Substitute**  
"\$400".
  - (2) The Schedule, item 12—  
**Repeal**  
"\$450"  
**Substitute**  
"\$560".
  - (3) The Schedule, item 18—  
**Repeal**  
"\$320"  
**Substitute**  
"\$400".
  - (4) The Schedule, item 20—  
**Repeal**  
"\$320"  
**Substitute**  
"\$400".
  - (5) The Schedule, item 48—  
**Repeal**  
"\$320"  
**Substitute**  
"\$400"."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Secretary for Transport and Housing be passed.

**MR FRANKIE YICK** (in Cantonese): Deputy President, in my capacity as Chairman of the Subcommittee on Two Proposed Resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance ("the Subcommittee"), I report the deliberations of the Subcommittee. The Subcommittee has held five meetings, including two public hearing sessions, to receive views of the public and trades deputations.

The two proposed resolutions seek the Legislative Council's approval to increase the fixed penalty charges for congestion-related traffic offences under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) by 50% from 1 June 2018. The Subcommittee noted that the Administration proposed the above resolutions in accordance with the recommendations in 2014 put forward by the Transport Advisory Committee ("TAC") in tackling road traffic congestion problems. TAC recommended that fixed penalty charges should be increased in tandem with the Composite Consumer Price Index ("CCPI") increase since the last increase in 1994 in order to restore the deterrent effect.

Members of the Subcommittee have strong reservations about the Administration's broad-brush approach to increase the fixed penalty charges across the board by 50%, and questioned if the rate of increase in the income of commercial vehicle drivers over the years has caught up by 50%. Members were of the view that increasing the fixed penalty charges would have negative impact on the livelihood of the transport trade.

Furthermore, the Subcommittee agreed in general that rampant illegal parking had been induced by the shortage of parking spaces. Members were of grave concern that many public car park buildings were being or would be demolished, which had aggravated the shortage of parking spaces and worsened the illegal parking problem in the districts concerned. For that reason, members generally objected to increasing the fixed penalty charges for parking-related offences without addressing the problem of shortage of parking spaces.

Members held the views that a more effective means to combat illegal parking was to step up enforcement actions such as repeated issuance of fixed

penalty tickets ("FPTs") to drivers involved in illegal parking and towing away illegally parked vehicles. They also urged the Administration to review the parking need of commercial vehicles and private cars.

Eventually, the Subcommittee supported the proposed increase in the fixed penalty charges for the five items of traffic offences proposed under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) except the loading/unloading of goods in a restricted zone, with the rate of increase revised from 50% to 25% from the present \$320 and \$450 to \$400 and \$560 respectively.

After considering the comments expressed by the Subcommittee, the Administration revised the proposed resolutions. The Subcommittee supported the revised resolutions and would not propose any amendment.

Deputy President, the following are my personal views.

It has been almost one year since the Government proposed the two resolutions in February last year to amend the relevant legislation. According to the information provided by the Government, there has only been a slight increase in the number of parking spaces. Of the proposed 318 night-time on-street parking spaces, only 82 were put in place. It was simply a drop in the bucket, totally unable to meet the demand of parking spaces. Nevertheless, the police will definitely step up enforcement actions to combat illegal parking. Many people from the transport trade told me that the police had been issuing FPTs indiscriminately. Drivers found the matter confusing. People from the public light bus trade told me that even they had parked their minibuses within the minibus stands in the small hours, they would still be ticketed. It is even harder to find a parking space in the event that typhoon signal number 8 is hoisted. Even though some taxis are parked at roadside and they are not blocking the traffic, they hardly escape from being ticketed. Even though motorists should be law-abiding, the reality is that the shortage of parking spaces coupled with the fact that the police keep on issuing FPTs indiscriminately will definitely affect the livelihood of professional drivers.

The two original resolutions seek to increase the fixed penalty charges for 21 parking-related offences under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and six road traffic-related offences under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). The Transport and Housing Bureau hopes that the deterrent effect on congestion-related traffic

offences can be restored by increasing the fixed penalty charges. Nevertheless, after the thorough discussion of the Subcommittee, we consider that we can only support the increase of fixed penalty charges for five items of road traffic-related offences by 25% under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) at the present stage.

Fundamentally, the illegal parking problem is a result of the shortage in the supply of parking spaces. Over the past 10 years, the number of licensed vehicles has increased from around 550 000 to around 750 000, with a growth rate at about 35%, and the year-on-year growth rate at 3.5%. Nevertheless, the growth of parking spaces is only 9.5%, from 670 000 in 2006 to 740 000 in 2016, with a year-on-year growth rate at less than 1%. It can be seen that the demand and supply of parking spaces is seriously out of balance. I wish to specifically point this out to the Secretary that the ratio between the supply of parking spaces in Hong Kong and the number of vehicles should not be 1:1, because I need another parking space for my car if I drive from my home to the commercial district. Therefore, please do not say that the current parking spaces can meet the need.

Therefore, the Liberal Party will not support the upward adjustment of the charges of 21 parking-related offences under Cap. 237 in view of a parking space shortage. The Liberal Party supports the upward adjustment of the fixed penalty charges of six road traffic-related offences, including unlawfully entering box junction, "U" turn causing obstruction, unauthorized stopping at bus stop/public light bus stand/taxi stand/public light bus stopping place and so on. However, inadequate parking spaces for loading and unloading goods has caused significant impact on vendors and the public. Therefore, as long as the Government has not increased parking spaces for loading and unloading goods, the Liberal Party will not support the proposed upward adjustment of the relevant penalty charges.

Deputy President, I wish to reiterate that the Liberal Party has no intention to entice or encourage drivers to commit illegal parking by expressing our disapproval of the Government's original proposal and our stance against the upward adjustment of the fixed penalty charges for parking-related offences. We only consider that the Government has not been implementing appropriate parking policy. Drivers of large commercial vehicles such as lorries, container trucks, non-franchised buses, nanny vans and so on are not at liberty to enter and park their vehicles at any common or public car park. Yet as a contingent measure, the Government has only been opening up temporary car parks on

short-term tenancies on vacant lands which have not been developed. Nevertheless, given the keen demand for housing over past few years, a lot of lands let on short-term tenancies have been resumed by the Government. It has forced the drivers who have been parking their vehicles in those temporary car parks to park illegally. Besides, the Government has made mistake in the planning work, such as knocking down two major public car parks in Tsim Sha Tsui concurrently, one is a private property for redevelopment, the other is a Government public car park. In view of the lack of a proper policy in addition to the erroneous planning of the Government, it would be unfair to penalize drivers by means of the "money-grabbing" measure in the hope of solving the traffic congestion problem caused by illegal parking.

The Transport and Housing Bureau has been reiterating that the traffic congestion problem is getting worse because of the aggravation of the illegal parking offence. FPTs for illegal parking offences issued between January and November 2017 has increased by 14% when compared with those issued in the same period of 2016. Therefore, it is necessary to upward adjust the fixed penalty charges for illegal parking offences in order to deter illegal parking. However, upward adjusting the fixed penalty charges for illegal parking offences is not the sole panacea to enhance the deterrent effect against illegal parking. The police may also enhance enforcement action by issuing multiple FPTs and even towing away illegally parked vehicles. Nevertheless, upward adjusting the fixed penalty charges or issuing multiple FPTs will not have much effect on some well-off vehicle owners. Personally, I consider that if we can add some troubles to car owners, such as towing away their illegally parked cars, will be more effective than upward adjusting fixed penalty charges for illegal parking. However, according to information of the police, only 112 vehicles were towed from 2016 to the first three months of 2017, thus less than 10 vehicles per month were towed. Therefore, I suggest that the police should make good use of the towing tactics at certain traffic congestion black spots caused by illegal parking, which I believe could produce a deterrent effect on illegal parking.

Originally, the Government proposed to upward adjust the fixed penalty charges by 50%, as the level of fixed penalties had not been increased for more than 20 years since the last increase in 1994 and the proposed 50% increase was merely to restore the deterrent effect according to the CCPI growth rate over the years. However, over the past 20 years, of course career drivers' income had not increased by 50%, they may even suffer a decline in income. The current fixed penalty charges would be equivalent to about a half day's wages of career drivers.



If the charges are significantly increased as proposed by the Government, a ticket would mean that drivers may need to dig into their own pockets to pay for their own wages at every turn. For that reason, drivers will suffer if the fixed penalty charges for illegal parking are increased on the premise that no adequate parking spaces are provided, in particular career drivers who are earning a meagre salary. As they spend more time on the road than private car drivers, their chance and proportion of being ticketed by the police will be higher. That will have a serious impact on their livelihood.

At present, parking fees of car parks have increased accordingly due to the shortage in supply. If the fixed penalty charges for illegal parking are increased, car parks will definitely increase the parking fees. That will significantly increase the cost of career drivers and the transport trade and undermine their competitive edge. In the wake of the ageing population and a decline in the birth rate, Hong Kong is facing the labour shortage problem. The transport industry has been the hardest hit industry because of long working hours and non-competitive wages. No matter in passenger or cargo service, the industry has been facing the driver shortage problem. If the fixed penalty charges for illegal parking are significantly increased, the industry will only find it harder to recruit drivers and in return, the transport service will suffer serious impact.

If the Government is to upward adjust the fixed penalty charges for illegal parking, at least it should alleviate the parking problem first. Otherwise, it will only increase the number of cars circulating on roads, aggravate the loads of roads and worsen the roadside air quality. At the end, it cannot find the right remedy to the problem and cannot solve the traffic congestion problem. On the contrary, that will only increase the tangible and intangible social costs.

In the past one year, the Government expressed that it would study the demand for parking spaces after the Subcommittee on the two proposed resolutions kept on reflecting parking space problems to the Government. When the Under Secretary for Transport and Housing attended the last month's public hearing of the Panel on Transport regarding the demand of parking spaces, he indicated that the Government had not set any ceiling for parking spaces, and the Government would study the construction of multistorey car parks in order to alleviate the problem. Moreover, the Government has also undertaken to adopt a series of short, medium and long-term measures to increase the supply of parking spaces according to the situation of different districts. It would resort to technology by providing real-time information of vacant parking spaces. I hope

that the proposed measures can be implemented as soon as possible and they are not just in word not in deed.

With these remarks, Deputy President, I support the Government's motion.

**MR CHAN CHI-CHUEN** (in Cantonese): The "Proposed resolution under the Fixed Penalty (Criminal Proceedings) Ordinance" under discussion today is about the proposal to increase the fixed penalty charges for five unlawful acts by 25%. These five acts include "unlawfully entering box junction" as set out in item 9 of the Schedule, the penalty charges shall be increased from \$320 to \$400; "picking up/setting down passengers in restricted zone" as set out in item 12 of the Schedule, penalty charges shall be increased from \$450 to \$560; "'U' turn causing obstruction" as set out in item 18 of the Schedule, penalty charges shall be increased from \$320 to \$400; "unauthorized stopping at bus stop/public light bus stand/taxi stand/public light bus stopping place" as set out in item 20 of the Schedule, from \$320 to \$400; and "stopping public bus, public light bus or taxi longer than necessary when picking up/setting down passengers" as set out in item 48 of the Schedule, from \$320 to \$400.

Discussion on this subsidiary legislation started in February last year. The Government proposed an increase in fines by 50%, and on top of the five unlawful acts mentioned above, it also proposed increasing the penalty charges for "loading/unloading goods in restricted zone". Objected by the relevant subcommittee, in the end the Government agreed to reduce the range of increment to 25%, and agreed not to increase the penalty charges for "loading/unloading goods in restricted zone".

Some Members consider that a lack of parking spaces is the main cause of illegal parking or these unlawful acts. I of course understand this. So, before the Government increases the number of parking spaces, we do not wish to see a significant increase in fixed penalty charges. I will not repeat the points made during the subcommittee's discussion. However, I wish to take this opportunity to point out that the penalty charges do not actually work as a good deterrent for high-income earners or even certain public transport conglomerates. The penalty is therefore ineffective in specifically preventing these traffic offences.

The authorities claimed that the increase in penalty charges is proposed with a view to catching up with inflation and enhancing the deterrent effect. But frankly, an increase of several dozen dollars is really nothing to those public

transport conglomerates and the high-income earners. Any driver may commit the offences set out in items 9, 12, 18 and 20 of the Schedule. If a general member of the public is found to be committing the above acts, he will be fined between \$300 and \$500 dollars as a penalty. This is a rather substantial financial loss to an ordinary person. However, to the wealthy who earn hundreds of thousands or even over a million dollars each month, the penalty charges are simply negligible. For those whose investment decisions easily involve a few million dollars at stake, the penalty charges under items 9, 12, 18 and 20 mean merely a fine amounted to a thousand dollars or so, even if we take into account the proposed increase in penalty. Suppose these people perform these unlawful acts every day, and say there are 30 days in a month, then the totally fine in a month simply amounts to tens of thousands of dollars. The amount is just a drop in the ocean in comparison with the huge level of income. Therefore, I always believe that, if we rely solely on the fixed penalty system, the deterrence against illegal parking or the traffic offences under discussion today is significant for the general public, but minor on the wealthy.

Next, I would like to examine whether we can achieve the desired effect if we fix the penalty charges at this level. I can tell the Government that the penalty is completely futile in dealing with illegal parking caused by those vehicles owned by the rich or operated by public transport companies. Another kind of vehicles unaffected by the increase in penalty charges is those public transportation operated by large business chains or corporations. As regards the act set out in item 48 of the Schedule, "stopping public bus, public light bus or taxi longer than necessary when picking up/setting down passengers", it is proposed that the penalty charges be increased from \$320 to \$400. However, the annual turnover of the bus or minibus business operated by big chains can reach tens of millions of dollars or over, an increase in penalty charges of several dozen dollars will account for only a tiny part of the total cost. The Government cannot deny that the deterrent effect is very limited. Should the number of patronage increases sufficiently as a result of having the vehicles stopped longer than necessary, the extra fare income will cancel out the penalty charge.

In fact, vehicles operated by large transportation companies or corporations always stop longer than necessary. For example, Tung Choi Street, Mong Kok, is always crowded with a large number of parked red minibuses. The minibuses are regularly parked there, taking up all the lanes, and the enormity of the occupation dwarfs the Occupy Mong Kok movement which lasted dozens of weeks. Most of the time, we believe that the Police is blind to this. As for

these red minibuses with strong backing, the so-called penalty charges, or the increased charges, can barely deter the unlawful acts. They simply treat the penalty charges as parking fees.

While debating the resolution, I wish to take this opportunity to point out another problem which is worth our attention. Despite setting out the five unlawful acts and all the increased fine levels, there is the question of the efforts and effectiveness of law enforcement. Although we have updated the list of the offences and the penalty charges, inadequate law enforcement efforts will render all these futile.

Deputy President, many of the five unlawful acts happen frequently. However, the statistics kept by the Police differ very much from the reality perceived by us. Take the act "unlawfully entering box junction" as set out in item 9 of the Schedule as an example. We see this happen every day. Yet, according to the Police, there was less than 1 500 cases of prosecution in 2016 for this offence. The number of prosecution on Hong Kong Island was merely 285 for a whole year. As there was only a little more than 1 400 cases annually, the number could not reflect the severity of the situation. Even if we did not argue with the Government over whether to increase the fine levels by 50% or 25%, given the low number of prosecution, how much we can actually achieve by increase the fines?

Apart from the particularly low number of prosecution for "unlawfully entering box junction", other unlawful act, "'U' turn causing obstruction" as set out in item 18 of the Schedule, also had an abnormally low number of prosecution. I believe Members have seen these acts as they frequently happen in Hong Kong. This always happens as the roads in the city are narrow. Happening at road sections with relatively narrow width, this may cause serious obstruction, or even jeopardizing road safety. However, the ubiquity of this act stands in stark contrast to the Police's statistics. In 2016, there were only 29 prosecutions. It means that if the number this year is similar to that of 2016s, the Government's coffer will earn an extra income of \$2,400 if we finish the scrutiny and pass the legislative amendment now. Thank you very much. As far as the statistics on this offence are concerned, the entire East Kowloon only recorded 1 prosecution, while there were only 9 cases in Hong Kong Island with a lot meandering and narrow roads, and West Kowloon had 11 cases. Against the backdrop of such a low number of prosecution, I guess perhaps there is no problem even if we repealed the law. I do not mean that only a handful of

people have committed this unlawful act. I mean only a handful of them have been fined. I believe, no matter how much we increase the penalty charges in the future, to those drivers who make "U" turns which cause obstruction, the deterrent effect is minimal.

The above two unlawful acts aside, I notice that there is no access to the relevant statistics concerning the other three offences, namely "picking up/setting down passengers in restricted zone" as set out in item 12 of the Schedule, "unauthorized stopping at bus stop/public light bus stand/taxi stand/public light bus stopping place" as set out in item 20 of the Schedule and "stopping public bus, public light bus or taxi longer than necessary when picking up/setting down passengers" as set out in item 48 of the Schedule. I wonder if these numbers exist at all. Perhaps the authorities have kept no statistics on these offences? Or there are other reasons?

The low number of prosecution relating to "unlawfully entering box junction" and "'U' turn causing obstruction" is probably due to the difficulty in law enforcement as these two acts mostly happen in the blink of an eye. For example, it may take only a few seconds to make a "U" turn that causes obstruction. If the "U" turn does not cause any severe obstruction, the Police may not notice—and I am not saying that they have turned a blind eye to this, or that they have let those drives go. Other reasons for the low numbers, in the double digits, are probably that the incidents are not captured on cameras on other vehicles, or drivers have not written down the number of the licence plates of the vehicles concerned, rendering them unable to report the incidents. Likewise, "unlawfully entering box junction" may also appear very briefly. The Police cannot possibly enforce the law if no CCTV camera is installed at the junction, or there is no police officer present at the scene, while no one reports the incident. Therefore, I wish that the Police can devise better means to issue fixed penalty tickets to drivers who make "U" turns that cause obstruction or enter a box junction unlawfully, as well as truly reviewing the effectiveness of law enforcement after this legislative amendment and adjustment in fine levels.

At last, I would like to reiterate that without significantly increasing the penalty charges, the deterrent effect is really negligible to the rich or the business consortiums. They will not drastically reduce those unlawful acts no matter how many times they are fined. But then, on the other hand, of course I understand that the general public will not be able to afford a sharp hike in penalty charges for the purpose of increasing deterrence. For example, it was proposed at the

very beginning that the fine be increased by 50%. Also, the effect will spread upon others and impact those persons who only commit the offence for the first time or who earn a little more than \$10,000 each month ... though I am not sure if this salary can allow anyone to afford a car. As regards these traffic offences that may incur fixed penalty charges, I suggest that the Government can consider incorporating certain offences into the Driving Offence Points System so that points are incurred each time when drivers commit these offences. With a points system in place, drivers will have to bear the same consequence under the system regardless of whether they earn \$100,000 or \$10,000 a month. This will increase the overall cost of these unlawful acts, and therefore enhancing the deterrent effect.

In fact, similar to speeding, "unlawfully entering box junction" and "'U' turn causing obstruction" can be regarded as some sort of low-level offences. Drivers probably wish to "try their luck" committing these acts. However, speeding can incur points while "unlawfully entering box junction" and "'U' turn causing obstruction" will incur penalty charges only. So, on what basis do they lay down this principle? Therefore, in connection with the offences which may incur penalty charges only, I would like to take this opportunity to suggest the Government to consider, on top of fixed penalty charges, introducing a points system or even other more severe punishment if it genuinely wishes to produce a deterrent effect, instead of merely allowing the rich people to totally disregard the law in which they merely see the fine payments as parking fees.

I so submit.

**MR LUK CHUNG-HUNG** (in Cantonese): Deputy President, speaking on behalf of the Hong Kong Federation of Trade Unions ("FTU"), I hereby oppose the motion moved today under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to increase by 25% the fixed penalty charges for five of the congestion-related offences.

The FTU opposes this proposed resolution for two major reasons. First, a raise in fixed penalty charges will have impacts on the income and livelihood of professional drivers. Second, a raise in fixed penalty charges cannot help tackle effectively the problem of traffic congestion at source thoroughly. The proposal is only like suggesting putting the cart before the horse.

First of all, I think the proposal will have serious impacts on the income of professional drivers. At present, since most of the professional drivers run their own business on a self-financing basis by renting or purchasing vehicles or earn their wages under a commission-sharing system, it is difficult for them to establish reasonable employment relations with their employers. For example, taxi drivers, public light bus drivers and even truck drivers are also running their business in a similar mode. Under the Government's public transport policy with railway as the backbone, the room for survival of professional drivers of other supplementary modes of transport (including tour coaches, taxis, minibuses and shuttle buses) is reduced. As the business keeps shrinking, it is hard for them to fight for pay rise.

Let us take for an instance the drivers of green minibuses ("GMB"). Most of them are not provided with reasonable rest time and meal breaks due to the long-established unscrupulous practices under the commission-sharing or basic salary-plus-commission-sharing system of the industry. In spite of the approval granted to increasing the maximum seating capacity of light buses to 19 seats earlier on, the remuneration of professional drivers has not seen any improvement. What is even more unreasonable is that they have to prepay several thousands of dollars under the "insurance excess" arrangement which is, in fact, in breach of the labour legislation. We have voiced out this issue in the past but the situation still remains unimproved. Therefore, under the circumstances where it is nothing easy for professional drivers to make a living, those unfortunate drivers being prosecuted may have to sacrifice one or two days' income if the Government increases the fixed penalty charges by 25%, and this will have serious impacts on their livelihood.

According to the Schedule to this proposed resolution, for example, the fixed penalty payable for the offence of picking up/setting down passengers in restricted zone will be raised from \$450 to \$560. In our opinion, the rate of such upward adjustment is quite unreasonable and needs reconsideration. For example, taxis provides a point-to point public transport service, but since restricted zones are imposed under the current government policy, it is very difficult for taxi drivers to find a parking space for picking up/setting down passengers in busy areas. According to the views of trade unions and frontline professional drivers, drivers usually have to convey elderly, feeble and disabled passengers. Therefore, they have to be careful in choosing a point convenient for picking up/setting down passengers. Or should they be set down at a location so far away that they still have to walk over to their destination after

getting off the taxi? Very often, the driver aims at facilitating passengers' needs, but it is reasonable that they have to pay a bigger amount of penalty charges in future only because of their facilitating their passengers' needs. They are helpless and the best they can do is to pick up/set down passengers in restrict zones without obstructing the traffic as far as possible.

The Government's current proposal will put taxi drivers in a dilemma. On the one hand, they are at the risk of being fined where the fines imposed have been increased, and on the other, they have to take care of passengers' special needs. They will definitely be caught between the devil and the deep blue sea. Therefore, the Government's hasty proposal of imposing a substantial increase in fixed penalty charges will undoubtedly have serious impacts on the livelihood of professional drivers.

Second, I must emphasize that this measure will only mean to put the cart before the horse and cannot solve the problem of traffic congestion resulted from narrow roads. The Government has said out loud that the increase in the fixed penalty charges is aimed at mitigating and improving traffic congestion, but actually the real causes of the exacerbating problem of traffic congestion in Hong Kong are insufficient parking spaces, the continual drastic growth in the number of private cars in recent years, improper road and related planning, and outdated supporting facilities. However, the shortage of parking spaces means that the number of private cars has seen substantial increases in recent years and the roads and related planning are not appropriate. The Government should not divert the public's attention.

I would like to talk about the problem of shortage of parking spaces. Parking spaces in Hong Kong are insufficient, especially those for commercial vehicles. Only a slight increase from 47 800 to 48 200 (i.e. an increase of only 0.9%, which is less than 1%) is seen over the past decade, among which the ratio of parking spaces for commercial vehicles to the number of commercial vehicles has slightly increased from 0.61 to 0.67. And as mentioned by Mr Frankie YICK just now, a ratio of 1:1 or less than it does not necessarily mean there are sufficient parking spaces because vehicle movements need to be facilitated with parking spaces both during non-business hours at night and at different locations of business operation. The same concept also applies to private cars and commercial vehicles. Owners of commercial vehicles cannot help but park their vehicles illegally on the roads due to the serious shortage of parking spaces. We are told by many drivers of commercial vehicles, in particular drivers of trucks



and coaches, that they usually have to look for legal parking spaces nearby to park their cars when driving home. If the parking space is far away from home, the driver will have to get up rather early the next morning and take other modes of transport to collect the vehicle at where it is parked. This is due to the shortage of parking spaces in both government and private car parks or provisional parking lots.

We hope that the Government will require developers to provide parking spaces in accordance with the Hong Kong Planning Standards and Guidelines ("the Guidelines") and they must update in a timely manner the proportion of parking spaces under each category of development as set out in the Guidelines for two reasons. First, we find that the proportion of parking spaces for commercial vehicles and that for private cars have not been updated for years. Second, both the number of parking spaces for private cars and that of commercial vehicles provided in supporting facilities under new government projects (especially public housing projects) are reduced to a level of having barely met the exact requirement of the Guidelines and not even an extra parking space will be provided. We understand that land is a precious resource, however, there should also be the provision of an appropriate amount of parking spaces apart from the provision of housing to accommodate the local population. I hope the Secretary will not regard parking spaces as luxury items only. Well, parking spaces may be considered to be a kind of luxury items by some people, but in fact, they are the sine qua non of making a living to a lot of people, especially drivers of commercial vehicles.

In addition, we propose that the Government formulates policies to encourage people to rent sites under short-term tenancies for the construction of multi-level parking facilities fitted with automatic devices to dovetail with changes in the economic activities and daily routine of the people of Hong Kong. Such facilities are commonly adopted in other regions but can rarely be seen here in Hong Kong. I believe this is due to the Government's failure in implementing relevant policies to promote those facilities. It is advisable that the Government applies the concept of "single site, multiple use", which is frequently mentioned by the Chief Executive, to the development of multi-storey public car parks in new development areas and newly constructed communal facilities (including the construction of markets and stadiums). This is a real solution to the problem of illegal parking as it cures both the symptoms and the root causes.

As far as the growth of private cars is concerned, various Members have said just now that in the past 10 years, the number of private cars increased from 553 000 to 746 000 vehicles, representing an increase of 35% and an average annual increase of only 3%. Yet, the increase has far exceeded that of other vehicles. Therefore, the Government must face squarely the rate of growth in the number of private cars because it is precisely the culprit of traffic congestion. In fact, the Government did have commissioned the Transport Advisory Committee to set up a working group to conduct a study on traffic congestion in Hong Kong and publish the study report afterwards. The report submits that broadly speaking, there are five categories of recurrent causes of road traffic congestion: First, limited scope for more road transport infrastructure (i.e. there are not enough roads); second, excessive number of vehicles (i.e. the number of vehicles grows rapidly); third, competing use of road space; fourth, management and enforcement issues; and fifth, road works (i.e. works on road maintenance, diversion or railway construction). Actually, excessively low level of penalty charges set is not among the five major causes. As it is an analysis by the Transport Advisory Committee rather than a projection made by us, the Government should take this as reference because raising the fixed penalty charges alone cannot solve the traffic congestion problem. We hope that apart from the parking spaces for commercial vehicles, the Government should also take into account the parking spaces for private cars during the review.

We are absolutely not in favour of the Government's introducing hastily a raise to fixed penalty charges before a comprehensive review on the supply of parking spaces, parking policy and car parks policy is conducted. I must reiterate that we do not support the proposed resolution not because we regard such illegal parking activities as very reasonable and are thus condonable. We oppose it for two reasons, namely a raise in fixed penalty charges will have impacts on the livelihood of professional drivers and the raise cannot help improve the current situation. I hope the Government can squarely face the problem of insufficient parking spaces and see to the needs of professional drivers instead.

I so submit, Deputy President. Thank you.

**MR LAU KWOK-FAN** (in Cantonese): Deputy President, I welcome that the Secretary reiterated the Government's stance this time, and am pleased to learn that our views were well heeded. After conducting adequate discussion with the

Subcommittee on Two Proposed Resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance ("the Subcommittee"), the Government is willing to reduce the proposed rates of increase of certain fixed penalty charges while withdrawing its decision of increasing the penalty charges for illegal parking under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and finally comes up with today's proposed resolution.

I want to emphasize one thing: We put forward our such views not for the sake of encouraging illegal activities but because we think it inadvisable to increase penalty charges blindly with a view to resolving the problem of illegal parking at one stroke. Tracing the origin of the problem, we find that except for some cases in which drivers occasionally choose to park their vehicles illegally on the roads for their own convenience, it is the current acute shortage of parking spaces in every district throughout the territory that has given rise to illegal parking.

Looking back over the past few years, many people of local districts have been relaying to the Government the problem of insufficient parking spaces, but it seems that the Government has not formulated any specific measures to increase the number of parking spaces. What is even more disappointing is that government car parks are gradually being closed down. Let us take a look at some relevant figures. From 2013 to 2016, the number of short-term tenancy ("STT") car parks dropped from 211 to 185, and the number of parking spaces from 33 400 to 32 200. We estimate that about another 40 STT car parks (involving approximately 8 500 parking spaces) will have to be taken back for long-term development in the coming five years.

We will understand that the problem of insufficient parking spaces is getting more and more serious simply by taking a look at these figures. And if the Government chooses to increase the penalty charges for illegal parking at this moment, I think it may not be able to effectively crack down on illegal parking. On the contrary, it is more likely to cause the prices of parking spaces in various car parks to soar. Take for instance the Murray Road Carpark in Central. As soon as it was closed on 1 May 2017, prices of parking spaces in the nearby car parks went up immediately. The most dramatic instance being that the monthly rent of a parking space soared from \$7,000 to \$13,000. This tells us that if the Government still seeks to increase the penalty charges for illegal parking (e.g. increase from \$320 to \$640 as originally proposed) in the light of this, the

monthly rent of the parking space will probably jump much higher to \$18,000 instead of \$13,000 according to my estimation, and will keep rising like the property market.

As a matter of fact, the prices of parking spaces in various districts have been on the rise. The problem lies in the Government's policy of not granting renewals to short-term tenancies of car parks which results in fewer and fewer parking spaces available. That means the room for parking is greatly reduced. Thus, a raise in the penalty charges for illegal parking alone cannot help solve the problem. On the other hand, the Government asserted that one of the major reasons for the increase in the penalty charges is to restore the deterrent effect of these charges which have been eroded by inflation for years. Nevertheless, is it really the truth that, as what the Government has said, the deterrent effect of the existing charges is not strong enough?

Well, the truth is, we should not take into account inflation only. Looking back, the wages of professional drivers had not been given any upward adjustments in accordance with inflation rates in the past 10 years, but are even lower as compared with that of 10 years ago. Currently, their quality of living or their actual usable income may probably be even lower than 10 years ago. And so the penalty charge of \$320 still has some deterrent effect on them in the light of this. Of course, as some Members have also mentioned just now, even \$3,200 is not necessarily deterrent enough for the rich, let alone \$320. Therefore, apart from imposing penalty charges, the Subcommittee has also make numerous suggestions to the Government, such as stepping up enforcement at some black spots of illegally parking, or empowering the authorities to institute prosecutions against the rich owners of cars (e.g. whose cars are driven by chauffeurs) or even tow away their cars that are illegally parked at the roadside. We did have advised the Government to enforce such necessary actions in addition to increasing the penalty charges for illegal parking offences.

In coming up with the measures proposed under this resolution, the Government has taken the Subcommittee's advice so that some of the penalty charges for the offences under Cap. 237 remain unchanged, while an increase in the penalty charges for the five congestion-related offences under Cap. 240 will be proposed. We consider this appropriate not because we are encouraging people to park their vehicles everywhere or drive recklessly without paying due regard to the prevailing traffic condition that will result in traffic congestion. We are only being pragmatic and want to give support to the Government in

implementing targeted corresponding measures. I think our views in this regard have been heeded by the Government. All in all, the Government has at least taken a small step forward, but I think it still has to review in a serious manner the overall supply of parking spaces and the number of vehicles in Hong Kong. Otherwise, the problem will only become increasingly acute.

I want to talk about issues other than the Ordinance in question. In the course of the discussion on the proposed resolution, we had had good communication with the Bureau and adequate response was given by the Government. Yet, the Government will submit its proposal of raising the fee for metered on-street parking this coming Friday, which has something in common with what are now discussing. And that means, Secretary, increasing the fee for metered parking—quite a drastic increase by almost doubling the existing fee—will inevitably give people the impression that the Government mean to "rob" car owners by doing so because they are unable to avoid being "fleeced" as long as the problem of shortage of parking spaces remains unresolved. In the meantime, once the Government introduces the raise of metered parking fees, the rent for parking spaces in private car parks will soar in no time. We must acknowledge the fact that the parking fees charged by a lot of car parks rise dramatically every year, in particular those managed by Link Asset Management Limited. This falls within the ambit of the Transport and Housing Bureau led by the Secretary. On the one hand, your Bureau is not empowered to impose caps on the parking fees charged by car parks, but on the other, the Government is seeking to raise the fee for metered parking. Hence, I suggest that the Secretary thinks twice before taking forward the proposal.

I will support today's proposed resolution, however, I still hope the Government will seriously consider whether it should put forth the proposal on raising drastically the fees for metered parking on Friday. We think there is still room for discussion if only slight increase is proposed in tandem with inflation. If the proposed rate of increase is a large one, I am afraid I will not support it and may even strongly oppose it.

Hence, I would like to take this opportunity to communicate with the Secretary in advance in the hope that he, just like what he did for this proposed resolution, will take a pragmatic approach to allow discussions with Members to identify in the first place the root of the problem before formulating relevant policy directions. Perhaps this will only mean a small step forward, but at least it is a step taken in the right direction. I do hope that the Bureau will seriously

conduct a comprehensive review after fully consulting the Legislative Council on this matter and decide whether it will draw up appropriate long-term policies in future regarding the supply of parking spaces and the growth in the number of vehicles.

I so submit, Deputy President. Thank you.

**MS CLAUDIA MO** (in Cantonese): I all along have much reservation about the details of this proposed resolution on the increase in fixed penalty. It seems to be the Government's logic that by increasing the fixed penalty charges for the traffic offences in question, we will be able to achieve the goal of demand management, and in turn relieve road traffic congestion. If this logic is correct, the Government should increase the tunnel toll of the Cross Harbour Tunnel when it is plagued with the traffic congestion problem, so as to induce motorists to use other tunnels with comparable toll levels. Such an argument is totally unacceptable.

As pointed out by a number of Members just now, the increase of the fixed penalty charge for illegal parking from \$320 to \$400 will truly affect private car owners of the middle class in general, let alone the difficulties faced by owners of commercial vehicles. Many Members have opined earlier that owners of private cars are in general just *petite bourgeois*. Although they find the property prices unaffordable, they can at least buy a car for some flexibility to go to places they wish to go, or for meeting certain genuine needs in daily life. However, the situation of what we commonly call "bosses' cars" is very much different.

I think we have all witnessed the sounding of siren in police cars to alert drivers of vehicles parked illegally at the roadside, hinting that they should leave. All these are so-called "bosses' cars", meaning that there are drivers inside the vehicles waiting for their bosses, and they will leave at the request of police officers. However, if there is no driver inside the vehicles, the car owners concerned will definitely be charged with illegal parking. It is said that all persons are equal before the law, and all offenders regardless of rich or poor have to face prosecution. However, are all persons really equal before the law? We should all examine our conscience in answering this question.

Will the Court pass different sentences for the same sexual offence when the defendant is a priest or a pastor instead of a construction worker? It certainly will. The resolution proposed will not give us the impression that it is

trying to rob the rich to benefit the poor or vice versa, because the rich can hardly be affected by a mere increase of several tens of dollars in the fixed penalty charge for illegal parking, and even though a few more fixed penalty tickets are issued to the rich bosses, they will not put the blame on their drivers. However, this will be a really unbearable burden to car owners in general, especially owners of commercial vehicles. "Bosses' cars" can leave the spot on request, circle around in Central, and then come back to the original spot after the Police have left, but how should we evaluate the adverse impact thus caused on roadside emission?

Although it is a very rare practice, I do share the views of Mr Frankie YICK and consider that the Government should seriously consider enforcing the measure of towing away vehicles parked illegally on the street, because this will certainly have a deterrent effect on all car owners. It can really deter car owners from parking illegally because in addition to payment of fines, they will have to claim their vehicle back at a designated place in a remote area. Yet, the enforcement figures in this regard are in fact pathetically low, since there are only several vehicles towed away for illegal parking by the Government each month at present. I am certainly not advocating that all vehicles parked illegally on the street should be towed away, and I am sure this is also not the intention of Mr Frankie YICK. However, if a few offending vehicles are often found parking at a hot spot for illegal parking, and it seems that no matter how many fixed penalty tickets are issued to the car owners concerned, the measure has failed to achieve the desired effect, there will then be the need to tow away these vehicles.

However, I have hesitation about Mr CHAN Chi-chuen's suggestion of making illegal parking a traffic offence which carries driving-offence points, because each driver is only allowed to incur a maximum of 15 points, and it will be very easy for a driver to incur an accumulation of the maximum points. This is undesirable since the driver concerned can then be disqualified from holding a driving licence, and it is particularly so when speed signs in Hong Kong are so annoying. Motorists going to Hong Kong from Kowloon via the Western Harbour Crossing can notice that the speed limit of the relevant road section is first increased to 80 km from 70 km, and then adjusted downward to the level of 70 km again, followed by a sudden increase to 100 km and then a decrease to 70 km and even 50 km. This is so confusing that motorists can make a slight mistake very easily, and then be issued with a fixed penalty ticket and given offence points for the traffic offence they have committed, unless they are willing to spend time to raise an objection.

Given that the road traffic congestion problem is already so serious in Hong Kong, motorists will only be put under heavier mental stress if illegal parking is made a traffic offence which carries driving-offence points. However, we cannot tackle the problem purely with the imposition of a prohibitive tax, because it can neither solve the problem nor address the root cause. After all, the problem lies in the shortage of parking spaces. Unlike other overseas places, Hong Kong has no homeless vagrant, who is really very poor and can only find shelter in his car. Car owners in Hong Kong have to solve the problem of finding a parking space for their vehicle, but car parking spaces are really inadequate here.

Many people have already cited the relevant figures to illustrate this point, and let me also say a few words about it. The number of private cars has recorded a growth of about 50% over the past 10 years, but the number of parking spaces has merely increased by below 10%, so what shall we do with the huge discrepancy between them? I have put the question to the Government in this Chamber five years ago, but it has just beat around the bush and hemmed and hawed in its reply. As I pointed out then, the planning of the Central Kowloon Route has made it necessary to demolish the Yau Ma Tei Car Park in Kowloon West, while the Middle Road Multi-storey Car Park in Tsim Sha Tsui has already been demolished and redeveloped into a private car park. The demand for car parking spaces in Tsim Sha Tsui is very keen, and the Ocean Terminal as well as its neighbouring areas near Star Ferry Pier are also places with extremely high pedestrian and vehicular flow during weekends, with a large number of coaches going in and out of the district. As for Hong Kong Island, the Rumsey Street Car Park and the car park near the former Star Ferry Pier have also been identified for demolition, and the problem of traffic congestion in Central will only become more and more acute! It is indeed unbelievable that even the Murray Road Multi-storey Car Park, the car parking facility adjacent to the building where the headquarter of the Independent Commission Against Corruption was formerly located, has also been closed.

There are only two reasons for increasing the fixed penalty charges in question, and one of them is to ensure that these charges can catch up with inflation, but I just cannot help laughing on hearing this. How can we achieve this objective with such a magnitude of increase in the relevant charges? As these penalty charges have not been adjusted for many years, the Government should propose an upward adjustment of a greater magnitude in order to ensure that they can catch up with inflation. As we all know, a financial surplus of over



\$100 billion is recorded again in the Budget this year, and there is indeed little meaning for the Government to discuss with us here whether these fixed penalty charges should be increased from \$320 to \$400, or from \$450 to \$560.

Moreover, I am very doubtful that the Government is just paying mere lip service, because it will in fact be very difficult to enforce the requirements concerned, and this will only give a very big headache to the Police, traffic police officers in particular. For example, the fixed penalty charge for the offence of unlawfully entering box junction will be increased from \$320 to \$400, but it is very hard to define the meaning of the offence. I do not know if the Secretary is a motorist himself, but with regard to the offence of unlawfully entering box junction, let me put the case with crossroads aside and deal with the case with "T" junctions first. As a matter of fact, motorists at "T" junctions have to move their vehicles forward a little bit in order to indicate their intention of crossing the junctions. Furthermore, the area of some box junctions can be very big, and how far should a vehicle enter a junction of this sort for the act to constitute the offence of unlawfully entering box junction? I think a mere distance of two inches will not be sufficient to constitute the element of the offence, and traffic police officers will enforce the law in a reasonable and logical manner.

However, the situation will be different if the vehicle involved is a long vehicle, and what I am referring to are not container trucks, but heavy goods vehicles commonly found in Hong Kong. When one of the wheels of a heavy goods vehicle enters a box junction by approximately two or three feet, the driver of that vehicle will become very nervous, and wonder if he will be deemed as violating the offence. When the driver of a long vehicle decides not to move the vehicle forward when the green light is on in order to avoid entering a box junction in front, the vehicle immediately following may still move forward as the views of its driver are obstructed by the long vehicle, and without knowing that the driver of the front car has decided not to move forward, the rear car may then crash into the back of the front car. Although this is not a major traffic accident, much has to be done to deal with the aftermath.

What I mentioned just now is purely the situation at "T" junctions, but the situation is even more scary at crossroads, such as the crossroad junction where vehicles from the Hong Kong Convention and Exhibition Centre in Wan Chai North can turn off down the tram lanes in Wan Chai, and the junction is often a traffic congestion black spot. For example, it is generally considered that buses carrying over 100 passengers should be given priority in respect of the use of

roads, but when a bus passes through with half of its body remains in the box junction, it will be impossible for other vehicles to pass through the junction and serious congestion will then occur. Other motorists may be pissed off and in despair as the bus is obstructing the road, and all of them will then try to move their vehicle forward concurrently when the green light is on, thus giving rise to a very chaotic situation.

The Secretary may argue that this is exactly the reason why we have to impose a heavier fine for the traffic offence, but when an entire row of vehicles are violating the same offence, I really do not know whether traffic police officers can determine who is the ringleader or the initiator of the offending act. Moreover, should traffic police officers ask the motorists concerned to stop their vehicle when there is serious traffic congestion, so that fixed penalty tickets can be issued to them? Alternatively, should they simply put down the vehicle registration marks on record or take photos of the scene as evidence? The whole thing is totally unimaginable.

Nevertheless, the amendments proposed in the current exercise at least have the merit of excluding the penalty charge imposed on drivers of business vehicles for loading and unloading goods. One of the reasons for introducing the proposed resolution is to ensure that the fixed penalty charges in question can catch up with inflation, and I have already mocked at this argument earlier. The second reason for doing so is to achieve the necessary deterrent effect, but the proposed increase can actually create no deterrent effect at all on wealthy private car owners and "bosses' cars". Yet, drivers of business vehicles will be put under much greater pressure with the increase of the fixed penalty charges for such traffic offences as unlawfully entering box junction, picking up or setting down passengers in restricted zone, making "U" turn causing obstruction, stopping recklessly at stopping place for public transport, and so on.

There is also something ridiculous about the issue of making "U" turn, because according to police figures, the number of prosecution made in relation to this traffic offence in the past is minimal. This is indeed quite a far-fetched claim to suggest that we can achieve deterrent effect and catch up with inflation by increasing the penalty charge for this offence from \$320 to \$400, because the Police seldom made prosecution in this respect and there is absolutely no relationship between the two, is that right? With regard to the issue of making "U" turn, I have witnessed a related incident about six months ago.

There was a landslip occurrence causing severe congested traffic conditions in Tai Tam Road then, and this is an unexpected natural disaster beyond our control. Hence, all vehicles at the scene made a "U" turn at once and headed towards Shek O, which was technically unlawful since traffic police officers had not yet arrived at the scene then, and there was no instruction telling motorists that they could make a "U" turn like this. However, all motorists did so but I hesitated, although I was driving a relatively small car then. I think no one will be blamed for doing so because if motorists did not take such an action, they would have to wait for two hours at the original spot, because nothing could actually be done when a vast area of the road was affected by the landslip.

The prosecution figures in this respect are minimal, because they have all along been kept to a single digit. I would therefore like to tell the Government that the logic of reducing the number of traffic offences by imposing heavier penalty charges is indeed irrational and unreasonable. Let me take the Transport and Housing Bureau as an example, and although I do not wish to mix up the two completely different policy areas, transport and housing issues have obviously been put under the same bureau at present and the Secretary is therefore, very regrettably, required to stay here today in the Chamber for the whole day. The situation in the property market is the same, and in view of the large number of sub-divided units, will the Government increase rent drastically in order to suppress the demand, so as to reduce the number of people in need and in turn address the overheated property market, thereby bringing down the number of sub-divided units? This is simply not a valid argument.

People may say that housing is vital to the right of life and human rights, while transport is not. It is true that transport needs may represent a lower level of human necessity when compared with the right of life and right to residency, but they are after all civic rights, especially for citizens at a young age. Hence, we cannot explain the whole thing solely with the concept of impartiality, and argue that by increasing various fixed penalty charges, all offending motorists regardless of rich or poor will be subject to the same punishment. The concept of the whole proposal is rather unrealistic, and it is most intolerable that we do not have a comprehensive planning on the traffic flow in Hong Kong.

**MR JEREMY TAM** (in Cantonese): Deputy President, indeed, Secretary Frank CHAN has to be here all day. Every motion is related to him. I hope he can at least pay attention to my speech for the first two minutes.

I wish to speak on the increase of fixed penalty charges because I proposed an amendment to the proposed resolution but it could not be endorsed by the Subcommittee. It is not because members do not support my amendment but because it is technically impossible to do so. I believe the proposed resolution moved under the Fixed Penalty (Criminal Proceedings) Ordinance ("the Ordinance") (Cap. 240) today will be passed, but I hope that the Bureau will carefully consider how to tackle the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) separately, so that we can individually adjust up or down the fixed penalty charges of different offences under it. Why is there strong opposition against the proposed resolution under Cap. 237? In fact, it is because of the problems of parking spaces.

Cap. 237 covers many parking-related issues, which is the reason why many colleagues (including myself) cannot agree to the Administration's proposed penalty charge increase for the offences prescribed under Cap. 237. However, I agree that some penalty charges of the ordinance are outdated and should be increased. I thus tried to take out a total of 21 non-parking-related offences prescribed under Cap. 237 for penalty charge increase. For example, I believe increasing the penalty charge for parking at zebra crossings, which is obviously out of line, will not be opposed by Members; and I believe the penalty charge for parking a motor vehicle in two parking spaces should also be increased. I tried to propose such an amendment but failed because the offences under Cap. 237 are bundled together for upward or downward adjustment altogether.

The Administration's reply is that Cap. 237 has not empowered the Legislative Council to adjust individually the fixed penalty charges for the 21 contraventions under it by means of a resolution. This explains why I ultimately cannot propose an amendment to the proposed resolution under Cap. 237. I thus hold that the Government should try to tackle Cap. 237 from the legislative perspective, so that future discussion on different penalty charge adjustments to individual offences can have a legal basis, and that all the offences under the ordinance will not be bundled together and cannot be adjusted individually, like the situation now.

As I said, the Government originally planned to increase the fixed penalty charges of the 21 offences under Cap. 237, and I fully support some of the charge increases and I think they should be increased. However, regrettably due to the

way Cap. 237 is drafted and the fact that this is a piece of subsidiary legislation, the Subcommittee cannot do so. We have spent quite some time on tackling this issue.

Actually, only the penalty charges of the offences prescribed under Cap. 240 will be increased this time. Secretary, I must say that you have to tackle the problem whenever there is one and don't stall. It is because the fixed penalty charges of five offences will be increased this time, such as the offence of "picking up or setting down passengers in a restricted zone" and its penalty charge will be increased from \$450 to \$560. But if the offender is parking, instead of picking up or setting down passengers, in a restricted zone, he will be fined \$320 for illegal parking under Cap. 237 subject to the actual situation. In other words, although illegal parking is a more serious offence, its penalty charge, after passage of this proposed resolution, will be less than that of picking up or setting down passengers in restricted zones. I thus hope that the Secretary and the relevant authorities will expeditiously tackle Cap. 237 to make it possible to individually adjust up its penalty charges, so that the penalty charges between the two ordinances will be more consistent, rather than substantially increasing the penalty charges of similar offences in Cap. 240.

Moreover, I support the resolution to increase the penalty charges under Cap. 240. But I must make it clear that ... though what I am going to say may make some Members unhappy, thinking that I am doing this in reprisal ... Deputy President, the Government's proposal to increase the penalty charges of the five offences, which was proposed near the end of the Subcommittee's deliberation, actually has the endorsement of the Subcommittee. The Secretary did not attend the meetings of the Subcommittee, but his colleagues should know very well how the argument at that time was ultimately settled.

I hold that we must strike a balance. Not having enough parking spaces is one issue, but whether the fixed penalty charges of these offences should be increased is another issue. We all agreed at that time that only the penalty charges of the five offences under Cap. 240 would be increased, but now I heard Members of some political parties say that they will oppose the agreed proposal. Sometimes, this really make me feel that I am the one speaking for the Government. As a matter of principle and a moral duty, if we have already forged a consensus on the decision that the Government should not amend the proposed resolution moved under Cap. 237, and the Government is willing to withdraw its amendment, we should honour the decision and only increase the

penalty charges of the five offences prescribed under Cap. 240. I was thus baffled when I heard pro-establishment Members say that they would oppose this resolution.

The pro-establishment camp has agreed to this approach in the Subcommittee, but now they oppose it. This is my first impressive experience since I became a Legislative Council Member. I hold that we should uphold our agreed decision, unless there is now any argument new to the Subcommittee members or Members here in this Council that can overrule the previous decision. But I am not aware of any new argument voiced out by Members. Their arguments are old ones.

Moreover, some colleagues mentioned parking spaces. Actually, the five offences under Cap. 240 are not absolutely or directly related to parking spaces. Take the example of picking up or setting down passengers in a restricted zone I just mentioned. Even if there are parking spaces two blocks away, it does not mean that a driver who wants to set down passengers will follow the rule and park his car two blocks away to set down passengers and then drive back to the original spot. I believe we probably will not do so. We will just set down the passengers out of convenience. So, this is unrelated to the availability of parking spaces.

I thus hope that the Administration can do two things after this resolution today. First, it should expeditiously review and amend Cap. 237, so that penalty charges of individual offences can be adjusted up subject to the prevailing situation; and second, the Government should address the parking space problems by all means in the long run; otherwise, there will still be illegal parking even if other penalty charges are increased.

Illegally parking usually takes place in two different situations. One is because there is no parking space; and second is for convenience. I hope increasing this fixed penalty charge can deter people from illegal parking for convenience and correct the misconception that the cost of illegal parking is low. Of course, some people are rich and they do not care, but the Treasury can at least earn more revenue. I agree totally with Mr Frankie YICK, Chairman of the Subcommittee. We both held that the best approach is that the Government should tow the vehicles away. The figure I just mentioned is 10 cases each month. There is room for doing more. The Government can even take a

leading role in combating illegal parking in busy roads or traffic accident black spots and deploy a few tow trucks to these places to tow vehicles away. No one will blame the Government for doing so.

Quite the contrary, I am dissatisfied with the SAR Government or the Police for not doing enough. Certainly, they can defend that there is not enough space and they do not know where to put the vehicles that have been towed away. The Transport and Housing Bureau should discuss with the Development Bureau to allocate more provisional sites for this purpose to achieve a greater deterrent effect on the public and drivers and show the resolution of the Government in combating illegal parking by towing these vehicles away. The Bureau should also make public announcement that it has applied for idle sites with no construction plans from Development Bureau, Housing Department, Housing Authority, etc for putting illegally parked vehicles that have seriously blocked the traffic. Only by so doing can a strong and forceful message be delivered to drivers.

As I said earlier, I hope that the Government can properly handle the problems concerning Cap. 237, increase the number of parking spaces and finally more frequently tow away illegally parked vehicles to enhance the deterrent effect. I so submit.

**MR CHAN HAK-KAN** (in Cantonese): Deputy President, today the Government seeks to increase fixed penalty under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("the Ordinance"). We see a massive controversy triggered in the community over this proposal which, at the same time, has provoked a vast difference of opinion in the Council. Meanwhile, it is fortunate that the Government is willing to make a slight concession after listening to the comments made by Members. Therefore, the Secretary can be rest assured that a consensus is expected to be reached by various parties today and the regulation will most probably be passed successfully.

I would like to point out that it is the fundamental obligation of each road user to obey traffic regulations. I agree absolutely that those who hinder traffic or cause danger to other road users should be penalized so as to generate a deterrent effect. However, the Secretary's intended penalty hike for illegal parking under this Ordinance, which regulates fixed penalty, has raised much concern in both the Council and the community. As pointed out by many

colleagues just now, the problem of illegal parking cannot be resolved with an increase in penalty. We must reflect on the justification and rationale behind the penalty increase. The Secretary or other public officers concerned may tell us that it works on a very simple rule in economics: the increase in penalty leads to a higher cost and hence a lower demand for adopting this practice. But the Secretary should understand that economic theories are founded on a number of premises and they may not be applicable in reality if those premises are left unexamined. A colloquial Hong Kong expression can be used to describe the scenario with great precision here: who would choose to be a baldy when one does actually have hair? If parking spaces are provided by the Government, who will choose to park on the street then? The only exceptions are cases where people, like some of our colleagues, intend to vacate the parking space within their properties and hence park their cars on the street. Deputy President, in this case, I do believe without a doubt that such kind of people should be penalized for illegal parking as well as the unauthorized building works at home.

The majority of people may not be able to rent parking spaces easily in the proximity of their homes for their private cars or commercial vehicles. Nowadays, even places which are more secluded are often parked with many medium- or large-sized container vehicles, school buses and so on at night. People resort to parking on the street precisely because they cannot find parking spaces in public rental housing or private car parks. Therefore, it would be unfair for us to increase the penalty for illegal parking arbitrarily without resolving the inadequate supply of parking space. According to statistics provided by the Transport Department ("TD"), the total number of registered vehicles across the territory increased by about 50% in the last 10 years while the total number of parking spaces increased by less than 10% during the period. I really have no idea where the majority of these vehicles can find parking spaces. The Government does have planning responsibility in this regard. Not all common folks can, like our Secretaries, park their vehicles in Government car parks or in their own official residences. These people are left with no choice but to park their cars on the street when rented parking spaces are unavailable to them. After forcing them to park illegally, the Government further reprimands them with penalties which are to be increased substantially. This indeed is a highly unfair practice.

Let me cite two figures to illustrate the present day shortage of parking spaces. First, a private residential development, the MacPherson Place, which is a housing estate newly completed in 2014, has a parking space to residential unit



ratio of 1:49. Meanwhile, the public housing estate So Uk Estate which was redeveloped by the Government in 2016, has a parking space to residential unit ratio of 1:30. I am not calling for the Government to build a great number of parking spaces for residents of public rental housing, as not every one of them can afford a car. But, as Members returned by direct election, we often receive complaints from people on the difficulty in securing parking spaces in public rental housing, despite joining every single lot drawing for the purpose. And it is even harder for vehicles such as nanny vans and trucks to get parking spaces, as said just now.

I actually have at hand a picture which I would like to show to the Secretary. This picture depicts the road condition in close vicinity of the newly completed Po Heung Estate, near Tai Po Market. The Secretary should be rather familiar with the scene in the picture as he has visited the place for vegetable shopping. Deputy President, the background to the construction of this housing estate is that the District Council objected to the Government's earlier proposal to build the estate, citing insufficient public parking spaces to be provided by the development. Responding to the District Council's demand, the Hong Kong Housing Authority then increased the number of parking spaces. But we still see long queue of vehicles in Tai Po Kau Hui every Saturday and Sunday even with the measure, as public parking facilities there have all along been inadequate. I am not sure whether the Secretary went for vegetable shopping in Tai Po Market by public transport or by car on that day. If it was the latter case, you must have queued up on that road. With vehicles queuing up on the road, other problems will be generated. Given it is a two-lane two-way traffic road, traffic congestion will occur when vehicles in one of the lanes stop and wait in entering the car park.

Therefore, I hope the Secretary can understand that the so-called illegal parking problem that we now see is largely caused by inadequate parking spaces but not rendered deliberately by the people. While long-term planning is certainly essential to resolving this problem, I do understand that long-term remedy brings little immediate relief. But I do have a humble demand which has been made recurrently by wage earners and professional drivers over the years and it was also mentioned again and again just now. It is about the unavailability of parking spaces for medium-sized trucks, nanny vans, sixteen-seater or twenty-three-seater vehicles. In fact, housing estates under the Hong Kong Housing Authority do have room to provide additional parking spaces for the above mentioned vehicles. Such a provision offers immediate

assistance to drivers and is far better than pushing them to park on the street, a practice which incurs four to five penalty tickets from the authorities for illegal parking every month.

Therefore, I hope the Secretary, apart from making minor concession on the proposed amount of penalty in connection with the Ordinance, can take this opportunity to listen to the numerous comments made by the Council and provide a variety of additional parking spaces for our drivers to use.

Deputy President, I so submit.

**MR HUI CHI-FUNG** (in Cantonese): Deputy President, the proposed increase in penalty charges under this resolution has really provoked great controversy and backlash in society. When we consider the appropriateness of increasing the penalty charges and the magnitude of such increases, we should take into account of the interests of all stakeholders. The Government should not come to a simple conclusion that the penalty charge increases can act as a deterrent and help alleviate the problem of illegal parking and somehow discourage people to drive. If the charge increases can provide such a straight-forward and simple solution to the problem, many other social problems can also be resolved easily.

In subcommittee meetings to discuss the proposed penalty charge increases, some members pointed out that various stakeholders have different but genuine needs to drive. It is fine for you to say driving is a luxury and also a comfort. But to some drivers, they have practical needs to drive. It is particularly true for families living in some remote districts. Nowadays, we can see more and more families moving to live in remote areas because of the unaffordable property prices in urban areas and new towns, and thus they really need to drive. We can also see the practical need for young couples with newborn babies to drive. For families with senior members having mobility problem, they also genuinely need to drive.

To these families, driving is not a luxury. The proposal is likely to increase their driving costs, and thus may spark deep discontent and backlash from them. A greater backlash is also expected from the transport sector which has already been frowned by the lack of parking spaces for commercial vehicles. The proposed increase in penalty charges for illegal parking and for other transport-related offences will definitely provoke their backlash.

Out of various reasons, all these stakeholders really need to drive. But at the same time, I also have to be fair to urban residents, including people living in the urban areas of Hong Kong Island, the Kowloon Peninsula, and the New Territories, particularly those living in the northern part of Hong Kong Island. The traffic congestion affects not only drivers but also pedestrians and urban residents. Many urban residents are choked by the air pollution caused by the traffic congestion. The heavy traffic jam on their way home from office also costs them time and money. The authorities should also take care of their needs when formulating policies to address the problems of illegal parking and other traffic-related offences.

Therefore, I think this resolution to increase the penalty charges will have to strike a proper balance between the interests of those affected by the traffic congestion, particularly urban residents, and those who really need to drive, including people living in remote areas and drivers of commercial vehicles.

Given that these penalty charges have not been increased for many years, the Democratic Party thinks it is generally acceptable to raise the penalty charge levels on the basis of the inflation rate, the actual social situation, or the spending power of the public. However, as I have just said, the magnitude of the increases should take into account of the needs of the different stakeholders in society.

I would like to take this opportunity to tell the Secretary that if we examine the traffic congestion problem in greater depth, we can actually identify a number of effective solutions. I do not exactly concur with some Members' remark which blames the substantial rise in the number of private cars and the disproportionately smaller growth in the number of parking spaces for the problem. This is of course a very straight-forward association. In this sense, should the number of parking spaces be increased correspondently to catch up with the substantial rise in the number of private cars? However, we have to bear in mind that the growth of private vehicles or the overall vehicle growth should not be unlimited. Should we need to increase the number of parking spaces in proportion to the unceasingly rise in the number of private cars, so that all drivers can park their private cars in streets. I do not think this is practicable. Apart from increasing the space for car parking, can we make use of the technology to solve more problems? Can we learn from the experience of some countries and adopt multilayer or mechanical car parking systems in some

existing car parks or multi-storey car park buildings. This will help release more space, and thus increase the number of parking spaces. Has the Government ever engaged in these technological studies? I do not think so.

What the Government should also do is to control the overall growth of private cars. Do car owners really need to drive at all times? This is the question the Government should dig into for the sake of environmental protection and social benefits. Actually, the best solution is to introduce financial "incentives" or means to make private car owners reconsider whether they really need to drive or make people rethink if they really need to buy a car. In the world's major cities, they seek to tackle the serious traffic congestion through the vehicle licence fee, vehicle taxes, as well as the vehicle growth control. They will introduce laws and policies to curb the overall growth of vehicle, such as studying imposing a cap on the growth. This may not necessarily be a rigid target. This can also be an indicator to let people know the governments' future policy approaches or directions. In respect of the current study of the Electronic Road Pricing ("ERP") Scheme in Hong Kong, can the Government give more serious thought on the tolled areas and levy levels? Can the Scheme, like its overseas counterparts, be able to relieve the serious traffic congestion in urban areas at the least?

In order to reduce the number of vehicles using the road, can we introduce some financial "incentives" or measures to make people reconsider whether they should drive? The imposition of various vehicle taxes can make car owners rethink if they really need to drive at all time. This may be more effective in relieving the road traffic congestion.

Yet, some people really need to drive. Hence, apart from imposing fees to discourage people from driving, the Government should also examine the effectiveness of its law enforcement. Many Members or people oppose any fixed penalty charge increase because they are unhappy with the perfunctory law enforcement. They find our law enforcement officers' laxity in the prosecution and the issuance of fixed penalty tickets ("FPTs") unacceptable. I have received complaints from urban residents, including people living on Hong Kong Island, exactly about the lax enforcement. It is just natural for them to think that the proposed increase in penalty charges is the result of the non-deterrent and ineffective enforcement actions. Hence, can the Government improve its enforcement to restore the deterrent effect? Years ago, the Government hinted that the introduction of the Electronic FPT might improve the efficiency of the

traffic enforcement. If law enforcement officers can issue PTSs for illegal parking in the whole street in just one minute, car owners may think twice before they illegally park their vehicles. The highly efficient enforcement would make them fear that they might be ticketed even for illegally parking their vehicles for just 10 minutes.

Actually, there have been proposals to increase the manpower of Traffic Wardens at the District Council level. Whether it is in the Wan Chai District Council, the Central and Western District Council, or the Eastern District Council, there have been calls for the deployment of more Traffic Wardens to direct the traffic at scenes during peak hours. The main task of Traffic Wardens is to keep vehicles moving and stop them from parking on the road, rather than issuing FPTs. As many Members have pointed out, bosses will simply not care about paying the penalty charge of \$320 for illegal parking. Hence, can the Government deploy more Traffic Wardens to direct the traffic at scenes and to disperse the vehicles parking on the road? The fact is there are only a dozen or so Traffic Wardens in the Central and the Western district as well as in Wan Chai to help direct the traffic for these three most congested areas on Hong Kong Island. Does this what the public expect? Why does the Government turn a deaf ear to the calls from the District Councils concerned for the deployment of more Traffic Wardens? I know the Government has conducted a trial scheme on the use of cameras to provide evidence in traffic enforcement. In order to enhance the overall enforcement standard and the deterrent effect, I think we should keep an open mind and allow the Government to further study this technology and implement the plan. In addition to increasing the penalty charges, the Government should also improve its enforcement. I think the public and Members who represent the interests of the relevant industries are more likely to accept the penalty charge increases if the Government submits the proposal after it has made efforts to improve the traffic enforcement.

Before I stop, I want to talk about how we can tackle the problem of traffic congestion. In addition to introducing financial "incentives" and measures as well as stepping up traffic enforcement, the Government has also tried out alternative schemes. The Park-and-Ride ("PnR") scheme, which we have mentioned frequently, is to allow drivers to park their cars at areas less prone to traffic congestion and then switch to the mass transit railway ("MTR") for urban areas. But how much has the Government done to promote this scheme? Is the Government's implementation of the PnR policy effective? I do not see that PnR is popular among the general public. Nor do I see a high utilization rate of

the PnR facilities. In this respect, can the Government make efforts to improve the pedestrian environment of urban areas to improve the walkability? In other words, if there are tall trees and grass, instead of exhaust emissions, along the way in urban walking, drivers will be willing to park their cars at MTR stations and walk 10 minutes to 15 minutes to office. This can effectively solve the traffic congestion at urban areas. Another option is of course the bicycle-friendly policy, which I have kept promoting. This policy should not be new to the Secretary. The Government should promote the use of bicycle for short-distance commuting, say, a 10-minute or so ride to the office. If appropriate ancillary facilities including bicycle tracks and bicycle parking spaces are well in place, I think people are really willing to ride bicycles for short trips. This can really help reduce the number of vehicles on roads. The policy has been time-tested in overseas countries, but the Government keeps ignoring our repeated calls for its implementation. We also have the bus-bus interchange concession schemes. Can we put more choices into the scheme in order to reduce the number of buses on roads? We can even discuss about the mobile car-hailing services, such as call Uber, carpool, which can also help reduce the road traffic.

How determined the Government is to implement these proposals to give car owners alternative choices other than the financial "incentive", the stringent enforcement to deter them from breaking the traffic laws, and the increased penalty charges or tougher punishments to discourage them from driving? The alternative proposals have been put up for discussion for years but the Government has just been reluctant to heed them. In the course of discussion of the proposed penalty charge increases in the subcommittee meetings, the Government was able to listen to different voices of stakeholders and understand their grievances. Can the Government take this opportunity to improve its policies? I hope the Secretary could listen to various views of stakeholders. I also hope that the Government could no longer share its thoughts only with the Transport Advisory Committee, or simply put all the views into its drawer. Instead, the Government should put forward its proposals for public discussion and actual implementation. Deputy President, I so submit.

**MR CHARLES PETER MOK** (in Cantonese): Deputy President, I was not a Member of the Subcommittee which scrutinizes the Fixed Penalty (Criminal Proceedings) Ordinance. But now I feel a little bit regret about it. Had I known that, I would surely have joined the Subcommittee so that I can show my

support to the proposed increase of penalty charges put forward by the Government in the Subcommittee. Originally, the Government intended to upward adjust the fixed penalty charges for six items of offences by 50% in the amendments to the relevant Ordinances, but eventually it can only upward adjust some of the charges by one-half, that is, 25% out of the proposed 50%. Actually, I have reservations about the current approach of easing off the harsh measure. For that reason, I wonder how I should vote later on.

In my opinion, since penalty charges for illegal parking has not been upward adjusted for a long time, it is therefore rather unfavourable and unfair to those law-abiding motorists who should have taken the gamble and parked their vehicles illegally when they stumbled across certain illegal parking spaces, but they preferred to make a detour and park their vehicles at proper car parks and pay the full parking fees. Therefore, I consider that it is too bad that the Government cannot rationalize the matter mainly because of the objection raised by some deputations such as groups of drivers of commercial vehicles. Just now the Secretary has also explained that actually drivers of commercial vehicles or some common motorists have already considered the penalty a portion of the parking costs or operating costs, regardless of the fact that they are deliberately breaking the law or seeking convenience.

(THE PRESIDENT resumed the Chair)

Certainly, a number of Members have spoken on certain grounds, and the Secretary has also explained some reasons. They simply argue that the problem is a result of the inadequacies of the Government. Nevertheless, the Government is always doing not enough. But I consider it unfair to prevent the Government from enforcing the laws. For example, Members always blame the Government for doing not enough in the enhancement of enforcement actions, and that the increase of parking spaces is inadequate and so on. As to the inadequacies in these two areas, I wish to speak on the fundamental reasons of insufficient parking spaces. Of course the Government should bear the major responsibility. As far as the broad-brush transport policy of the Government is concerned, the broad-brush approach that the public should not drive cars or to drive less and to make use of public transport is rife with deficiencies.

Very often, even private car owners have to drive because of various reasons, needless to say drivers of commercial vehicles. However, the biggest problem of the "broad-brush" policy is that the Government just adopts the broad-brush approach by asking the public to take the MTR. I was just meeting up with some friends and having a chit-chat several days ago. They told me that they have to spend one hour on each journey when they take MTR for commuting to and from work. Besides, it was an unbearable experience. I joked to a hulk-like friend and ask if he pay the fares for two persons when he was taking the MTR due to his hulk-like size. He said he could not squeeze into the train compartment. He said that it was really painful. Therefore, this kind of unbearable experience should suffice to illustrate why some people would opt to drive as long as they feel the need and can afford the costs. Moreover, very often these people have the need to drive, but I will not repeat all the reasons, for example, perhaps their family members or elderly people have the need.

Therefore, we could see that in the past, the Government thought that after implementing certain polices, such as preventing the public to drive by reducing the number of parking spaces, the public would take public transport obediently. Actually, the "broad-brush" approach did not work. In recent years, many Members have asked the Government about the number of parking spaces or the target of reducing the number of parking spaces in various districts. The Government has been adopting this broad-brush tactic blindly in considering the reduction of parking spaces. There are also other polices, such as increasing the tax of electric vehicles ("EVs"). In fact, it is a rather skin-deep idea. As there are too many vehicles and the number is increasing, the road network cannot increase the load, the Government just forces everybody to go underground and take the MTR or public buses. Similarly, that will create a number of problems. For that reason, the Government should not only think in a simple way and try to use a single solution to solve all the problems.

Therefore, sometimes I even consider that the Government has virtually resorted to all means when it thought that it could reduce the number of vehicles by reducing the number of parking spaces. However, we can actually see that the carrying capacities of the public transport system have been saturated. They cannot bear any increase. For that reason, as far as the problem in this area is concerned, I consider Mr HUI Chi-fung has said something right just now. The Government really needs to make use of various technological means or other means or even other policies to rationalize and to identify the point of balance. It should not consider the matter from the old broad-brush and single solution perspective.



As to enhancing enforcement actions, the Government, including traffic wardens or police officers have to exert more efforts in this regard. Sometimes, the public will ask, where have the police officers gone? Or where have all the traffic wardens gone?

Let me cite two examples. The first example I can think of is Central district. Many people know that a lot of limousines of bosses will park at the road side of the section of Queen's Road Central between junctions of Ice House Street and Pedder Street. I always say that when we are facing this problem, many people or people from my trade will say that it would be better to introduce Electronic Road Pricing ("ERP").

Of course, sometimes I will think that instead of spending so much money on studying the option, it would be better to deploy a few more policemen to patrol the area, but I do not know the cost for that. As a result, police officers will drive these limousines away, or to urge them to leave after dropping off the passengers. The Government may even designate the section as restricted zone to prohibit pick-up/drop-off of passengers. Why can't it be done? Why didn't it do that? To a certain extent, I do not know if the authorities are turning a blind eye to the problem or what so as to avoid being complained by some big bosses. I hope that is not one of the considerations. However, some people will ask, where have all the police officers gone? This is the first example I can think of.

The second example I can think of is Kwun Tong, and I have the personal experiences there. For several times, or even at the night of weekdays, which was not the first day of Chinese New Year or any festive occasion, many cars were parked on the curb. I was very obedient, because I dared not to imitate them and park the car at road side. I parked the car inside a nearby car park. There were adequate car parks. It was night time and it was not the morning session, so there were enough parking spaces. However, as these people knew that nobody would ticket them, so they parked their cars at the road side. On one occasion, I got out of my car and tried to see if there were any police officers. There were police officers, but they were checking the identifications of passers-by. Obviously there was a long queue of illegally parked vehicles, but they paid no attention to that. As a motorist, I considered it unfair to those law-abiding motorists who preferred to park their cars at car parks and pay the parking fees.

I have even wrote to the official of the district and asked why such a situation would take place in the district. He replied me that he had notified the police and requested the police to enhance enforcement actions. The result was that nothing has changed so far. For that reason, I support the Government proposal of increasing the penalty charges this time around. At least the Government is trying to enhance the deterrent effect by increasing the penalty charges. If this approach is castrated and if the Government is not allowed to enforce the law, I really do not know what else can the Government do.

After easing off the harsh measures as proposed in the original resolutions, the deterrent effect would be reduced. On the one hand, I am concerned that they cannot address the problem. I also wish to point out that sometimes the Government is afraid of the people having vested interests in the transport trade on the other. If the Government is not allowed to increase the penalty charges, then they will oppose ERP if it is launched in future. In that case, we can achieve nothing even if we go on discussing the issue for another 10 years. People will oppose to other things such as regulating and legalizing online car hailing service, and the result is that we can achieve nothing at the end.

As far as commercial vehicle drivers are concerned, very often they are backed by people having vested interests in some highly monopolized businesses. I believe that many Members of the public will say that they would give the Government the encouragement so that it can do what it should do. For the sake of the people's livelihood, for the sake of equity, for the sake of innovation, the Government should make use of some innovative tactics. It should not be led by the trade and resort to old thinking and conventional ways.

If the Government is unable to achieve that, it will be hard for us to hold any expectations for the Government or the relevant department, not to mention the request for innovation, to catch up with the world trend, autonomous driving and EVs. For that reason, I really want to give my encouragement to the Government. It should not allow some people having vested interests in certain trades to pull its leg.

Thank you President.

**MR CHAN HAN-PAN** (in Cantonese): President, in regard to the Government's proposal to increase the penalty charges for six offences concerned, the Democratic Alliance for the Betterment and Progress of Hong Kong can only

support part of it. And we have reservations to the Government's proposal raised earlier to increase the penalty charges for illegal parking due to shortage of parking spaces. Our request to the Government is to provide a roadmap and timetable for increasing the number of parking spaces. We think that the public will be more convinced if the Government proposes to raise the penalty charges against those drivers who still park their vehicles illegally when there are sufficient parking spaces.

This proposal of increasing the penalty charges can be traced back to a report of the Transport Advisory Committee ("TAC") in 2014. This report in 2014 is a study report on improving road traffic congestion in Hong Kong, in which there are a few recommendations: First, it is to raise private cars' first registration tax, and this is a recommendation to increase charges. Second, it is to launch a pilot scheme on congestion charging, i.e. electronic road pricing. Next, it is to increase meter parking charges and increase penalty charges for road traffic offences. These are the main recommendations.

Basically, all the recommendations from TAC are about increasing the charges. It adopts this approach of increasing taxes and penalty charges to address the problem. Of course, TAC also has some long-term recommendations, such as providing a real-time parking space information system so that drivers know the location of vacant parking spaces and can go and park the vehicles there; making available some road sections for loading and unloading of goods by lorry drivers outside peak hours; and providing more park-and-ride concessions. However, among all the recommendations, increasing parking spaces was not mentioned at all. Hence, TAC's recommendations are in line with the Government's mentality of controlling the growth of vehicles by reducing parking spaces.

People may wonder why it seems that our parking spaces have become insufficient overnight. Let us think about it. When the number of parking spaces cannot be increased in new buildings, this city will still be bothered by the parking problem. We can imagine what people will do when only very few parking spaces are provided in the new residential properties in a district. After the households have moved into the new buildings, where can they park their vehicles? Their vehicles will be parked in different buildings in the vicinity. After the residents have moved into the few newly built housing estates, the parking spaces will be fully taken up very soon.

Why would there be a sudden drop in the provision of parking spaces? After looking up the past record, I found that the Government amended the Hong Kong Planning Standards and Guidelines ("HKPSG") in 2009. In the amended HKPSG, the Government has reduced the provision of parking spaces in public housing and public facilities. For example, in a public housing estate with 600 to 700 units, there may only have 20-odd parking spaces, and this is because the Government amended HKPSG in 2009.

Besides, in 2014, the Government further amended HKPSG, and this time, private housing estates were involved. There is a discount in the number of parking spaces in newly built private housing. If the private building is in the vicinity of a MTR station, its number of parking spaces has to be further reduced. In the past planning, they would consider that if a MTR station is in the nearby area, a car owner will usually drive and park his vehicle there before taking the MTR train. However, this HKPSG is taking a different approach in the sense that the provision of parking spaces in all above-station property development projects will be reduced.

We thus understand that the present situation is the result of the drastic amendments by the Government to HKPSG in 2009 and 2014 respectively. Well then, what are the remedial measures of the Government? The measures are increasing the number of on-street parking spaces and asking to increase the number of parking spaces in the buildings under construction. The Transport Department ("TD") can, within the confines of the Global Parking Standard, set a parking space standard for each district according to the supply and demand of parking spaces in that district. True enough, the Secretary also says that the provision of parking spaces in all new residential properties have already been adjusted upward by the authorities as far as possible, and the provision of parking spaces in the newly built housing estates will be better in the future.

Nevertheless, I would like to tell the Secretary that this method is not feasible. Why is it not feasible? It is because the number of parking spaces has already been specified according to HKPSG in the land leases of many properties which have to be constructed during this period of time. Once the number of parking spaces has already been specified in a land lease, it can hardly be amended. Because if the developer wants to make any amendment to the land lease, it has to go through the approval procedures again. We all know how

long the approval procedures of the Lands Department will take. In this situation, the development project can only commence after waiting for a few more years. Hence, a developer will basically not amend the number of parking spaces already specified in the land lease of the property development which is about to be constructed or whose units have already been sold, but will only work according to HKPSG. Therefore, even TD says that developers can amend the number of parking spaces to be provided in the projects, developers will not do so. We can thus see that in the new development projects in future, the number of parking spaces may be increased. However, for most of the development projects at the moment, the number of parking spaces is unable to be increased remarkably as it is still subject to the latest changes of HKPSG in 2014.

Secretary, we now examine this proposal with you again. At present, the Government proposes to raise the fixed penalty charges according to TAC's recommendations. The Secretary is very efficient. TAC recommends an increase of charges under the electronic road pricing system, and he raised a related proposal earlier. For the other recommendation to increase meter parking charges, he has already submitted a proposal accordingly. Concerning the third recommendation of increasing the fixed penalty charges for illegal parking, he has also raised the proposal. Now, let us see whether the Government has implemented other recommendations put forward by TAC. In terms of real-time parking space information system, improvement has yet to be seen. To date, many residential properties are still having the data hidden but the Government can do nothing about it. What should the drivers do? They can only drive everywhere to find any vacant parking spaces. I have no idea whether the Government will submit a proposal in this regard in the near future.

Another recommendation is to encourage on-street loading and unloading outside peak hours. In other words, the drivers are asked not to come during peak hours but can only do the loading and unloading activities outside peak hours. Then are there any measures of encouragement? We cannot see any. Besides, in the provision of more park-and-ride facilities, the problem concerning park-and-ride facilities is in fact also very serious. At present, we see that many major transfer stations are all very crowded, and one example is the station at Kam Tin. However, the Government is still planning for housing development there. If there is housing development, the Government will have to recover that piece of land. By that time, this transfer station can no longer be used.

Moreover, in recent years, the Government has also demolished many car parks for housing development purpose. The Government has undertaken that it will provide parking spaces in the housing development on the car park site. But in the example of Middle Road, there will be redevelopment at Middle Road and the Government will truly provide the same number of parking spaces on the site. However, we should not forget that the properties above the new car park at Middle Road will consist of other facilities like offices and Chinese restaurants, and those tenants will also have to use some parking spaces. If part of these parking spaces need to be allocated to the tenants, it will mean a reduction in the number of public parking spaces.

With waning supply and waxing demand, the provision of parking spaces will decrease instead of increase on the whole. Besides, the residential properties built in recent years are mostly located in remote areas or the New Territories and quite a number of people have moved to the New Territories. When these people live in rural areas, it is natural that they will purchase vehicles and take them as a main means of transport.

If there are adequate parking spaces, will these people want to take the risk of being issued with fixed penalty tickets by parking on the street? I do not think so. In fact, we all know that if there are sufficient parking spaces, car park charges will be lowered. When the car park charges are lowered, people will park their vehicles in car parks. At present, the parking rate is \$30 per 15 minutes, which is exorbitant indeed. This situation will aggravate the problem of illegal parking. How can we resolve the problem of illegal parking? I suggest that in order to tackle this problem, the Government has to start from the basics by amending HKPSG.

The first motion that I moved in this term of Legislative Council was to ask the Government to amend HKPSG as soon as possible. Back then, a majority of Legislative Council Members were in support of my proposal. It is because if HKPSG is not amended, basically not any situation can be improved. Even if a few parking spaces are additionally provided at certain places, the problem cannot be resolved at source. After completion of the new residential properties, there will still be a shortage of parking spaces.

The Government's amendments to HKPSG in 2009 and 2014 also have an impact on many public facilities. For instance, the redevelopment of Jordan Valley has provided an open space for the public, but that area only has 48

parking spaces and we can see a long queue of vehicles every day. The Jordon Valley Park is situated at the mid-level of the mountain and many people do not know where to take the bus. If people go there by bus, they need to walk a certain distance after getting off the bus. It is thus understandable that they will drive there, but the problem is that there are only 48 parking spaces. We can thus see how severely out of touch with reality our existing HKPSG is.

On the other hand, concerning the seriousness of illegal parking, we can actually view it from another angle. In our view, the public are not convinced by the law enforcement practice of the authorities. First of all, during day time in hot spots of illegal parking, there may not be enforcement by police officers. But police officers will issue fixed penalty tickets when late at night or at around 6:00 am. This has caused a lot of resentment from the public. Why is there no one doing law enforcement work during day time? It is because when there is increase in various aspects like the number of vehicles, the population and roads, there is no increase in the number of Traffic Wardens. Over the years, their establishment has only been increased once. I asked the Hong Kong Traffic Wardens Union at what time the manpower was increased. According to the reply, there was an additional Traffic Warden in each district during the implementation of "the idling engine ban", and their establishment has never been increased since then.

I hope that in response, the Secretary can tell us whether Traffic Wardens are incompetent in the eyes of the authorities. The authorities may recognize the working ability of Traffic Wardens, but think that their existing workload has yet to be the last straw that breaks the camel's back. They thus continue to put more straw onto the Traffic Wardens as the latter can still stand it.

Therefore, if we want the traffic to be smooth, the Government is asked to submit a comprehensive and holistic proposal which includes, to start from the basics, amending HKPSG, and then improving the real-time parking space information system, as well as increasing the number of law enforcement officers to deal with the parking and park-and-ride problems. The Government's sincerity can be felt by us if the above can be done. I know that the Secretary is also putting a lot of efforts in this regard. With very limited resources, he has accomplished a few tasks and has promoted some activities, and I find him remarkable.

We expect that the problem of inadequate parking spaces can be resolved by measures introduced by the Government in a comprehensive approach instead of a stop-gap and penalty-based approach. An upward adjustment of penalty charges by the Government will surely be effective to a certain extent. But the public will not be convinced, as we all know that the source of the problem is the shortage of parking spaces instead of the penalties being too lenient. Some police officers have frankly told me that they sometimes feel sorry when issuing fixed penalty tickets to drivers, as they also know that the parking spaces in that district is inadequate. The drivers might think that there were vacant parking spaces in this area. But after driving around for some time, they found that there were no vacant parking spaces and just parked their vehicles on the roadside as they might urgently need to answer the call of nature, and they were booked as a result. In fact, the police officers are also aware of that situation.

Some police officers have also told me that the upward adjustment of penalty charges will not be too effective, as the root cause of the problem has not been resolved. Therefore, in the remaining term of the Government, I hope that the Secretary can resolve some significant and fundamental issues. If he can put forward an appropriate proposal, we will support him. If he does not have a very clear strategy, or even a roadmap or timetable for increasing the number of parking spaces, it will be difficult for us to support his proposal of increasing the penalty charges for illegal parking. Our opposition to this motion today, of course, does not mean that we condone any illegal parking activities, but rather, we feel that it is not reasonable to raise the penalty charges in this way.

In regard to increasing other road use charges, we also think that it is not the right time to do so. I hope that the Secretary can reverse the order and tell us how to increase the number of parking spaces and how to amend HKPSG. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon Secretary for Transport and Housing to reply. Then, the debate will come to a close.



**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the motion today seeks to increase congestion-related fixed penalty charges in relation to the following five traffic offences which include: unlawfully entering box junction; picking up/setting down passengers in restricted zone; "U" turn causing obstruction; unauthorized stopping at bus stop/public light bus stand/taxi stand/public light bus stopping place; and stopping public bus, public light bus or taxi longer than necessary when picking up or setting down passengers.

I must iterate that the motion aims not to penalize but to deter offenders, with a view to reducing congestion caused by traffic offences and enhancing accessibility and road safety.

I am grateful for your support for the motion and have, at the same time, listened very attentively to your views on the supply and demand of parking spaces. While the motion we move today is unrelated to parking spaces, we attach much importance to the comments that you make. In response to your speeches on increasing parking spaces, I believe that we all understand the Chief Executive has stated clearly in the 2017 Policy Address that the Government will accord priority to meeting the parking needs of commercial vehicles and will adopt a series of short- and medium- to long-term measures to increase the supply of parking spaces in various districts with regard to the local situation. Among them, allowing school buses to park in school car parks or school playgrounds at night is one of the directions of the study. Currently, the Transport Department ("TD") is actively exploring the feasibility of the relevant arrangement with the Education Bureau.

The construction of multi-storey car parks is also a solution to the problem. Before carrying out project on standalone multi-storey car parks, we have to consider a number of factors including the supply and demand of parking spaces in the district, the expected utilization rate of the multi-storey car park, whether the multi-storey car park will increase vehicular flow in the district and thus leading to traffic congestion, the level of support rendered by local residents for the proposed multi-storey car park, and so on.

Hong Kong is a small place crowded with people. Generally speaking, sites suitable for car park uses are also endowed with favourable conditions for other developments. Combining public parking spaces with other development projects allows us to optimize land use and thus generates more benefits to the community as a whole.

When considering the demolition or resumption of parking facilities, including short-term tenancy car parks or government car parks for other uses, the Government will study the impact of eliminating the relevant parking spaces. Just now, several Members mentioned about some rather popular multi-storey car parks, for instance the Middle Road Multi-storey Car Park, among others. When there is a temporary but severe shortage of parking spaces in a certain district, we will explore various options, including soliciting help from the Lands Department, to examine if there are suitable sites which have not been allocated for long-term planning and consider allocating these sites for car park use by way of short-term tenancy, for the purpose of resolving the problem arising from the reduced supply of parking space in the demolition and development period. Of course, we will keep catering to the parking needs of commercial vehicles under such circumstances.

When necessary, we will also ask developers to provide extra public parking spaces to compensate for the loss of such parking spaces because of the demolition or resumption of parking facilities, on top of providing parking spaces in accordance with the Hong Kong Planning Standards and Guidelines to meet the parking demands arising from the development based on the gross floor areas of various uses upon completion of redevelopment project. For instance, in the redevelopment project of the Middle Road Car Park, the Government asks the developer to provide 345 extra parking spaces for private cars and 39 parking spaces for motorcycles, apart from the 72 private car parking spaces necessitated by the development project. In the Murray Road Car Park redevelopment project, the developer has to provide no less than 102 public parking spaces for private cars and 69 for motorcycles, so as to meet the long-term local demand. There are some other similar cases, and given the opportunity, we can further discuss them if Members are interested.

TD launched a scheme for increasing on-street night-time parking spaces for commercial vehicles in 2016. As at December 2017, there are 447 suggestions for on-street night-time parking spaces. Having regard to these 447 suggestions, TD has so far increased 137 on-street night-time parking spaces for commercial vehicles, with 123 of them designated for goods vehicles and 14 for buses. Moreover, TD has completed the planning of 17 on-street night-time parking spaces for commercial vehicles, and the parking spaces concerned will be made available for the sector after the Highways Department has completed the relevant works. The Government is yet dealing with opposition received over 9 proposed parking spaces during the consultation period. Meanwhile, the plan for another 109 parking spaces has to be shelved owing to local opposition.

Furthermore, 175 other proposed parking spaces are now under district consultation or pending for district consultation in phases. TD will continue to identify suitable sites for increasing the number of on-street night-time parking spaces.

An objective of the Government's transport policy is to make active use of the latest technology for more efficient management of road traffic. We agree that if motorists can make use of real-time information on vacant parking spaces in car parks, they need not circulate on roads looking for available parking spaces and generating additional load to traffic in turn.

With the mobile application "Hong Kong eRouting", TD provides real-time parking information regarding 60-plus car parks, including government car parks and commercial public car parks, to facilitate motorists in locating parking spaces. TD will continue to encourage car park operators to provide and release data on real-time parking spaces and upload it to the government website, [data.gov.hk](http://data.gov.hk), making it easy for people to develop innovative products with added value and flexibility for mix-and-match. On top of this, TD will continue exploring with the Lands Department the possibility for including in the leases of short-term tenancy car parks relevant provisions which require car park operators to submit to TD information on vacant parking spaces.

The Hong Kong environment is different from those of the other cities, we have our own driving habits as well as demand and supply of parking spaces. The management measures used in other areas may not be fully applicable locally. However, we will continue to pay heed and draw reference from the development of parking management and technology in other areas and explore the possibility of applying it in Hong Kong, with consideration given to its cost-effectiveness, resources required, technical feasibility, and so on.

Regarding mechanized car parking system, TD is also proactively researching on the applicability of this kind of parking system in Hong Kong. TD may consider conducting test trials in relation to the findings.

TD rolled out in December 2017 a consultancy study on the parking spaces of commercial vehicles for an in depth investigation of the issue. Planning will be conducted upon completion of a district-by-district research which evaluates the parking needs in various districts, with a view to tackling community needs appropriately.

Issues on traffic wardens, interchanges and other measures were also raised by Members just now. The current Government is now following up on them conscientiously and will report the issues to you in the future. Regarding Members' concern over transport management, reduction of transport congestion and the community's demand of parking spaces, we express our gratitude and hope you can vote in favour of the relevant motion later. We will subsequently carry out more follow-up work on illegal parking. Thank you, President.

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**PRESIDENT** (in Cantonese): Proposed resolution under the District Councils Ordinance.

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

I call upon the Secretary for Constitutional and Mainland Affairs to speak and move the motion.

## **PROPOSED RESOLUTION UNDER THE DISTRICT COUNCILS ORDINANCE**

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I move that the motion, as printed on the Agenda, on the resolution under the District Councils Ordinance (Amendment of Schedule 3)

Order 2017 ("Amendment Order"), be passed. The objective of enacting this subsidiary legislation is to increase 21 elected seats for 10 district councils ("DCs") from the sixth DC term which begins on 1 January 2020. To this end, the amendment is also applicable to the ordinary election that returns the sixth-term district councillors to be held in 2019.

The Government makes this proposal to increase the number of elected seats after considering various factors which include taking the larger number between the forecast of Hong Kong population by mid-2019 and the population in mid-2016 as derived from the 2016 By-census; the continued application of a population quota of about 17 000 residents to one DC member and the methodology used in the last review; and the impact of the abolition of DC appointed seats since the fifth-term DCs.

Our concrete proposal is to increase one seat each for Kowloon City, Yau Tsim Mong and Tsuen Wan DCs, two seats each for Sham Shui Po, Kwai Tsing, Tuen Mun and Sai Kung DCs; three seats each for Kwun Tong and Sha Tin DCs, and; four seats for Yuen Long DC.

Last July, the Constitutional and Mainland Affairs Bureau listened to the views of the Legislative Council Panel on Constitutional Affairs, chairmen and vice chairmen of the 18 DCs with regard to the proposal to increase the number of seats. In a meeting held on 10 October last year, the Chief Executive in Council enacted the above Order. The Legislative Council subsequently established a subcommittee on subsidiary legislation to scrutinize the Amendment Order. The scrutiny is successfully completed in one meeting session. In this connection, I would like to express our heartfelt gratitude to Mr Jeffrey LAM, Chairman of the Subcommittee, and the other members for their active participation in the work concerned.

Both the Legislative Council Panel on Constitutional Affairs and the Subcommittee on subsidiary legislation, as well as DC chairmen and vice chairmen are in general supportive of the principle adopted in this review and the resultant increase in elected seats. But we have also received certain comments, the major ones among which will be responded to here.

First, there are views emphasizing that the authorities must take into consideration the preservation of community identities, local ties and physical features when determining the number of elected seats and in demarcating the

District Council constituency area ("DCCA") boundaries. For instance, there was request for increasing one elected seat in the Island DC, given the unique geographical feature of the scattering islands of that DC and the lack of transportation linkages among them. There was another request for adding one more seat to the North DC on the ground of rapid population growth.

We have given prudent consideration to all the views collected. As the current review on the number of elected seats is conducted with established methodology and determined impartially on the objective ground of population size, we decide to stand by the resultant proposal on the increase of seats in the sixth-term DC. But we do understand the importance of preserving community identities and local ties. Indeed, when demarcating DCCA boundaries, the Electoral Affairs Commission is under statutory requirement to have regard to community identities, preservation of local ties as well as physical features of the district concerned or any of its parts, such as size and shape of the area, its accessibility and development.

Second, we have also received comments on the mechanism for determining the number of elected seats. Having regard to the persistent population growth in Hong Kong and the long-term impact that population change may have on the operation of individual DCs, we agree to review and improve the mechanism for determining the number of elected seats for the seventh-term DCs (2024-2027). Comments collected this time from both the Legislative Council and DCs, including the major comments I mentioned just now, will be considered under the review in one go.

If the Amendment Order is passed by the Legislative Council today, the Electoral Affairs Commission will take into account of the new number of elected seats in DCs when working on the demarcation of the DCCA boundaries for the 2019 DC ordinary election. The Registration and Electoral Office will also make relevant preparation in relation to the number of additional elected seats when preparing for the 2019 DC ordinary election.

I implore Honourable Members to approve the Amendment Order, for implementing the increase of 21 elected seats for the sixth-term DCs.

Thank you, President.

**The Secretary for Constitutional and Mainland Affairs moved the following motion:**

"RESOLVED that the District Councils Ordinance (Amendment of Schedule 3) Order 2017, made by the Chief Executive in Council on 10 October 2017, be approved."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Constitutional and Mainland Affairs be passed.

**MR JEFFREY LAM** (in Cantonese): President, I now give a report in my capacity as Chairman of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2017 ("the Subcommittee").

The District Councils Ordinance (Amendment of Schedule 3) Order 2017 ("the Amendment Order") aims to provide for an increase in the number of elected seats by totally 21 for 10 District Councils ("DCs") as from the sixth-term DCs commencing on 1 January 2020. The relevant proposal commands members' general support.

Some members considered that the Administration should also take into consideration the rapid growth in population in Tung Chung and the North District and provide an additional seat each to the Islands and North DCs. They requested the Government to give due consideration to the feature of the scattering islands of the Islands DC and the lack of transportation linkages among them in determining the number of elected seats in the Islands DC. The Administration was of the view that since the existing proposal was formulated based on the established review mechanism, no additional seats could be allocated to the two DCs concerned. But the Administration agreed that in view of the growing overall population in Hong Kong and its possible impact on the operation of individual DCs in the longer term, it would undertake to review and improve the mechanism for determining the number of elected seats for the seventh-term DCs. To respond to the Subcommittee's proposals, the relevant review would cover issues including ways to ensure a more even population distribution across DCs' constituencies and to deal with a rather huge discrepancy in the number of members among various DCs.

Some members recommended that the Administration should consider the idea of increasing the number of existing DCs from 18 to 19, while some members also proposed to review the population quota currently adopted by the Administration, namely the arrangement of one DC seat for around 17 000 residents. The Administration agreed to consider these proposals, saying that it expected to complete the relevant review in or before 2021.

The Subcommittee has not put forth any amendment proposals concerning the Amendment Order.

President, the following is my personal views.

President, the Amendment Order scrutinized by the Subcommittee this time around has not aroused any huge controversies as the amendment seeks to introduce corresponding changes upon computation of the number of seats for various districts based on the objective population quota. This can avoid the influence of political factors. But it is impossible to keep increasing the number of seats amidst continued population growth. Besides, the 18 districts are marked by their own features and different geographical factors. It may be convenient to adopt the population quota as the sole basis for demarcation. But actually, if a district with a lower population density is divided into large constituencies, it may be difficult for their DC members to get in touch with all residents. For these reasons, I agree that the Government should review the relevant mechanism, so as to enable people to put forth their views on the deliberative assembly system at the district level and avoid any discrepancy in the number of seats in various districts.

Besides, the period from the 1980s to the 1990s saw major changes in the DC regime. For instance, it was once divided into 19 districts, and their coverage had to be adjusted due to the building of new towns at the time. The DC regime has not undergone many changes in recent years. I appreciate the fact that due to the political atmosphere in the community in recent years, we must be careful and prudent in introducing any changes to the political system. But if we base on the angle of DCs, I will say that we must also consider the necessity to enable DC members to better serve local residents with regard to the needs of the times. With technological advancement these days, major changes in communication modes between DC members and residents have taken place. One example is the effective use of social media for providing more local information.



Furthermore, let us look back at population change. These days, surging property prices have come to affect the population structures of various districts. For example, some districts have seen greater influx of young families. Their needs for community facilities may differ from those of local residents. Increasing the number of DC seats alone should not be regarded as the most effective way of satisfying their needs. I hope to draw the Administration's attention to this.

President, I so submit.

**MR LAU KWOK-FAN** (in Cantonese): President, the proposed resolution moved by the Government under the District Councils Ordinance commands our in-principle support.

The proposed resolution aims to increase the number of elected seats in 10 individual District Councils ("DCs") by totally 21 as from the sixth-term DCs commencing on 1 January 2020 on the basis of population changes. Just now, Under Secretary Andy CHAN said clearly that during his discussions with various DC chairmen and vice-chairmen as well as Subcommittee members, DC members and Subcommittee members had put forth certain views while expressing the hope that the authorities could pay attention to the integrity and idiosyncrasy of communities.

At present, the authorities intend to introduce adjustments based on certain figures. But the authorities should realize that figures are objective and rigid sometimes, and they may not be able to see from only one figure the reality faced by some 400 DC members. The current situation of some DCs is not quite satisfactory because their DC members have to deal with issues relating to the countryside, public housing and also private housing. Some districts may comprise mixed constituencies with residents having distinctive demands or needs. This has posed complex challenges to DC members. And, different combination of constituencies may give rise to varying demands. From this, we can see that the relevant figures are unable to reflect the idiosyncrasy and integrity of communities. The authorities should pay more attention to this.

With social development, DCs are facing an increasingly heavy workload. In accordance with the Basic Law, DCs are consultative bodies which will hold meetings to discuss many important social affairs and policies and distribute

resources for practical livelihood projects in districts. Some examples include the Universal Accessibility Programme and also the construction of three additional lifts in various districts on a priority basis. Vested with important duties, DC members get in touch with residents on the front line on a daily basis and provide various different services. So, they are most capable of grasping social views. They must also devote a great deal of energy and time in the process.

In my view, increasing the number of seats based on population growth is absolutely a correct direction. The reason is that a DC member has to serve around 17 000 residents at present, and his workload and challenges are getting greater and greater. Certainly, I already pointed out the areas in need of improvement just now, such as respecting the idiosyncrasy and integrity of communities.

Besides, I wish to reiterate that we cannot totally agree to maintain the existing numbers of seats in the North and Islands DCs. This time around, the Government makes its projection based on the 2016 Population By-census, without considering the population mobility and future development of various districts. Compared to the figure in the 2016 Population By-census, the population of the North District has already increased. And this has not taken account of the successive completion of various public housing estates in 2019 and 2020. Therefore, I pointed out at a meeting that the existing number of elected seats obviously fell short of the required number of elected seats because the latter outnumbered the former by 0.58 seat. Therefore, the number of seats should be increased by 0.5 in theory. If the factor of uncompleted public housing estates as I mentioned just now is taken into account, I think the number of seats should be further increased. But regrettably, the rate of increase has not been truthfully reflected in the Schedule.

This is likewise the case with the Islands DC as the population of the Islands District has also increased. Apart from population growth, we must also take account of the fact that the Islands District comprises various outlying islands. If the authorities see the need to re-demarcate its constituencies due to additional population, they may have to combine certain constituencies in the future. One greater concern among residents of the Islands District is whether it will be necessary to combine the Peng Chau, Lamma and Cheung Chau constituencies. The above outlying islands already cover large areas with scattered population distribution. It already takes one day to travel from one

outlying island to another. Under this circumstance, how can the relevant DC members possibly focus on providing satisfactory services to residents? In view of the idiosyncrasy and actual needs of the two districts mentioned above, I think their numbers of seats should be increased.

In gist, I think the Under Secretary is more able to grasp the views put forth by us at meetings of the Subcommittee and this Council. I also think that in the future, the authorities need to review the introduction of adjustments on the sole basis of figures in a population census. The authorities also need to seriously consider the circumstances of individual DCs. The numbers of seats in those DCs are huge, ranging from around 10, 30, 50 to 60. Their original conference rooms are already unable to accommodate the newly-added DC members. The Government should seriously consider whether to introduce adjustments to these large districts, so as to enable their DCs to provide more pertinent services and operate more satisfactorily.

While my colleague and I have put forth certain views, we nonetheless support the direction of increasing the number of seats this time around. Having said that, we hope the authorities can make reference to our views on the future elections of the Legislative Council and DCs and conduct a comprehensive review of the demarcation of constituencies or the need to increase or reduce the number of seats.

I so submit. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon the Secretary for Constitutional and Mainland Affairs to reply. Then, the debate will come to a close.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I wish to thank Mr LAM and Mr LAU for their speeches. I also wish to thank the two Honourable Members for supporting the proposal presented by the Government today.

The two Honourable Members mentioned and reiterated their high expectation of our upcoming review. They may put their mind at ease because just as we have stated clearly on various occasions in the Legislative Council all this time, we will give comprehensive consideration to Members' proposals on the scope of the review. The relevant mechanism has operated for five terms, and it will be the sixth term next time. This means that it has operated for 20 years since the reunification, so it is time to conduct a review. Will the population quota remain applicable? Does the figure of 17 000 warrant any adjustment? District Councils ("DCs") vary in size with huge discrepancy. Do they need any adjustment? Members can rest assured that we will thoroughly examine all such matters.

We hope to formulate a proposal in the next few years after taking on board Honourable Members' views and introduce it to the Legislative Council for discussion while also striving to complete the review before the election of the seventh-term DCs, in a bid to improve the mechanism and in turn achieve a satisfactory demarcation next time.

Thank you, President.

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions.

Six censure motions under Rule 49B(1A) of the Rules of Procedure.

First motion: Motion to be moved by Ms Claudia MO to censure Dr Junius HO.

I call upon Ms Claudia MO to speak and move the motion.

**Stand-over item: Member's motion under Rule 49B(1A) of the Rules of Procedure (since the meeting of 18 October 2017)**

**MOTION UNDER RULE 49B(1A) OF THE RULES OF PROCEDURE**

**MS CLAUDIA MO** (in Cantonese): President, this motion was discussed, or debated if you so prefer, at the House Committee meeting on 6 October. I wish to start with a remark made by Mr WONG Kwok-kin. He said at the meeting, "My wife often says that she wants to kill me. What is the big deal?" The big deal is that such confidences between husband and wife are totally inapplicable here because we are discussing a remark made in a public occasion, and I have reasons to believe that Mrs WONG will not hold a public assembly to discuss her spouse. This is a totally unreasonable remark ...

President, I did not formally move my motion just now. Should I say so now?

**PRESIDENT** (in Cantonese): Ms MO, you may now move you motion.

**MS CLAUDIA MO** (in Cantonese): Fine. President, I move that the motion, as printed on the Agenda, be passed.

Regarding our censure motions on Dr Junius HO who made the "kill without mercy" remark, I heard many pro-establishment Members say that Dr Junius HO made the remark because he is anti-independence and those of us who censure him are pro-independence. What an unimaginably bogus logic! It is unacceptable.

As far as I am aware, Dr Junius HO has never apologized for his remark. If I remember correctly, he did apologize for claiming to be a qualified barrister in the United Kingdom, saying that it was an inadvertent mistake and putting the blame on the translation. But he did not apologize for his "kill without mercy" remark. At the meeting on 6 October, he also did not apologize, and another pro-establishment Member said disapprovingly that he should be more careful with what he said.

The incident took place in a public occasion on 17 September last year, where Dr Junius HO intended to suppress our scholar Prof Benny TAI in the name of anti-independence. He made the "kill without mercy" remark on the stage, chanting words like "anti-independence", and then he got off the stage ... I forgot I have this photograph. It is not taken by me. We can clearly see what he said from the subtitles on the photograph ... He said, "Why not kill these advocates?", addressing those unpatriotic and pro-independence supporters. He said repeatedly that he meant the word "殺" (to kill), as in killing people. His remark advocates violence and incites people to kill.

In fact, on the next day, on 18 September, all pro-democratic Members jointly issued a censure statement, saying that Dr Junius HO wanted to kill pro-independence advocates. I hope that pro-establishment Members will not later change the focus to say that we support independence. They really should not change to an unrelated subject and discuss "anti-independence". I am talking about the "kill without mercy" remark.

In the censure statement issued by the democratic camp on that day, we say that Dr Junius HO has violated section 17B of the Public Order Ordinance (Cap. 245) ("the Ordinance"). By the way, I also invite Mr WONG Kwok-kin to pay attention to this section. It provides that "Any person who in any public place ... uses ... threatening, abusive ... words, with intent to provoke a breach of the peace ... shall be guilty of an offence and shall be liable ... to imprisonment for 12 months". The maximum penalty is imprisonment for one year only. Section 26 of the Ordinance also provides that any persons who incites violence "to kill or do physical injury to any person or to any class or community of persons" shall also be guilty of an offence. As a matter of fact, the Hong Kong Police have taken enforcement action in the past against persons who expressed words of hatred.

Regarding this censure motion, I certainly prefer to propose it under Rule 49B of the Rules of Procedure. Fortunately, the Rule has not been amended and I can still move my motion using that Rule. Regarding Dr Junius HO's misbehaviour, in addition to the incident took place in that public occasion on 17 September I just mentioned, he later made other remarks under the presence of the news media, such as saying that the advocates "must be killed", "it is no big deal to kill pigs and dogs", etc. These examples show that he really meant to say "kill" when he said the Chinese word "殺". He admitted it himself. But the truth is, in Hong Kong, it depends on where you kill pigs, and you will certainly be in trouble if you kill dogs.

The democratic camp issued the statement on 18 September, and then on 20 September, other organizations including me (such as the League of Social Democrats, Demosistō and People Power) made a complaint to The Law Society of Hong Kong, questioning Dr Junius HO's qualification as solicitor. We used the Chinese slogan "殺人放火金腰帶" (Killers and arsonists wear gold belts around their waist), and "修橋補路(或修橋築路)沒屍骸" (while bridge builders and road repairers (or road builders) perish without a trace), which roughly talks about the disparity gap and the unfair distribution of power in society.

But Dr Junius HO has admitted himself that the word "殺" (to kill) is very threatening. He said that merely saying the traditional Chinese character "殺" in Cantonese as in the slogan "Killers and arsonists wear gold belts around their waist" is threatening enough. He wrote on the Internet in black and white on 24 September that "The opposition camp expressly said they wanted to kill me. I am very frightened. I need to call the Police!" Let me tell Members. Since 24 September, the day he claimed he called the Police, no policeman has ever contacted us. He obviously has a low standard of the Chinese language and does not understand the meaning of this word.

However, there is indeed a difference in meaning in the saying "Killers and arsonists wear gold belts around their waist" and "kill without mercy". Please listen carefully. As I said just now, members of the press at the venue were startled by his "kill without mercy" remark. They thus asked him again, "Do you mean you want to kill them without mercy?" and he said, "Yes. It is no big deal to kill pigs and dogs. Why not kill such advocates?"

If we use common sense ... Of course, not long after the incident, roughly on 18 September, some people asked Rimsky YUEN, the Secretary of Justice at

that time whether he regarded the remark a cause of concern; and Rimsky YUEN replied that we should not deduce the meaning from a few words and we should also consider the context. President, I know this is the internal affair of the Legislative Council. I quote Rimsky YUEN, our former Secretary of Justice, purely for Members' information. I am not saying that his words are of any particular importance or should affect our stance on this matter. Rimsky YUEN says that the meaning depends on the words, sentences and background; and we should not make sweeping generalization; and at the end of the day, the best approach is to let the court decide.

Has the court ever said that the Chinese character "奪" (to seize) as in the phrase "重奪廣場" (to re-seize the forecourt) has any sense of violence? I say so just to let Members have an idea. However, in the following day when Carrie LAM was asked by reporters about her view on the remark, she said, "Any violent, insulting or threatening words is unacceptable; as to whether the use of such words violates the law, we need to count on the spirit of the rule of law; and under the separation of powers, it should be decided by the court.

I will not say here that he must have violated the law. Just now, I mentioned the censure statement jointly issued by democratic Members, which states that he has violated two provisions in the Public Order Ordinance, first regarding "using threatening, abusive words, with intent to provoke a breach of the peace", and second regarding any persons who incites violence "to kill or do physical injury to any person or to any class or community of persons". But it is up to the court to decide whether he has 100% violated the law or whether he has to stand trial.

President, Dr HO at some point claimed that he did not mean to use the word "殺" (to kill) but the word "煞" (to brake), as in braking a car. But why did he not say so sooner? On the day of the incident, he could have said, "There was a little misunderstanding just now. That is not what he meant to say." Instead, he only said so after the incident had escalated. He completely overturned what he had said. If he believes that these people should be killed, if he has the courage to say so, he should have the courage to admit his fault.

Hence, as we can see, not only has he damaged the reputation of the Legislative Council, but also suppressed a scholar in the name of anti-independence. Very regrettably, he has incited violence and advocated killing. This is totally unacceptable.



So, I hope Members can clearly see that this incident is not purely about freedom of speech, or being more accommodating. He has gone completely overboard, surpassing all these criteria. Acts of genuine freedom of speech should not be penalized. The best example is LIU Xiabo. His remarks are pure arguments. His opinions contain no violence, but love and peace. Just like Prof Benny TAI, his starting point is love and peace. However, LIU Xiaobo was convicted by his expression of opinions and died because of this reason.

I so submit. Thank you.

**Ms Claudia MO moved the following motion:**

"That this Council, in accordance with Article 79(7) of the Basic Law, censures Dr Hon Junius HO Kwan-yiu for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

**Schedule**

Details of Dr Hon Junius HO Kwan-yiu's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Public speech advocating killing and inciting violence

- (1) On 17 September 2017, Dr Hon Junius HO Kwan-yiu made a speech at the "anti-independence, anti-cold-bloodedness, anti-bogus academic" rally which aimed to have Mr Benny TAI Yiu-ting, Associate Professor of the Department of Law of the University of Hong Kong, sacked, advocating killing and inciting violence which included echoing the speech of Mr TSANG Shu-wo, Chairman of the Ping Shan Rural Committee, that "Anyone advocating Hong Kong independence not admitting they are Chinese are outsiders, we must kill them", and chanting "No mercy" in support of Mr TSANG's speech. During a media interview after the rally, Dr HO went on to advocate killing and incite violence by saying inappropriately "if Hong Kong independence advocates are subverting the fate of the country and have the 1.3 billion people in the Motherland and Hong Kong pay a huge price, why not kill such advocates?". Such expressions fail to meet the level of ethical conduct and responsibility expected of a Legislative Council ("LegCo") Member.

Contempt of LegCo

- (2) Dr Hon Junius HO Kwan-yiu's public speech which advocated killing and incited violence damages the dignity of LegCo, shows contempt of the powers and functions of LegCo, brings shame on LegCo, and seriously undermines public confidence in the legislature and LegCo Members.

The aforementioned behaviour amounting to misbehaviour and breach of oath

- (3) As a LegCo Member, Dr Hon Junius HO Kwan-yiu made speeches to advocate killing and incite violence in public. Such conduct amounts to misbehaviour and has breached the oath he made at the Council meeting of 12 October 2016 under Article 104 of the Basic Law and the Oaths and Declarations Ordinance (Cap. 11) that he will "serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity", which is the basic duty of a LegCo Member."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Claudia MO be passed.

**PRESIDENT** (in Cantonese): Mr CHAN Hak-kan, please speak.

(Mr CHAN Chi-chuen stood up)

**MR CHAN CHI-CHUEN** (in Cantonese): President, a point of order. I request a headcount.

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

(While the summoning bell was ringing, Ms Claudia MO stood up)

**MS CLAUDIA MO** (in Cantonese): I originally wanted to ask in private. I forgot whether I have time to make a reply later.

**PRESIDENT** (in Cantonese): Ms MO, you will not have time to make a reply later.

But Ms MO, Mr CHAN Hak-kan is about to propose a motion that "no further action shall be taken on the censure motion", and you may speak in that motion debate.

**MS CLAUDIA MO** (in Cantonese): So, I still have one chance to speak.

**PRESIDENT** (in Cantonese): Ms MO, you cannot speak again at the censure motion, but you can speak in the debate on Mr CHAN Hak-kan's motion. However, if Mr CHAN Hak-kan does not propose that motion, you will have no more chance to speak.

**MS CLAUDIA MO** (in Cantonese): That is to say, I will have no more chance to speak on the censure motion, but if Mr CHAN Hak-kan moves his motion, I shall have one more chance to speak. I got it. President, if that is the case, is it that I still have 15 minutes to speak on Mr CHAN's motion?

**PRESIDENT** (in Cantonese): Yes.

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

**PRESIDENT** (in Cantonese): Mr CHAN Hak-kan, please speak.

**MR CHAN HAK-KAN** (in Cantonese): President, I move the motion under Rule 49B(2A) of the Rules of Procedure "That no further action be taken on the censure motion moved by Ms Claudia MO".

**Motion under Rule 49B(2A) of the Rules of Procedure that no further action be taken on the censure motion**

**PRESIDENT** (in Cantonese): As Mr CHAN Hak-kan has moved the motion that "no further action shall be taken on the censure motion", I must deal with this motion first.

The Rules of Procedure provides for the procedure for Members to move a motion of "no further action shall be taken on the censure motion" with the purpose of allowing the Council to carefully consider if it is necessary to establish an investigation committee to look into the allegations.

Since the present debate is not on the censure motion but on the motion that "no further action shall be taken on the censure motion", Members should not discuss the content of the allegations stated in the motion in detail or whether the allegations are justified during the debate on this motion. Members should explain why they support or oppose that the matter stated in the censure motion be referred to an investigation committee.

I now call upon Mr CHAN Hak-kan to speak on the motion moved by him.

**MR CHAN HAK-KAN** (in Cantonese): President, just as what you have said, I move the motion that no further action be taken not for the purpose of discussing the contents of the censure motion regarding the allegation against Dr Junius HO or discussing if such an allegation is tenable, but for explaining why I support or do not support the proposal of referring the matter stated in the motion to an investigation committee. My reason is simple: the censure motion moved by Ms Claudia MO against Dr Junius HO is frivolous, vague, one-sided and has overplayed the matter, which indeed does not deserve the meeting time and resources of this Council for follow-up.

The Legislative Council belongs to the people of Hong Kong and it is incumbent upon us to adopt a positive attitude in handling and following up on matters of concern to the Hong Kong citizens instead of arguing over outdated matters that no one cares. I did not do any serious calculation, but the debate on this censure motion has been put off for some three months. Such a delay lasting for few months is actually a good thing because time will tell if a motion is vague or meaningful. A meaningful motion can stand the test of time and will

never lose its meaning over a prolonged period, just as the motions moved by Mr Jimmy NG and Mr Frankie YICK respectively on re-industrialization and the policy on promoting electric vehicles which still remains on the agenda of this Council. I trust that while all Members of this Council opine that both motions are still worth our time for discussion regardless that debates on such motions have been postponed for quite a long while, a lot of Members of this Council and members of the public are of the view that the censure motion moved by Ms Claudia MO does not deserve our spending time to discuss it.

President, many things happened in Hong Kong over the past few months and there are a host of meaningful things are awaiting us. We should let the Council catch up with the times and should not dwell on something outdated and trivial.

As we all know, the issue of "independence of Hong Kong" has emerged in recent years by which a series of incidents were triggered among local tertiary institutions, thus making "anti-independence of Hong Kong" a social focus. It is also clear to everyone that most Hong Kong people do not support Hong Kong's seeking independence either from a historical point of view or a constitutional point of view, or as far as public sentiment is concerned. In this regard, the Democratic Alliance for the Betterment and Progress of Hong Kong has taken an unwavering stance which is clearly defined and supported by a vast majority of the general public, including Dr Junius HO. Thus, some of the Members also attended the rally on that day to which Ms Claudia MO referred. In fact, not any acts of violence had been incited or provoked therefrom both during and after the rally. And we should adopt a "zero tolerance" attitude towards violent acts. On coming across any act of violence, we should shout aloud to stop it.

Actually, Dr Junius HO was only one of the speaker at the rally concerned, where the contents of his speech aims at saying "no" to the idea of "independence of Hong Kong". Pinpointing some of the words he had said—which I think were quoted out of context—Ms Claudia MO proceeded to make an allegation against an incomplete fact. By doing so, Ms MO must be, in my opinion, deliberately seeking to suppress another Member of this Council if she had not omitted any part of Dr HO's speech. If Ms MO really has zero tolerance for violence as she what has proclaimed just now, she should have publicly condemned the riots which took place in Mong Kok; when someone threatened to harm Dr HO together with his family and spread the message on the Internet, she should have come forth and shouted aloud to stop it; and when some people

forced their way into the East Wing Forecourt of the Central Government Offices earlier on that had caused the security guards to sustain injuries, she should also have come forth to tell them to stop doing so. Yet, she remained as silent as a stone when facing such acts of violence. Obviously, she adopts double standards.

President, there will be public judgment on whether Dr Junius HO had gone too far with his speech, but it is absolutely unnecessary to spend the time and resources of this Council for conducting inquiries into the matter given that he had already explained it to the public. And I think we need not make a fuss here of a few words that he had said. Censuring a Member at this Council is a very solemn matter and is not intended to be a means for suppressing dissidents or attacking one's political opponents. Abuse of censure may render this Council forever peace-less. Members of the public expect this Council to deal with proper council business instead of allowing Members to filibuster or censure anyone at will. Hence, I hope that Members will ponder seriously whether it is worthwhile to continue with any follow-up actions regarding this very motion moved by Ms Claudia MO.

President, with these remarks, I urge Members to support the motion that no further action be taken on the censure motion moved by Ms Claudia MO. Thank you, President.

**PRESIDENT** (in Cantonese): Members who wish to speak will please press the "Request to speak" button.

I now propose the question to you and that is: That the motion moved by Mr CHAN Hak-kan be passed.

**MR CHAN CHI-CHUEN** (in Cantonese): President, I speak to voice my objection to the motion moved by Mr CHAN Hak-kan that no further action should be taken on the motion moved to censure Dr Junius HO. I have heard Mr CHAN Hak-kan's speech which lasted only a few minutes, and in his opinion, the Legislative Council should discuss issues of concern to Hong Kong people, while the "killing with no mercy incident" involving Dr Junius HO is already history now and no one cares about it anymore.

It is indeed true for him to say so, and this is also a common tactic employed by a lot of public officers now, since everything will be fine as long as they can tide over the most difficult times. For example, regarding the unauthorized building works and integrity issues involving Teresa CHENG, she can first declare that she will not resign, and everything will then be fine as long as she can withstand the pressure for one to two weeks or one to two months more. This is because new things do happen in Hong Kong every day and new issues do emerge every week, and I often find it difficult to decide which issue should be used as the main theme of my street booths.

If I am allowed to make a choice now, I will of course prefer to denounce Teresa CHENG, or move an adjournment motion so that we can debate on other issues, such as whether a former Member who has been disqualified from office after the interpretation of the Basic Law by the National People's Congress will be disqualified again when he seeks to run in a Legislative Council election. As compared with the "killing with no mercy incident", if I am asked today to choose among two or three other subjects, and if all these issues are laid on the table for Members to choose the one they would like to debate on, we will of course be more interested in discussing more updated topics. Take pro-democracy Members as an example, I really do not know how many of them are still interested in speaking on the incident. Hence, Mr CHAN Hak-kan is right in saying that the incident is already history now, and it is true that we can hardly find follow-up news reports on the case.

I do not agree that time will tell everything, because under the distorted system in Hong Kong at present, public officers or Members who have committed mistakes can simply get away without punishment as long as they can withstand the pressure for a period of time, because most of the time we do not have enough time to follow up on the relevant matters, or the issues concerned have become obsolete. Hence, I still respect Ms Claudia MO's efforts in moving this motion to censure Dr Junius HO, although we will not be able to make him pay for what he has done as we originally desired and to put it in a violent way, have him "beheaded".

In addition, I would also like to highlight the fact that Mr CHAN Hak-kan has tried to dilute the matter by diverting people's attention just now, and this was also a tactic employed by Dr Junius HO after the incident to argue that most people do not support "Hong Kong independence". This argument is in fact irrelevant to the subject under debate today, and neither can it be used as an

excuse to absolve Dr Junius HO from his responsibility for what he has done that day, no matter it is a slip of tongue or an exaggeration of violence.

If Members give their support—but I will definitely not do so—to this motion moved by Mr CHAN Hak-kan today, it will imply that the Legislative Council is announcing to all people in Hong Kong and even in the world that it is perfectly fine for us to advocate indiscriminate killing and hurting people with different political views. Although there are people advocating "Hong Kong independence", does it mean that we can incite other people to kill them or beat them up? Certainly not. Therefore, if Members vote for this motion today, I hope no one will report, be aware of or be concerned about the matter, because if people are concerned about, aware of and keeping their eyes on what we are doing here today, your decision to vote for Mr CHAN Hak-kan's proposal will be a gesture to show your readiness to let such matters off lightly. If Hong Kong remains a place full of hatred and violence in the days to come, Members of this Council should be held responsible.

The reasons why I object to the motion are as follows: First of all, if we cannot deal with Dr Junius HO's slip of tongue and unethical behaviour under this mechanism in the Legislative Council, it will imply that this Council agrees and gives tacit consent to the use of hate speech. Secondly, as the Department of Justice and the Police have so far taken no further action against Dr Junius HO, let alone taking action to arrest or prosecute him, the Legislative Council has become the best forum to inquire into matters relating to Dr Junius HO's behaviour and impose a sanction accordingly. Thirdly, by participating in an inquiry concerning the conduct of Dr Junius HO, Members of the pro-establishment camp can make a clean break with his slip of tongue and unethical and inappropriate behaviour. Fourthly, the conduct of an inquiry into matters relating to Dr Junius HO's behaviour will be helpful to suppressing the use of irrational words and hate speech by the extreme leftists. Upon the passage of the motion moved by Mr CHAN Hak-kan today, we will not be able to inquire into matters relating to Dr Junius HO's hate speech, thus implying that the Legislative Council also agrees with what he has said in his speech.

For quite some time in the past, and in these recent few years I think, the advocacy of "Hong Kong independence" has become a tool for the extreme leftists to attack their political opponents. These people, especially indigenous communists of the so-called leftist camp, can wilfully label anyone as an advocate of "Hong Kong independence", and it is most puzzling to me that even



"Long Hair", a "Greater Chinese moron" who supports the defending of the Diaoyu Islands, and YIU Chung-yim, a humble gentleman who has been relatively cautious with his words and deeds, can be sweepingly regarded as "Hong Kong independence" advocates simply because they have been disqualified from office. Some Members in this Council also have the habit of mixing things up and alleging others of advocating "Hong Kong independence". I have never taken a clear-cut stand in supporting "Hong Kong independence", but have been sworn at in the street and criticized for advocating "Hong Kong independence". It can thus be seen that the term "Hong Kong independence" has already become a tool for the extreme leftists to eliminate their political opponents, and anyone labelled as an advocate of "Hong Kong independence" by pro-China newspapers will be criticized fiercely and disproportionately, and will then end up in big trouble.

Recently, a growing number of extreme leftists who are blood-thirsty and addicted to violence have acted in the name of anti-independence and resorted to hitting people they dislike with their fists and legs, or even causing bodily injury to them. It seems that the excuse of anti-independence has provided these extreme leftists who are prone to violence with an amulet, so that they have every good reason to beat up anyone whom they dislike and regard as an advocate of "Hong Kong independence". Furthermore, it appears that the Police and the court have been very tolerant of these people, and although some of them have chased and beat up people regarded as "Hong Kong independence" advocates, they have not been made to pay the price for what they have done. Hence, under the vicious cycle thus formed, they will only become more and more aggressive.

Against this background, the rally on 17 September last year has become a perfect opportunity for these extreme leftists who are prone to violence to stir up trouble, and three freelance photographers who covered the event at the scene then were suddenly surrounded and sworn at with foul language by attendees of the rally. It is understood that the incident took place when the photographers gave no reply to some questions raised by these attendees, who then became very agitated and surrounded the three photographers very quickly. They rebuked the photographers for advocating "Hong Kong independence", and some of these extreme leftists who are prone to violence have even put their arms round the neck of the photographers. The Police have as always practised favouritism towards the extreme leftists, and instead of taking action to arrest those who have put their arms round the neck of the photographers, they advised the photographers who are actually victims of the incident to leave the scene.

It can thus be seen that a certain number of people among the participants of the rally that day are extreme leftists who are prone to violence. They are very often treated with leniency, and have always acted in the name of anti-independence to threaten people they do not like, even though these people are only photographers who have no political stance.

Let us come to think about this: if an Honourable Member attended the rally in his capacity as a Member of the Legislative Council, echoed the speech of that person surnamed TSANG, who is a fierce-looking man suspected of having a certain kind of background, that "Anyone advocating 'Hong Kong independence' are outsiders, we must kill them", and chanted the two words "No mercy", how would this group of extreme leftists who are addicted to violence interpret the whole thing? They would certainly think that if even an Honourable Member who is a practicing lawyer can chant the slogan of "kill with no mercy", the Government and even the Central Authorities should also be supportive of what they do, and it should then be alright no matter how they treat advocates or alleged advocates of "Hong Kong independence". In this case, let us not talk about people who do not support or advocate "Hong Kong independence", but would it imply that they can hurt other people indiscriminately when these people genuinely support or advocate "Hong Kong independence"?

Moreover, these extreme leftists are generally very submissive ...

**PRESIDENT** (in Cantonese): Mr CHAN Chi-chuen, I have already reminded Members that the subject of the debate should be confined to the question of whether the details set out in the censure motion should be committed to an investigation committee. Members should not discuss in detail the allegations particularized in the censure motion.

**MR CHAN CHI-CHUEN** (in Cantonese): Alright. His behaviour is highly provocative, and it is probable that his speech can incite others to cause bodily injury to other people and even to kill, but Dr Junius HO has not only failed to tone down the incident but has also poured oil onto fire. He went on to tell reporters after the rally that it very much depended on what a person was trying to kill, and killing a pig or a dog did not constitute a criminal offence. However, in his opinion, advocates of "Hong Kong independence" are subverting the fate of the country and making the 1.3 billion people in Hong Kong and the Motherland

pay a huge price, so why is it not possible to kill such advocates? According to the explanation given then, this is what the phrase "kill with no mercy" means, and it can be said that he abhors such evils as deadly foes.

If Members of the Legislative Council do not take actions to deal with matters relating to his speech which incites the extreme leftists to hurt others and even to kill, we are just following the example of TSANG Wai-hung, who told police officers that they had done nothing wrong, by announcing to the extreme leftists who are prone to violence that Dr Junius HO has done nothing wrong, and that it is right to "kill" advocates of "Hong Kong independence" with "no mercy", and they have the right to hurt people with different political views. Even if it is an offence to advocate "Hong Kong independence", should they be allowed to do so? Yet, it should be noted that the entire issue is still at the discussion stage.

There are so many fallacies in Dr Junius HO's arguments that he has even claimed that anyone who has not spoken in objection to "Hong Kong independence" openly and does not have a Home Return Permit is an advocate of "Hong Kong independence". I wonder if Members notice that this is actually a disguised replacement of concept, meaning that anyone who has not taken active action against "Hong Kong independence" is a "Hong Kong independence" advocate, who can be "killed with no mercy".

If the Legislative Council still refuses to take actions to handle matters relating to Dr Junius HO's speech, his behaviour will only become increasingly unreasonable and unpredictable, admitting his mistakes and apologizing at one time, while overplaying the matter and making extreme remarks at another time. I also find his evening programme called "Junius' Action" most sickening, and the Cantonese pronunciation of its Chinese name "君事行動" is the same as that of another Chinese term "軍事行動", which means "military action". Although this is an attempt to play with words, the Chinese name itself actually encourages violence. Nevertheless, what he says in this programme are often published as news headlines of newspapers the next day, and I really cannot understand what these media organizations are up to. Fortunately, I understand that although some Members of the pro-establishment camp will vote for Mr CHAN Hak-kan's motion, they do not consider Dr Junius HO's behaviour agreeable, is that right?

If some pro-establishment Members, such as Mrs IP, really think so, I think she can actually leave the Chamber when the motion is put to vote later, because there is no point indicating support for Dr Junius HO's remarks and Mr CHAN

Hak-kan's motion. I would also like to give praise to Mrs IP, who has pointed out frankly that Dr Junius HO was expressing his patriotism in a very silly way. As a result, she has been subject to severe criticisms from a group of extreme leftists on the Internet, and Dr Junius HO has also criticized her repeatedly and indirectly in "Junius' Action". Mrs IP has withstood immense pressure to say "no" to Dr Junius HO's remarks, and I have to pay tribute to her for this.

Fellow Members of the pro-establishment camp, I think you should also act according to that little bit of conscience left with you at an appropriate time. The Member we are talking about is fond of making indiscreet remarks with the only purpose of stealing the limelight from you but not from me, and there is indeed no point competing with him to see who can push things to the extreme. For example, if we keep sliding a glass to the other end of the table, it will eventually fall off and shatter on the ground. Dr Junius HO is this kind of person, who is always trying to push things to the extreme, and although you are kind enough to take the heat off him this time, he will run into greater trouble next time. It seems that Dr CHIANG Lai-wan is nodding her head, am I right? I do not have my glasses on and cannot see very clearly.

(Some Members spoke in their seat)

Members can of course speak, but I think although fellow colleagues from the pro-establishment camp are not sincerely convinced, they will eventually vote for the motion or leave the Chamber. Mr CHAN Hak-kan did not say much in his speech just now, but I hope Mrs IP would conversely make a brief speech and speak from the bottom of her heart, even though she will vote for Mr CHAN Hak-kan's motion in the end. It will not take us a lot of time and this is a perfect opportunity for us to state our position, although the incident is already history, there is no more coverage in newspapers or on television, and we are left to exchange views among ourselves.

However, we should not stop speaking simply because no one cares about the matter any more. Dr Elizabeth QUAT is also advocating zero violence and zero tolerance, and you can make an objective judgment, regardless of whether the person involved is Dr Junius HO. He has set a bad example by chanting "kill with no mercy" like this and echoing a speech advocating killing, has he not? You are not nodding your head, but are smiling.

Therefore, I will of course vote against Mr CHAN Hak-kan's motion, and this is also my position with regard to cardinal issues of right and wrong. No matter such issues have become obsolete or not, we should always call a spade a spade. Let us put on record and make Dr Junius HO understand that although Members have reluctantly taken the heat off him this time, it may not necessarily be helpful to him, and he has to be really careful next time since Members may choose to leave the Chamber and not to participate in the voting.

I so submit. Thank you, President.

**DR KWOK KA-KI** (in Cantonese): President, I speak in opposition to Mr CHAN Hak-kan's motion that no further action be taken on the censure motion.

Many people say that the incident took place a long time ago and we had better not make a big deal out of it and let it be bygones. However, we need to pay attention that Dr Junius HO has more than once damaged the image of the Legislative Council on several occasions.

Certainly, the motion is to discuss the incident which took place on 17 September last year. We should still remember that at the "Anti-independence, Anti-cold-bloodedness, Anti-bogus academic" rally, how Dr Junius HO and Mr TSANG Shu-wo, Chairman of the Ping Shan Rural Committee, acted in duet and how Dr Junius HO chanted "No mercy" in support of Mr TSANG's speech that "Anyone advocating Hong Kong independence not admitting they are Chinese are outsiders, we must kill them". After the incident, democratic Members or supporters criticized Dr Junius HO. But as Mr CHAN Chi-chuen just said, Mrs Regina IP and several pro-establishment persons also pointed out at a very early stage that Dr Junius HO had used an inappropriate word, expressing their intolerance towards his open expression of killing.

Some people may want to let bygones be bygones. But Dr Junius HO is not an ordinary Member of the Legislative Council. As Members may be aware, he was a former President of The Law Society of Hong Kong and is familiar with the law; he is also a Council member of Lingnan University and frequently mentions how hard he works for the education sector. But in spite of the above, he made the "kill without mercy" remark. I do not know how he is going to face the students.

Dr Junius HO can be said as a knowledgeable and educated person. I used to think that Presidents of The Law Society of Hong Kong are well-educated people familiar with the law who understand that they cannot be too casual with what they say. But President, Dr Junius HO's reactions to the criticism on his remarks are regrettable. He often says that the Occupy Central movement is violent, or other such incidents involve violence. But in fact, what he says precisely exemplifies verbal violence. He does not make any sincere apologies for his remarks or censure himself; worse still, he calls people and students who have criticized him "little Red Guards", saying that all of them have ulterior motives and are intent on making literary inquisitions, causing white terror, initiating a cultural revolution, etc.

I think any conscientious and educated persons should know that they should stop putting up any more lame excuses after having made such unpleasant remarks. But I have yet to mention a provoking remark he made to the people who criticized him on 18 September. He said, "You stupid people, why don't you call the police and sue me for threatening you?" A Legislative Council Member should not speak so rudely. But he is not only a Legislative Council Member, but also an experienced solicitor and a former President of The Law Society of Hong Kong.

When pro-establishment Members censured other Legislative Council Members or other people, including criticizing people like Prof Benny TAI, we often heard them say solemnly that they could not support violence. Actually, Prof Benny TAI and the other two who initiated the Occupy Central movement have never said anything violent. Even those Members in this Council who support the Umbrella Movement would not have said something so violent and insensible. Not even ordinary people should use such abusive language, nor should lawyers or a former President of The Law Society of Hong Kong, to say nothing of a Legislative Council Member.

As stated by Ms Claudia MO in the Schedule to her motion, Dr Junius HO's public speech which advocated killing and incited violence damages the dignity of the Legislative Council and shows contempt of the powers and functions of the Council. I do not know how pro-establishment Members can accept such a colleague who talks about killing and incites violence. We censure Dr Junius HO under Article 104 of the Basic Law because he has breached the oath. In the Oath of the Legislative Council, a Legislative Council

Member has to act in full accordance with the law. This is the most basic requirement. He cannot cunningly overturn his violent remark by saying that he does not mean what he said.

President, in the history of mankind, many vicious killers did not kill with their own hands. Under the rule of HITLER in the Nazi era, or Chairman MAO of our country, tens of millions of lives were lost. These rulers did not kill with guns; they did not hack people's heads off with knives either. They mostly made people follow them through their words or uncivilized and insensible acts.

Some people say that we should not overestimate Dr Junius HO for he is only a member of the pro-establishment camp. We should still remember that many people in the pro-establishment camp distanced themselves from him after he made that remark. I remember some people disassociated with him and ignored him. I believe the drinker knows whether the water is cold or warm by themselves, and he should know at that time how those people treated him. After all, this reflects that however insensible the logics of pro-establishment camp are, its members cannot accept the insensible logic of Dr Junius HO which advocates violence.

Hence, Ms Claudia MO precisely wishes to remind Members through her censure motion of the solemn undertaking of the Legislative Council, and of the oath we took when we swore in as Members of this Council, particularly the undertaking to act in full accordance with the law.

We cannot accept Mr CHAN Hak-kan's motion. Their attitude seems to say that no one has died because of the remark. Yes, the remark will not cost anyone's life, but the remark is made by a Legislative Council Member. I really wish to ask Mr CHAN Hak-kan or the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") whether they agree with such violent remarks. When Mr CHAN Hak-kan chooses to oppose Ms Claudia MO's censure motion and take no further action on it, he is directly admitting or even advocating and agreeing with such words. This is a serious matter.

DAB or Mr CHAN Hak-kan often behaves righteously in front of us. They censure people for their violent acts and point out their wrongdoings. However, if pro-establishment Members choose to support Mr CHAN Hak-kan's motion, their support is no difference from advocating, accepting or even

agreeing with Dr Junius HO's outrageous remark. This is important because this will deliver a message to their voters and the public that they accept irresponsible and inappropriate remarks such as Dr Junius HO's "kill without mercy" remark that incites violence.

This makes me feel that the pro-establishment camp and the royalist camp have double standards. They criticize peaceful activities of the democratic camp, such as the Occupy Central movement or other peaceful activities, calling these activities illegal and inciting violence; they impose all heinous offences on us. But when their party member, Dr Junius HO, made an extremely unacceptable remark, a remark that incites violence and killing, they resort to sophistry, distort the truth, tolerate him and cover up his faults. This is the same as agreeing with Dr Junius HO's words and deeds. The standard of the pro-establishment camp is so low that it is pathetic.

Many people hold that such a remark will be forgotten. But I believe that you would not say to your family members at home, "You should not do that, or I will 'kill without mercy'." Nor would you use words like "kill without mercy" in your conversation with your colleagues at work. Dr Junius HO made the remark on a public occasion, which is much more inappropriate than saying it in a casual private conversation. I would not use words like "kill without mercy" even if I am joking with you or other people. Dr Junius HO has not sincerely apologized for his misbehaviour nor reviewed his wrongdoing after he made the remark. All that he has been doing is defending himself with his preposterous reasoning, and also repeatedly challenging people that they can ask enforcement officers to press charges on him. This is an inferior behaviour and those Members who cover up for him are the same inferior.

Some people say that Dr HO only behaves like this occasionally. I believe everyone would beg to differ. He has numerous past examples of similar behaviours. For instance, as a legal practitioner, he was found taking pictures in courts; he claimed himself a social worker and made an abusive speech on women at the programme City Forum. Ms MO has not mentioned these examples in her motion. But I hold that Dr HO's abusive speech may affect the public's impression of Legislative Council Members. I know that several female Members from the pro-establishment camp are here. If they later have a chance to speak, I truly wish to know whether they will defend Dr HO for his "outstanding" pithy remarks and his abusive approach to different people.



There is one more point I wish to raise. I think this is also out of line. Dr HO has used ...

**PRESIDENT** (in Cantonese): Dr KWOK Ka-ki, this Council is not debating the allegations made in the censure motion, but debating whether or not the matter stated in the censure motion should be referred to an investigation committee. I have already allowed you on a discretionary basis to talk about something unrelated to the present subject. Would you please come back to the subject and explain why you support or do not support referring the matter stated in the censure motion to an investigation committee.

**DR KWOK KA-KI** (in Cantonese): President, I now come back to the subject and I oppose Mr CHAN Hak-kan's motion.

President, one point is related to the discussion today. It has been reported that Dr HO asked Ms Claudia MO to withdraw her censure motion, claiming that he wanted to settle the matter in private. I hold that as a Member from the legal sector, or as a lawyer, he should know that motions, or censure motions, of the Legislative Council are not a child's play. The way he acts and thinks is indeed very frightening and worrying. He is like people in the Mainland who prefer settling wrongdoings in private. As a Legislative Council Member, we should be accountable to the public. When we swore in as Members, we made several undertakings, including to act in full accordance with the law. Hence, we have to proceed with the censure motion on Dr HO, and we cannot accept the motion moved by Mr CHAN Hak-kan.

I so submit.

**PRESIDENT** (in Cantonese): Mr CHAN Kin-por, please speak.

(Mr CHAN Hak-kan stood up)

**PRESIDENT** (in Cantonese): Mr CHAN Hak-kan, what is your point?

**MR CHAN HAK-KAN** (in Cantonese): President, I believe Dr KWOK Ka-ki has misunderstood what I just said. I wish to make a clarification.

**PRESIDENT** (in Cantonese): Mr CHAN, would you please clarify the part of your speech that has been misunderstood.

**MR CHAN HAK-KAN** (in Cantonese): Perhaps Dr KWOK Ka-ki was upstairs when I spoke just now. I clearly said in my speech just now that we have zero tolerance towards any acts that breach the peace of society and advocate violence. I wish to specially put my clarification on the record.

**PRESIDENT** (in Cantonese): Mr CHAN Kin-por, please speak.

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, I wish to clarify. Just now I did not say DAB ... I only said the behaviour ... I meant to say, if you accept Dr Junius HO, you also accept his words and deeds. This is a fact. They will accept Dr HO's words and deeds. I am not saying that they promote or encourage such violent acts. But Dr HO did make that remark. Thank you, President.

**PRESIDENT** (in Cantonese): Dr KWOK, please sit down.

**MR CHAN KIN-POR** (in Cantonese): President, although the remarks made by Dr Junius HO this time around have caused discomfort to some people, they are not serious enough to warrant a censure motion in the Legislative Council. I consider a censure motion is a weapon of utmost importance in the Legislative Council and it should not be used randomly.

The wordings used in the remarks made by Dr HO's at the public assembly are inappropriate. It is just natural for people to construe them an incitement to violence and therefore feel discomfort. Nevertheless, Dr Junius HO has explained publicly that his remarks were not trying to incite violence or killing people. I believe Dr HO has gained certain profound feelings this time around. Originally, his enthusiasm in promoting the opposition to the independence of Hong Kong and ascertaining the responsibilities of Prof Benny TAI has won a lot of support. However, some people have successfully diverted people's attention by taking advantage of his remarks. Now he is being criticized by public opinions, while Prof Benny TAI, the one who should be censured, is let go. What a pity.

I hope Members will rethink that today we are criticizing Dr HO's radical remarks, but have we ever thought of the fact that we have gotten used to the use of radical language or even verbal violence? Quite a number of Members have even come down to personal attack at officials or other Members. They look ferocious, they made scathing remarks and they resorted to every insulting tactic. In fact, why did they dare not to convince others by reasoning? As long as they could explain their reasons clearly, the public would understand. Why should they resort to vulgar language and insist on personal attacks? These behaviours would not only set a bad example for children, they would contaminate our society and had made people thought that they could do anything if they were ferocious enough. I believe the public already have a loathing of such behaviours. I hope Members can rethink about that. For that reason, I support Mr CHAN Hak-kan's motion.

I so submit.

**MR CHU HOI-DICK** (in Cantonese): President, I speak against Mr CHAN Hak-kan's motion on "No further action shall be taken on the censure motion moved by Honourable Claudia MO". I oppose Mr CHAN's motion mainly because of three reasons. First, what Dr Junius HO has said in the rally will cause very serious problem. Mr CHAN Hak-kan says Dr HO only made a questionable remark that day, but this is not true. President, Dr HO has said much more than that. It is excusable if Dr HO only said "without mercy" after TSANG Shu-wo uttered the word "kill". We can consider this a conditioned reflex because "kill without mercy" is a fixed expression. It is somewhat understandable for him, as the host of the rally, to say "without mercy" in a conditioned reflex under such a circumstance. However, President, what has happened then? His "without mercy" remark is so unacceptable and touches the

very bottom line of Hong Kong people that even the reporters are stunned. It is fine if he seeks to condemn Hong Kong independence, but he cannot do so by inciting violence. Hence, he was surrounded by microphones that day as reporters flocked to ask him ...

**PRESIDENT** (in Cantonese): Mr CHU Hoi-dick, please stop for a moment. I have to remind Members once again that this Council is now debating on the "no further action" motion, not the censure motion. In the course of debate, Members should not dwell on the accusations set out in the censure motion or the validity of such accusations. Instead, Members should explain whether they are for or against referring the matters in the censure motion to an investigation committee. Mr CHU, please continue with your speech.

**MR CHU HOI-DICK** (in Cantonese): President, I think the public understand that we are debating on the need for the Legislative Council to further deal with the issue. President, my first point is that this is a very serious issue which warrants our further actions. I will go on explaining how serious the problem is. According to Mr CHAN Hak-kan, only one single remark made by Dr Junius HO that day is questionable, but I disagree with him. I just want to briefly explain my disagreement. Dr Junius HO did not stop himself from making further remarks that day. When reporters asked him to clarify the meaning of his "killing without mercy" remark, he further said cats and dogs were domestic animals, not human. If killing cats and dogs had nothing to do with human, what was wrong with saying "killing without mercy"? His reply does not carry any sense of guilt, nor does he intend to clarify he does not mean to "kill without mercy".

President, I think the overall remarks made by Dr Junius HO at the rally will cause a very serious problem. I would not have bothered to speak for Ms Claudia MO's censure motion and against Mr CHAN Hak-kan's motion if Dr HO only made one questionable remark that day. I think Dr Junius HO's entire speech really means to incite violence. Let me give you some background information. Why reporters respond so strongly to the remarks? As we all know, the New Territories are full of rumours, and a number of gang-related violence have happened there. TSANG Shu-wo is not an ordinary people, hence his utterance of the word "kill" as Chairman of Ping Shan Rural Committee will serve very different effect. I myself will take TSANG Shu-wo's "kill" remark very seriously. President, to me, I sincerely think that he may not be joking at

all. Equally, I will consider Dr Junius HO's echoing this "kill" remark immediately by saying "without mercy" and his further explanations a criminal offence and a serious problem.

Second, Mr CHAN Hak-kan says this issue is outdated. But as some Members have refuted, the issue is outdated does not necessarily mean we cannot bring it up for discussion. Hong Kong is no lack of new topics because the behaviours of our senior government officials alone can provide us with fresh gossiping topics every day. I remember Mr CHAN Chi-chuen has also mentioned this point. President, I want to point out that if the Legislative Council does not inquire into the remarks of Dr Junius HO, society will suffer greatly from our non-action. We can already see the negative effects. President, a number of incidents have happened in society following the "killing without mercy" remark. President, some say many young people in Hong Kong are anti-government frustrated youth who are violent and radical. But it is also undeniable that recently, we can also see an increasing number of frustrated middle-age people in society. As far as I understand, these frustrated middle-age people are the core supporters of Dr Junius HO, or to put it another way, most of them support Dr Junius HO. What they have done in various occasions over the past one or two years? I cite an example. Earlier on, I fled with Joshua WONG and Nathan LAW to Taiwan to make speeches at the establishment ceremony of a Hong Kong concern caucus set up by the New Power Party and some other parties. When we returned to Hong Kong, former Member Nathan LAW was assaulted at the airport. Who are the attackers? The assault is not out of monetary dispute. It is the frustrated middle-age people who commit the assault because they think Nathan LAW is an advocate of Hong Kong independence and thus betrayer of Hong Kong.

Not only do they assault Nathan LAW, but they also insult Judge Ms Bina CHAINRAI outside the Court in respect of the recent Franklin CHU case. President, if both the Legislative Council and the enforcement authority turn a deaf ear to Dr Junius HO's "killing without mercy" remark, these frustrated middle-age people may simply follow what HO has said. Perhaps, they may come to believe that it is okay to assault people of the "yellow ribbon" camp or those who are hostile to the Beijing Government or the SAR Government. Actually, I think the atmosphere ... for a while, even our pro-establishment colleagues have responded strongly to Dr Junius HO's remark. In his speech, Mr CHAN Kin-por also considers this kind of remark inappropriate. Why? I believe all Members, including the pro-establishment colleagues, are aware that it is inappropriate for this "frustrated middle-aged" sentiment to ferment, right? I

do not think we will feel justice has been done only after we see the two generations of frustrated youth and frustrated midlife fight with each other in the street, right?

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

Even the pro-establishment camp will not wish to see this happening. The non-action of the Legislative Council will let the negative effects spread over and aggravate. Today's debate gives us an important opportunity to discuss Mr CHAN Hak-kan's motion which calls for inattention, heedlessness, and non-action. Through the debate, we have to make it very clear to the public about the disruptive effects of not following up the issue.

Deputy President, third, despite Mr CHAN Hak-kan's description of the issue as outdated and the dealing of it a waste of time for the Council, I will explain why the Legislative Council has to set up an investigation committee to pursue the issue. The Department of Justice and the Police have indeed taken follow-up actions in respect of the negative effects I have just mentioned. For example, there will be arrests against the frustrated middle-age people for their assault on former Member Nathan LAW at the airport and for their shouting insults at Judge Ms Bina CHAINRAI on the trail of Franklin CHU outside the Court. Actually, a frustrated middle-age woman has just been arrested by the Police for alleged insulting Judge Ms Bina CHAINRAI. What does this imply? For cases of insult to or racial discrimination against foreign judges, we can see comments from the Hong Kong Bar Association as well as the Judiciary, actions from the Department of Justice, and investigations and arrests by the Police in the entire government system.

If we put the insulting remarks hurled at Judge Ms Bina Chainrai and the rally remarks made by Dr Junius HO together for comparison, we cannot see any difference between the two. I can only say Dr Junius HO's rally remarks are more serious in nature and pose a more pressing problem. With the Department of Justice turning a deaf ear to HO's remarks, criminal actions are unlikely. After the rally, I along with some other Members came to The Law Society of Hong Kong to request it to step in. But I think actions from The Law Society of Hong Kong are also unlikely. I do not know and there is also no way for me to ask why the criminal enforcement authority refuses to take actions and pursue the issue. This is unfair and discriminatory. Does it mean the frustrated

middle-age woman has to bear the consequences of her insulting remarks because she is just an ordinary citizen? How about the Honourable Members? I am sorry but Members will be immune from prosecution just as "scholar-officials' should be immune from penalty". This is what the public think about the two cases. When the Legislative Council is proposing to follow up the rally remarks now, I call on Members to defend our bottom line. When the criminal enforcement authority refuses to deal with the issue out of unknown reasons, the Legislative Council should have its dignity and should not allow its Members to publicly incite violence. Whatever political affiliations we belong to, we should curb the proliferation of this violent political culture. It is inadvisable to point the finger at us and say some of our members are equally violence. Neither painting all people with the same brush nor distracting people's attention is helpful. Some frustrated youth are anti-government does not necessarily mean the frustrated midlife can act violently. Nor does this mean Dr Junius HO can incite them to attack people who discuss or advocate Hong Kong independence.

Finally, Deputy President, I think it is really regrettable that Dr Junius HO's impulsive temperament makes him frequently speak on his feet. Whether this makes you think he speaks without any restraints or he is simply frank, his remarks often cause us to raise an eyebrow. But for this time, I think there are many voices of disapproval in society at large or even in the pro-establishment camp. Dr Junius HO has not offered any formal apology months after his remarks. I am not sure if it is because he does not wish to let his supporters down or because he is afraid of losing face. But if even Mr CHAN Kin-por finds his remarks inappropriate, Dr Junius HO should better apologize for his inappropriate remarks. Why does he not do so? In case Dr Junius HO will speak later on, I hope he would clearly apologize for his remarks, not for any inconvenience or misunderstanding caused. His remarks that day have made many people think he is inciting violence. Hence, he should first of all make it clear that he does not intend to incite violence, to be followed by an apology. I really hope that Dr Junius HO will consider doing so.

**MR IP KIN-YUEN** (in Cantonese): Deputy President, I think Dr Junius HO should tender a solemn apology to Hong Kong people, and the pro-establishment camp should urge Dr Junius HO to apologize rather than trying to defend him by moving the motion that no further action shall be taken on Ms Claudia MO's censure motion.

Whether Dr Junius HO agrees to apologize and whether pro-establishment Members are willing to urge him to do so are matters of huge importance. His apology will indicate that he did something wrong, and this can draw a line between right and wrong. He did many wrong things in the past. If it was a mere slip of the tongue this time, we will show our understanding and tell him that it is alright as long as he does the right thing in the future. Dr HO's refusal to tender a solemn apology this time around, together with the pro-establishment camp's reluctance to take any action to follow up his refusal to tender an apology, will produce the objective effect that the legislature approves of the relevant expression or at least accepts the relevant expression and practice. If they keep trying to defend Dr HO by various means or divert Members' attention, I think they are unable to tell right from wrong. I hope pro-establishment Members can consider their stance very seriously.

Why do we find it necessary to take actions? The reason is simple. It is because there were several problems with Dr Junius HO's words this time around. First, the words he uttered on that public occasion incited violence. Second, he kept denying everything by putting forth various excuses afterwards and went on to attack others. The continued escalation of his deeds shows that he has failed to give a clear answer to the very question of right and wrong. For these reasons, I do not think Members should support this motion that no further action shall be taken on the censure motion this time.

Dr Junius HO initiated the "anti-independence, anti-cold-bloodedness, anti-bogus academic" rally at the Tamar Park. Making a hand-chop gesture, Mr TSANG Shu-wo said, "Those who propagate 'Hong Kong independence' must be killed." And at the time, Dr Junius HO echoed aloud by saying "without mercy". Under section 26 of the Public Order Ordinance, any person who makes any statement without lawful authority at any public gathering with the intention to incite or induce any person to kill any person or any class or community of persons shall be guilty of an offence. The rally was held at a public venue, and many public figures assembled there to state their political stance. Dr Junius HO and Mr TSANG Shu-wo also made a statement. I believe the answer to the very question of whether he intended to incite anyone to kill others through his words was crystal clear.

Dr Junius HO even attempted to deny everything after the rally. For instance, he argued that apart from being used in the context of battles, the word "kill" also carried many usages, and he gave the example of schools (namely, the



sector to which I belong). He argued that the word "kill" as in "to kill a school" did not mean "to cause death". But we must realize that the assembly concerned was not the only occasion where Dr Junius HO uttered this word. Members must ascertain its meaning in context. After the assembly, Dr Junius HO said during a media interview, "If Hong Kong independence advocates are subverting the fate of the country and have the 1.3 billion people in the Motherland and Hong Kong pay a huge price, why not kill such advocates?" He even went on to say, "All depends on what is killed. Killing a pig or dog is not a criminal offence."

Put into context, the word "kill" uttered by him can only be taken to mean "slaughter" rather than "end" as in "to kill a school". Subsequently, he further explained that "kill" could mean the same as the "kill" in "to kill a process" (they are homophones) rather than the "kill" in "to kill someone". All this has only served to show us his blatant denial. He even went on to quote from LIU Zongyuan's *A Rebuttal of Memorial on Revenge* to explain another meaning of the word "kill", adding that the problem merely lay in our ignorance.

**DEPUTY PRESIDENT** (in Cantonese): Mr IP Kin-yuen, please hold on. Sorry for interrupting you. But I must give you a reminder as you have spoken for five minutes. As President Andrew LEUNG already reminded Members just now, this Council is not debating the censure motion. So, instead of going into the details of the allegations in the censure motion, Members should focus on discussing their support or otherwise for Mr CHAN Hak-kan's motion that no action shall be taken. Mr IP, please continue with your speech.

**MR IP KIN-YUEN** (in Cantonese): Deputy President, I am now explaining why Members should not support Mr CHAN Hak-kan's motion that no further action shall be taken on the censure motion.

While Dr Junius HO pointed out that his words were targeted at those "Hong Kong independence" advocates—we do not approve of "Hong Kong independence"—this does not mean that he could propagate the slaughter of such people. In the entire process, Dr Junius HO tried to deny everything by putting forth various excuses. This is proof that we have no reason to refrain from taking any action. Not only so, he even discussed this matter with an aggressive attitude. He argued that the word "kill" uttered by him was merely targeted at a

certain ideology rather than aiming to incite killing and propagate violence. He even went on to say that he did not have any ulterior motives, only that he had strong resentment to evil deeds. But he added immediately afterwards that low Chinese language competence among Legislative Council Members was the only reason that could explain their inability to understand his point. He even went so far as to saying that it had never occurred to him that Members' competence in Chinese reading comprehension was this low, and he questioned how they were able to represent Hong Kong people in their capacity as Members. If Members support this motion, this actually means that they agree with his words or even his practice of attacking others.

As he quoted from *A Rebuttal of Memorial on Revenge*, I must ask if he has sought to understand the allusion of "kill without mercy". The history of this allusion is actually much longer. Many ancient classical writings such as *The Book of Rites* all contain this expression, and it all means "slaughter". During an interview with the press, he asserted that he saw no need to withdraw his words, and he even said that his words did not contain any element of inciting violence. But his words actually contained a strong element of inciting violence.

On 19 September, Dr Junius HO even published a post on Facebook to criticize those Members who had signed the joint petition, "But upon hearing the mere word 'kill', they have hastened to make a huge fuss of it. They have failed to tell right from wrong and all scurried to take ravenous bites of me like a swarm of zombies without a rational mind ... When hearing someone yell 'Kill!', these 22 political thugs have rushed to level pointless attacks and accusations one after another! This explains one thing: We have touched their death spot. Now, they can only put up the last-ditch struggle. As long as we remain united and unswerving and persist in our battle against 'Hong Kong independence', cold-bloodedness, and bogus academics till the end, we will be able to right the wrong. Then, we may lure our enemies to move closer and exterminate them in one go. Ha Ha Ha!" He continued to write, "(Go report it to the Police and sue me for intimidation, you idiots!)"

Our passage of Mr CHAN Hak-kan's motion that no action shall be taken will mean that we agree to turn a blind eye to his deeds. He criticized the relevant Members, saying that they should all be disqualified as they were unable to represent Hong Kong people with their low Chinese language competence. He even added that those who had criticized him for doing something wrong were all destroyers in the legislature.

Not only did he write the above remarks on Facebook, but he also said before the Chairman of the Legislative Council House Committee that certain opposition Members who only had a half-baked understanding of the Chinese language had distorted the meaning of his previous words and kept exaggerating the matter. This was what he said at the House Committee meeting on 6 October.

Deputy President, after inciting violence, he gave a blatant denial and tried to defend himself by putting forth various excuses, saying that this was not what he meant. Afterwards, he went on to attack others. Perhaps Members merely wish to give him a certain reminder or criticize him. If he also thinks that there were problems on his part or he did something wrong, he should reflect on himself and tender an apology, explaining that his deeds and words were probably caused by a spur of the moment and a slip of the tongue respectively. That way, we will still have room for discussion, and we may try to ascertain and examine if the case was like this.

But if a person behaves in the same way as he did ... If a student apologizes right after making a mistake, many teachers will be willing to forgive him. But if the student gives a blatant denial and instead keeps attacking those teachers or people who criticize him, I believe all educational workers will only get more infuriated. I believe this is the precise reason why those who saw Dr Junius HO's conduct were agonized.

In the process, many Members have associated this matter with other similar cases. One example is the hanging of a banner carrying unsympathetic words about the loss of a son suffered by the Under Secretary for Education in The Education University of Hong Kong ("EdUHK"). We considered the words on the banner to be offensive to the ear, and it was wrong for the person who hung the banner to do so as he did not respect human lives. Neither did he advocate peace and rationality. This induced people in society to criticize him in unison.

We had strong views on the static banner hung by an unknown person in EdUHK. But in the case of those words uttered by the Honourable Member with the intention of inciting violence, slaughter and disrespect for human lives during a public assembly which was broadcast on television and transformed into news report footages, why should we instead turn a blind eye and think that no

actions should be taken? In my view, this is inconceivable and unacceptable. Besides, I cannot accept an assertion, the assertion made by certain Members in the process of discussion that somebody else has likewise done the same. I have met many students (especially primary school students) in the course of teaching. They will say, "Yes, I have done this. But other people have likewise done this. Why don't you scold them?" Many primary school students will adopt the tactic of shifting our attention. But Members should bear in mind that on the one hand, we must adopt the same standard across the board; on the other, we must focus on the very case before us. Do Members consider the conduct of Dr Junius HO to be acceptable?

I do not support Mr CHAN Hak-kan's motion that no further action shall be taken on the censure motion. I hereby seriously urge Members to take follow up action. The follow-up action ... I hope Dr Junius HO can tender a sincere and solemn apology and explanation to people in his reply later on. His solemn apology and explanation can lead us back to the point where a line is drawn between right and wrong. I also hope that pro-establishment Members can clearly point out the mistakes of Dr Junius HO together and ask him to tender a solemn apology. I notice that certain pro-establishment Members are prepared to speak later on, such as Mrs Regina IP. I hope Mrs Regina IP and other pro-establishment Members can do this together. This is very important.

Deputy President, we advocate peace, rationality and non-violence. I was deeply saddened by the banner in EdUHK I mentioned just now because I thought that the banner should not have been hung. I also think that it was totally unjustified for Dr Junius HO to use such expressions. We should condemn and stop any Member who conducts himself in the same way as he did, regardless of the political camp to which he belongs. He is part of the legislature. If all was due to a slip of the tongue, he should tender a sincere and solemn apology. I think this is what he should do in the legislature. I hope Dr Junius HO can pay heed to my advice.

Deputy President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Deputy President, I rise to speak against Mr CHAN Hak-kan's motion that "no further action shall be taken on the censure motion moved by Hon Claudia MO". He raised opposition against and demanded an adjournment of debate on the censure motion mainly because

Ms Claudia MO proposed to censure Dr Junius HO in the motion who also suggested that an investigation committee be established to inquire into the past conduct of Dr HO. In light of this, I must point out here that the censure motion is based on certain facts.

What are the facts then? At the "anti-independence, anti-cold-bloodedness, anti-bogus academic" rally held on September last year, Dr Junius HO criticized some of the remarks made by Prof Benny TAI, Associate Professor of the Department of Law of the University of Hong Kong during the Occupy Central movement. Back then, accusing Prof Benny TAI as the chief culprit of advocating the ideology of "Hong Kong independence", Dr HO demanded that Prof TAI be sacked by the University of Hong Kong. In addition, Dr HO echoed the speech of Mr TSANG Shu-wo, Chairman of the Ping Shan Rural Committee who suggested the killing of Hong Kong independence advocates right at the scene of the rally. Afterwards, he further made the remarks during a media interview, questioning why not kill such advocates. According to his elaboration, it all depends on what is being killed. Killing pigs or dogs is not an issue. Subsequently, he once again described the Hong Kong independence advocates to be enemies of the city and it would be perfectly fine to kill them. If my memory serves me right, Dr HO has been reiterating time and again that those Hong Kong Independence advocates should be killed. His such remarks are crystal clear indeed.

Deputy President, the remarks made in public by Dr HO that, in my opinion, obviously meant to incite violence in particular against Prof TAI or supporters of Hong Kong independence have actually aroused wide public concerns in society. I think his such acts had grossly contravened the moral code of Members of this Council as well as the code of professional conduct of lawyers. The impacts brought by such verbal violence will not fade as time passes. Hence, I am of the view that a select committee should still be established under Rule 49(1A) of the Rules of Procedure ("RoP") today in order to find out if Dr Junius HO has been carrying himself properly both in words and deeds.

Deputy President, we worried so much about Dr HO's remarks and he has already violated sections 17B and 26 of the Public Order Ordinance. Section 17B expressly provides that any person who, in any public place, behaves in a disorderly manner or uses abusive or insulting words with intent to provoke others shall be guilty of an offence and shall be liable to imprisonment for 12

months, while section 26 clearly stipulates that any person who, at any public gathering, incites or induces others to kill or do physical injury to any person shall be liable to imprisonment for 2 years. Such matters are expressly provided for in our laws. Of course, since Members are not Judges and this Council is not a law court, it is therefore difficult for us to judge if Dr HO is guilty or not. However, Dr HO is not just a Member of this Council, he is also a lawyer and a former President of The Law Society of Hong Kong. Thus, he should be conversant with the relevant legal provisions. I am of the view that he should not have violated such laws time and again. Anyway, I think we should not accept Mr CHAN Hak-kan's motion precisely due to this. We really should inquire into the matter instead.

Deputy President, I still recall that when this censure motion was proposed last time by Ms Claudia MO at the meeting of the House Committee, it was met with opposition from quite a large number of pro-establishment Members, including Dr Junius HO himself. They all considered this motion a rather vague one which was only meant to waste the time and resources of this Council. Subsequently, Dr HO wrote to me, urging me to withdraw my decision of seconding the motion. What did he mention in the letter then? Well, once again he exhorted me to make good use of the precious time of this Council to deal with the huge backlog of bills and motions still pending discussion on their passage in this Council. He also noted in the letter that we should set aside prejudices and take a pragmatic approach to work in the overall interest of Hong Kong despite that our views on political affairs are divided. And when moving the motion that no further action shall be taken on the censure motion just now, Mr CHAN Hak-kan also mentioned that since this Council still has a lot of business to deal with, the censure motion should be shelved as it has no urgency.

Deputy President, it seems that Dr HO cherishes very much the Council's meeting time as well as the overall interest of Hong Kong. I think every Member present here is the same as him in this regard. This being the case, however, why do we not take a look at what the Government has done in the past two months? It is definitely true that there is a backlog of motions and bills still pending further actions by this Council, but if both Dr HO and all other pro-establishment Members did acknowledge this fact, how come they had not made good use of the Council's most precious time to work for the good and general welfare of the Hong Kong people? Why did ask this question? Deputy President, let us first consider the simplest example: The Government, without the least care for any other business, has gone so far as to temporarily withdraw

the proposed stamp duty bill in order to give way to the debate on the "co-location arrangement" motion by Members at the Council meeting. Can this kind of approach be regarded as making good use of the Council's precious time? What is more, as the number of pro-establishment Members in this Council has dwindled, they seek to defer the handling of various Council matters at all costs in an attempt to secure passage of certain proposed amendments to the RoP. Can this kind of approach be regarded as working in the overall interest of Hong Kong? Or can this help prove that they really cherish the Council's meeting time? Well, we all know the answers. Just as what I have told just now, how would they have done those things mentioned above if they really mean to make good use of the Council's time as well as work for the good and general welfare of the Hong Kong people?

And so, I really feel thankful towards Dr HO for being so concerned about the Council's work. I would like to make clarification here. Maybe right from the beginning, Dr HO and some of the pro-establishment Members opine that the censure motion was moved due to the personal or political prejudice held against Dr HO by me and Ms Claudia MO as well as other pan-democratic Members who support the motion. That explains why they urged us to spend more time doing something concrete instead of wasting time and effort on censuring Dr HO.

Actually, I just hope that Dr HO will understand that this is by no means the case. The reason for our proposing and seconding the censure motion lies in the fact that Dr HO's public remarks advocating killing and inciting violence has contravened the moral code and code of professional conduct of Members of this Council. As a result, the legislature's dignity is damaged while the Council itself may even have to suffer humiliation, thus undermining public confidence in the legislature and its Members. Discontent and inquietude among quite a large numbers of members of the public were triggered as the words and deeds of a Member of ours has contravened both the moral code and code of professional conduct. The queried whether Dr HO is still fit to act as a legislator serving the community. Given the above, should we not make use of the Council's resources and spend a reasonable amount of time to conduct investigations under the established mechanism of this Council? We ought to restore public confidence, Meanwhile, we have to protect the professional image of legislators and hold fast to the most fundamental principles set for Members of this Council. Having regard for the above, I do not see why our proposal of looking into the matter will mean a waste of the Council's meeting time.

What is more, some members of the public have already made a report to the police in respect of the incident and the case concerned is referred to the criminal investigation unit of the Hong Kong Island Regional Police Headquarters for follow-up. Moreover, The Law Society of Hong Kong said that dedicated officers are tasked to follow and investigate the incident upon receiving the relevant. On the other hand, students from Lingnan University in Hong Kong have also launched a sign-up to urge Dr HO to withdraw from his current post of Member of the Council of Lingnan University, while demanding a thorough investigation by the University. Besides, in the New Territories West Constituency to which Dr HO belongs, more than ten thousand signatures have been collected from people in the local community who want him to resign from the office of Member of the Legislative Council. All these serve to illustrate the high level of severity of the incident which has aroused concerns from all quarters of society. As such how come it is a waste of time for the Legislative Council, a body responsible for reflecting public opinions, to reflect and discuss issues of public? A legislator is a representative of public opinion. In my opinion, as a legislator elected by voters, Dr HO ought to subject himself to investigations without concealing the truth when being queried by all quarters of society and give an account to the public accordingly. More importantly, investigation will not necessarily lead to conviction since no one has ever come up with the conclusion that Dr HO is guilty or wrong. We only want to bring to light the truth. If Dr HO really has not done anything wrong, we do hope to give him an opportunity to prove his innocence in a bid to restore public confidence in this Council. Therefore, he should really subject himself to investigations without fear if he thinks he is innocent.

Deputy President, I do not want to go on with the number of times in the past in which Dr HO has made similar mistakes since many Members have mentioned that just now. I do not want to repeat. However, I want to quote Dr HO's words here: We should set aside prejudices and take a pragmatic approach to work in the overall interest of Hong Kong despite that our views on political affairs are divided. And so, he should not organize any more of such so-called "anti-violence" rallies in a manner that advocates violence and have respect for people of different views on political affairs because Hong Kong citizens can enjoy freedom in forming their own political views. I wish that we can convince each other with reasons instead of threats of violence or death.

To restore the dignity of the Council, I hope Members will oppose Mr CHAN Hak-kan's motion that "no further action shall be taken on the censure motion moved by Hon Claudia MO" in order to show to the public the kind of



character and the degree of personal integrity required of a legislator. I so submit, Deputy President.

**MRS REGINA IP** (in Cantonese): Deputy President, I only wish to speak briefly to state that the New People's Party supports Mr CHAN Hak-kan's motion. The reason is that the incident pertaining Dr Junius HO has taken place many months ago. If I can remember correctly, it has taken place in autumn, around September last year. My memory of the incident is actually rather vague.

I consider that as the Legislative Council has some many important tasks to deal with, it is not worth using resources for the establishment of a committee to investigate the past behaviour of Dr HO. It is also not proportionate to censure him by invoking the Rules of Procedure. Of course I consider that he has gone too far as far as his rhetoric is concerned. I have expressed my opinions towards the incident on the Internet. It is because voters of the Hong Kong Island geographical constituency to which I belong, especially those with higher education level ... no, I am sorry, I am not saying others are not having high education level, Deputy President, I withdraw my remarks. I dare not to say that, and I do not wish to offend voters of other constituencies. But some Hong Kong Island voters told me that they found the remarks of Dr HO disturbing. I consider that we should oppose to the independence of Hong Kong, and the fact that encouraging patriotism should make people feel comfort and happiness, instead of a bellicose stance. Meanwhile, I think Dr HO has already learnt a lesson after having made such remarks. A lot of pupils have staged protest and a lot of people have condemned him. I consider that he has undergone a difficult time and has been bearing tremendous pressure. However, I think it is not worth pursuing the matter.

Of course, just now a number of colleagues have spoken in such a righteous manner that they said that we should protect the dignity of the legislature and we should fight against verbal violence. I concur with all of these views. But instead of pursuing Dr HO relentlessly, we should be forward-looking. I think it is pointless to use up so much resources of the Legislative Council's in protecting the dignity of the legislature and opposing to verbal violence. On the contrary, I consider that all Members, regardless of their political affiliations or political stance, should oppose to verbal violence. Deputy President, the legislature should consider drafting a charter of no verbal violence and asking Members to sign it. Members should not unduly overplay

anything and we should not use extreme wordings. I agree that this kind of rhetoric will have an adverse impact on our society. But it is better not to pursue and investigate a Member. I do not see we need to look into anything. If he really wants to resort to violent actions, the police should have put him under investigation. If it involves any criminal offence, we are not even in a position to conduct the investigation. Therefore, it is unnecessary. Quite the contrary, if all Members oppose to verbal violence genuinely, instead of—flogging a dead horse as the English saying goes—pursuing relentlessly, it is better for us to sign the charter and look ahead, because the investigation is pointless.

For that reason, the New People's Party will support Mr CHAN Hak-kan's motion that "no further action to be taken on the censure motion".

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, I definitely oppose this motion moved by Mr CHAN Hak-kan. He demanded that no further action be taken on the motion moved by Ms Claudia MO to censure Dr Junius HO.

I have listened to the speeches previously delivered by Mr CHAN Hak-kan and a few pro-establishment Members just now. According to them, they demanded that no further action be taken mainly because the remarks and acts of Dr Junius HO's (i.e. the details of his remarks and acts inciting violence as particularized in the Schedule to the motion moved by Ms Claudia MO) were made a very long time ago. Yet, what they called "a very long time ago" actually refers to 17 September 2017. And it is the first time I learned that remarks inciting violence can be regarded as outdated.

A Member of this Council has made remarks at a public rally to incite violence, but not until today are we able to handle the censure motion moved by Ms Claudia MO in response to this matter due to the Council procedure and arrangements for debates. However, some Members considered the matter to be something having taken place a very long time ago but in fact, only four months or so have passed since September.

Deputy President, as the highest-level representatives of public opinion, Members of the Legislative Council ("LegCo") are generally referred to as "The Honourable". Although I certainly do not consider myself an honourable person, I still respect all Members of this Council. Actually, Members are

addressed as "The Honourable" not because we are highly honourable, but because we should act in answer to public opinion as we are authorized by people's mandate. We are recognized as representatives of public opinion precisely due to both our capacity and right to deliberate over the Council's business in this Chamber and we are expected to set examples for the general public. Hence, our demeanor must serve to reflect social opinion, public sentiment and even social quality.

Yet, how was I to know that the quality of a LegCo Member could have become outdated soon after four months have passed? We are now talking about the matter concerning a Member's act of inciting violence, that is, the matter involving an incumbent Member who chanted the slogan of "killing without mercy" at a public rally claimed to be attended by 4 000 people which was extensively covered by the mass media. During a media interview after the rally, he went on to say: "Why not kill such advocates of Hong Kong independence?" Subsequently, on being posed further questions by reporters, he added: "It all depends. Killing pigs or dogs is not a criminal offence." And so with these remarks, he made clear the meaning of his remarks.

It has been clearly stated by several Members having delivered their speeches, including Mr CHU Hoi-dick and Mr IP Kin-yuen, that Dr HO made such remarks within a particular context instead of impulsively saying something inappropriate out of an honest mistake. In fact, it was during another media interview after some while that he further elaborated on his remarks as follows: "Yes, it all depends. Why not kill such advocates of Hong Kong independence?" A while later when being interviewed by the media once again, he reiterated: "Advocating independence of Hong Kong is tantamount to provoking a war. What about killing people in war then?" And so, despite his efforts in providing various explanations afterwards, such as arguing that the word "kill" can also mean "to put a halt to" and even citing authorities to convince people that it can be interpreted as "a sweeping victory", the truth is pretty clear by then: none of the above is the intended meaning of his remarks.

Deputy President, what I have said just now are clear facts. It is a matter of verbal violence. When violence is being incited by a Member of this Council, "outdated-ness" is out of the question. We will be really outdated if we do not seek to stop this in a timely manner in order to send out a correct message telling people that such words and deeds are not allowed by our society and must be condemned.

Therefore, we should absolutely not, as the Chief Executive has put it, "be more tolerant and give him some more time". Is the act of inciting violence tolerable? We just cannot let it go without taking any action simply because it is already over. As Mrs Regina IP has told, this Council has got loads of far more important business to deal with, but what is meant by "far more important business" then? Is there any matter which is far more important than telling the public and the next generation that we will never tolerate violence? While we claim ourselves to be law-abiding and speak of the rule of law, a Member among us who is a lawyer and a former president of a law society has made such remarks but still feels no shame afterwards and behaves in the same way he used to be. Yet, this Council has not responded to all these. It only told the public that it did not approve of Dr HO's such remarks, just as what Mrs Regina IP has said just now that we can conclude the matter simply by saying: "We do not approve of his remarks and he has gone too far, but please let it go." However, is it that easy to let it go? Are we really supposed to tolerate speeches made to incite violence? If so, then we are sending an erroneous message to society instead that this kind of things are actually tolerable.

Mr LEUNG Yiu-chung has already made it pretty clear just now, and even Mr Ronny TONG had also pointed out that such remarks might have violated the Public Order Ordinance, under which section 26 clearly provides that a person who incites or induces others to kill or do physical injury to any person shall be guilty of an offence and shall be liable to imprisonment for two years. Deputy President, can we tolerate this? Can we call it "outdated"? Can this be regarded as disproportionate? Our society is replete with violence incidents nowadays. Worse still, a highest-level representative of public opinion, who is elected a Member of this Council and become an Honourable Colleague of ours, has breathed out such ravings on a public occasion that "why not kill such advocates?" The degradation of moral enlightenment of this city can then be confirmed if this is tolerable. If this motion is not immediately dealt with today—although it will definitely not be approved, we have to, at least, send out to the public a clear message: We will never tolerate this kind of things. And even the Government chants slogans like "Zero tolerance of domestic violence".

Deputy President, I really want to tell Dr HO that he is also a father and his kids will follow his example in how they behave. They will look up to him and watch the way he behaves and carries himself and I trust that he does wish they will be so proud of him. Yet, did he ever think of what kind of example he had set for the next generation and the young people when making such remarks?

He indicated at a public rally that one can resort to violence against people with different political opinions. This precisely refers to some sort of political or crowd movement encouraging the crowd to exert violence against those with different political opinions and even put them to death. If this is the case, does he mean to see the crowd resort to violence against people in the street who have said something disagreeable or hold different opinions after listening to his remarks? Therefore, making such remarks is a very dangerous thing indeed.

Deputy President, it is no kidding as such things may really happen. Even today, I still worry about my own personal safety. After Dr HO has made such remarks, Mr CHAN Hak-kan proposed that no further action be taken on the censure motion against Dr HO. That is no different from telling people that they can go ahead because it is perfectly fine to make such remarks then. Mind you, words so spoken will eventually be turned into actions. Deputy President, this will really be the case and the same has already happened to various members, including Dr HO, I believe. Deputy President, his such remarks has incited rancour that will keep spreading, while violence will spiral further. How come a Member of this Council would have advocated the making of this kind of remarks? To make matter worse, another Member even rose to propose not handling and not discussing the issue, regardless that the motion in question will certainly be negated. Anyway, it should not be dealt with but put aside or even swept under the carpet to make sure everything will be fine and nothing will go wrong. Yet, the seeds of rancour has been sown and words inciting violence has been spreading widely.

Hence, Deputy President, I have to make an appeal here since there is no other way for me to do so. It is just impossible for us to temporarily suspend the censure motion moved by Ms Claudia MO at this stage because this will mean a bad message and I will definitely not allow this Council to send out to our society such an erroneous message. We absolutely have no tolerance, nor will we not take any action as far as violence is concerned.

Deputy President, actually I did not intend to say anything about this today because there are already too many battles awaiting us. We have to deal with many violence incidents outside the legislature, including a series of child abuse cases (e.g. the one in which a little girl "Lam Lam" died after being repeatedly tortured). Over the past, we have been hoping to prevent as far as possible domestic violence incidents involving children, elderly persons or married couples, and calling upon the public not to resort to the use of violence to resolve

problems. I do hope to bring forth this positive message at this debate session of today. After I have told my colleagues that I wanted to get prepared to take part in this debate to talk about Dr HO's case, they gathered 10 to 20 pages of issues involving Dr HO within 10 minutes, such as his offering a monthly salary of \$8,000 to \$10,000 for recruiting people with two years' working experience to be his assistants; his assertion that people who do not have a Home Return Permit are supporters of independence of Hong Kong; his taking selfies at the courtroom; his interfering with internal school policies; and his being accused of having committed 10 deadly sins by someone, etc. Deputy President, we do not target at any individual in particular this time. I truly wish that Dr Junius HO will take back his violence-inciting remarks and apologize to the public. He should come out to give a clear account of the incident. We will definitely not tolerate any violence anyway.

**MR ANDREW WAN** (in Cantonese): Deputy President, I originally intended to speak at a later time today, but there are indeed too many fallacies in the speeches delivered by fellow colleagues from the pro-establishment camp, including those in the speech of Mr CHAN Hak-kan, the mover of the motion in question. He rebuked fellow colleagues for clinging to some outdated, silly and meaningless matters, and criticized Ms Claudia MO for moving a motion to censure Dr Junius HO. I think Mr CHAN has in fact twisted the facts, and a number of colleagues have already refuted his arguments. I do not wish to repeat what these colleagues have said, lest the Deputy President will accuse me of making repetitive remarks. However, I hope you would give us some time to elaborate on our reasons for objecting to Mr CHAN's motion.

He argued that the incident has become an outdated issue, but I do not consider it a very reasonable ground for not taking further action. As a matter of fact, in deciding whether we should stop taking further action, we should first consider the gravity of the case. The "coalition government" formed by the Government and fellow colleagues from the pro-establishment camp has always adopted a delaying tactic to dilute public attention with the passage of time, so that people will give up pursuing some very serious wrongful acts of the pro-establishment camp or the Government, who can then get away with what they have done.

(THE PRESIDENT resumed the Chair)

The incident involving LEUNG Chun-ying has thus been delayed for quite a long time. In this connection, credit should again be given to Ms Claudia MO, who has tried to invoke the Legislative Council (Powers and Privileges) Ordinance in the last term to inquire into the incident, but you have again adopted a delaying tactic. We finally managed to pursue the matter in this term, when the Rules of Procedure has not yet been amended, with not less than 20 Members rising in their place and supporting the presentation of a petition. Frankly speaking, you are just using the same excuse this time, and employing this delaying tactic as usual, which I think is totally unreasonable.

President, history keeps repeating itself and recently, there is this incident of unauthorized building works relating to Secretary Teresa CHENG. I am sure this has created even more discontent among the people, and they have also been procrastinating on the matter. Dr Priscilla LEUNG indicated a few days ago that Secretary CHENG would attend a meeting in this Council in March after the Chinese New Year, and this is nothing but procrastinating. During this period, farces relating to the pro-establishment camp may repeatedly take place in the community, thus creating new issues for the Legislative Council to discuss. Perhaps they are all counting on luck, thinking that the situation will change when the matter is over. Hence, President, I disagree with the arguments raised by Mr CHAN Hak-kan for moving his motion.

A number of colleagues have already pointed out just now that it is definitely not a silly act to move the censure motion, because criminal offences are involved, and this is absolutely a serious thing. With regard to the question of whether the censure motion is meaningful, we will get to know the answer after the debate. President, we have waited for a long time, and it is now the time to have a debate on the motion. I would consider it really puzzling if anyone says that we should convince Ms MO not to discuss the motion because there are many other things for us to handle and discuss, so let us drop the whole thing for the moment. This is puzzling to me because it is now the time to have a discussion on the motion, and it would be illogical for us not to do so. Hence, we should do it now, and why not do so? If this censure motion has obstructed our handling of other agenda items, we can re-prioritize the items. However, it is puzzling to me that when it is now the time to discuss the motion, how come some Members can say that the matters involved are outdated, silly and meaningless, and use this as an excuse for terminating the discussion on the motion? The excuse itself is silly and meaningless. After all, you can only do such bad things since you are always up to nothing good.

I have listened to the speech delivered by Mr CHAN Kin-por just now, and when he said that excessive violence was intolerable, I thought he was going to give us his support. Mr CHAN Kin-por was criticizing Dr Junius HO by saying so, since this is exactly what Dr Junius HO has done. As mentioned by a few colleagues just now, inciting other people to kill or inciting violence is a criminal offence. President, should a public speech be made lightly to incite other people to kill or to incite violence? How can Mr CHAN Hak-kan propose not to handle the censure motion moved by Ms Claudia MO? President, if this can be taken so lightly, no wonder they can do all sorts of bad things on the excuse of "anti-independence".

You do not have the exclusive right to use the excuse of "anti-independence", because the Democratic Party has also justly made clear its position of objecting to "Hong Kong independence". According to some analyses, members of the Democratic Party are "Greater Chinese morons", and we of course oppose to the ideology of "Hong Kong independence". However, it is also our belief that you should not be allowed to make use of this pseudo-proposition to deal a blow to the democratic movement in Hong Kong and the strengths of our civic society. Although I do not agree with the ideology of "Hong Kong independence", people discussing "Hong Kong independence" have committed no offence. It is an offence for Dr Junius HO to suggest that we should kill and beat up these people. President, the reasons behind are very obvious, so how come Mr CHAN Hak-kan has proposed to terminate the discussion on the motion? I really find this extremely outrageous.

Mr CHAN said that we have taken Dr HO's words out of context, and he was only using the phrase "kill with no mercy" to explain what he meant that day. President, we have to understand the meaning of a person's speech in its context. Did he think that he was at a party among friends or bickering with his wife then, and could therefore blab that he would kill someone bad? What was the scenario then? How many people attended the rally? What was the atmosphere then at the rally? He has repeated it several times, and has had the chance to explain the meaning of the phrase "kill with no mercy". According to him, these people advocate "Hong Kong independence", seek to secede from the country, and should be killed. President, killing seems so easy as he described, and it just gives me the impression that it is easier than playing an electronic game on cutting vegetables.



Dr HO has subsequently explained several times why he said so then, but he has shown no remorse. If he told us it was just a slip of tongue and he did not mean it, I think the community would accept his apology. However, his stand was kind of fickle after the incident, and he kept making excuses, showed no remorse and failed to extend a sincere apology. He wished to be seen as daring but did not actually prepared to take risks, claiming that how could we not kill "Hong Kong independence" advocates at one time, but arguing at another time that it was not an offence to kill pigs and dogs. I am sorry that I have to tell him: killing dogs is an offence in Hong Kong, and people living in the New Territories often commit the offence. I want to remind him that as a representative of villages in the New Territories, he should not consider it not an offence to kill dogs.

Dr HO finally corrected himself and said that he was actually using the Chinese character "煞" in the term "煞車" (meaning to brake a car suddenly) then. But, Buddy, he has mocked at other Members for their poor proficiency in Chinese language, but he used the phrase "no mercy" after the Chinese character "煞" this time. If my son who is a Primary Three student writes down the same in his homework, he will definitely get a big "cross" from his teacher. The Chinese language proficiency of Dr HO is no better than Primary Three or even Primary Two students, but he has mocked at other Members for their poor proficiency in Chinese language.

President, I really do not want to keep on commenting such childish arguments put forth by Dr HO, which are nothing but logical fallacies that can hardly justify themselves. I would like to cite a concrete example to illustrate why we think that we should not withdraw the censure motion, or why we take the remarks made by Dr HO so seriously. Are we trying to take advantage of the situation? President, we really have no such intention, because there was actually a similar occurrence in the past. Mr TSANG Shu-wo is involved in the current incident, and he has also got involved in some unpleasant incidents previously, including an incident occurred a few years ago when LEUNG Chun-ying, the Chief Executive of the last term, visited the districts in the New Territories. No one has mentioned the incident just now, so let me help you recall what has actually happened. This is what I learned from the newspaper: Mr TSANG gathered some of his disciples in a society—I do not know what makes him a man with so many disciples, and under which ordinance has he registered the organization concerned as a society—to the scene then, and these disciples of him who had their hair dyed in all kinds of colours punched and

kicked demonstrators protesting in a peaceful, rational and non-violent manner there. After the incident, the Police have dragged on for a very long time before actions were finally taken against the assailants. It is fortunate that prosecution has been initiated against a few persons in this case, and although I do not dare to assert that all assailants have been prosecuted, prosecution has at least been initiated against some of them. This is better than what happened during the Occupy Central Movement, when we witnessed the taking of clearing action by triad members, and their punching and kicking peaceful, rational and non-violent demonstrators at the scene.

With such a kind of arrogance from the underworld, would anyone get a wrong message and then do something wrong when Dr HO echoed the speech of Mr TSANG in this way? He may say that I am speaking nonsense, and insist that such a thing would never happen, since the incident mentioned above is an exceptionally special case in which he, Dr Junius HO, was not involved. Dr HO, this is in fact not so and just come to think about this: Is this really something rare in this term of the Legislative Council? Members of the current term of the Legislative Council have indeed experienced the same thing themselves. When Nathan LAW, a former Member, and Mr CHU Hoi-dick returned to Hong Kong from Taiwan, what has happened in the airport? Prosecution has already been initiated against the persons involved, and do you still think that they will not take action to beat others up? I do not know how far those people want to go, but can only see that they have actually punched and kicked other people, and wonder if anything would go wrong and then have somebody killed. Such kind of news reports appear in the newspaper every day. I do not know if anyone will, having encouraged by the eloquent speech made by Dr HO, get carried away by nationalism and do something wrong since they are intellectually immature or due to other unknown reasons. It is not uncommon that people can do something wrong on impulse, and there are often news reports in the newspaper about people doing something that they will regret for their whole life on the spur of the moment, even though the victims are their relatives. When you are urging Benny TAI to honour his promises and pay for what he has done, he is in fact atoning for his acts because a date has already been fixed by the court to hear his case, so what other price he has to pay? Have you paid the price for what you have done in that suspected case of criminal intimidation? How come there is no updated news after the Police have taken such a long time to investigate into the case? I can only wait and see how the Police will handle the case, and hope that it will be treated fairly.

In the primary election conducted recently by the pro-democracy camp, one of the candidates, Tommy CHEUNG, has also been assaulted. Such a thing in fact happens every day. I and Mr CHU Hoi-dick have received intimidation letters earlier during the election, which threatened to chop and kill us, and even to hire someone to hurt my right hand. The Police granted me personal protection for a few weeks and finally arrested a suspicious man. Dr Junius HO, a suspicious man was really arrested but as he has not yet taken action to chop me, the Police have no evidence to prove that he was involved in the case of intimidation. However, the net of justice lets no criminal through, that man was later charged for possession of drugs since there were drugs in his possession. My case has not yet closed, but the man who was suspected of intimidating me was arrested, and such a thing does happen. You possesses better qualifications and I also understand that you are a smart person—I also have frequent dialogue with Dr Junius HO—you are smart and should be familiar with all the explanations you can use, is that right? You may explain that in a fit of enthusiasm, you were getting too worked up then. In face of the so-called "square politics", and when everyone is putting you on a high pedestal, it is only natural that you will get carried away. You can simply say that you did not mean it, and the matter can be settled, but Buddy, you have got yourself tangled up with the controversies for a very long time. It can thus be seen that in handling the issue, you have actually given the whole thing careful consideration. However, Mr CHAN Hak-kan dare to move this motion to terminate our discussions. This is a substantive allegation, and fellow colleagues have already made some citations to illustrate what ordinances he has violated. As a lawyer himself, how can he not know about it?

President, the examples I cited just now are something which actually happened previously. As a matter of fact, some colleagues of the pro-establishment camp have also received intimidation letters before and reported their case to the Police. We have all along opposed such violent acts, have we not? We can have a debate on the incident in this Council, Members with different political views can engage themselves in heated discussions, because truth does not fear contention, and we can let the public judge who have a point there. However, you have on the contrary committed such violent acts yourself, or have kept silent when we were intimidated. Yet, you have so many principles to raise when you are commenting on such matters, and what kind of logic is this? Mr CHAN Hak-kan accused us just now of employing double standards, and criticized us for keeping silent in front of violent acts or remarks advocating violence on the Internet. For example, the incident has attracted criticisms from some people, who were pointing an accusing finger at Dr Junius

HO, and condemning him and threatening his family, but we have remained silent on the issue. I am sorry to say that Mr CHAN Hak-kan is wrong in saying so, and you can visit my Facebook page to have a look. I have expressed support for Dr Junius HO right from the beginning, and stated that we should not do this. I hereby reiterate that this is something that no one should do. We can criticize him, and if he has offended the law, I absolutely agree that he should be punished by law. However, the incident has nothing to do with his family, and no one should make any speech which would threaten a third person or an innocent person. We can have him arrested if we think that he has committed an offence, just like participants of the Occupy Central Movement are considered violating the law, and you think that prosecution should be initiated against them for inciting others to commit an offence. I have to reiterate that they have already paid the price for what they have done, and are facing punishment by the law, but have you paid the price for inciting others to commit an offence?

Fellow colleagues from the pro-establishment camp are really something, and they dare to accuse us of employing double standards. Who have actually adopted double standards? It should be the Government and law enforcement agencies. With regard to the complaints we lodged previously against illegal acts of the pro-establishment camp, how many of these cases have been treated fairly? Let us look back on the many vote-rigging cases and cases of intimidation, how many of them have been treated fairly? The answer is zero, or just a limited few. However, several of our comrades have to face the criminal consequences today for some protest actions they took in the past, but they choose to take them in their stride. These are what you describe as illegal acts. I do not bother to argue with you whether they were trying to strive for social justice then, but they have at least faced the consequences, and during the process, their actions have been peaceful, rational and non-violent, without causing injury to anyone. Today, even the judge has said that Raphael WONG, Lester SHUM, Joshua WONG and many other participants were only trying to dissuade and even pacify demonstrators in Mong Kok that day. You acted contrarily, but the pro-establishment camp is trying to protect you in such a righteous manner now. The several young people I mentioned just now have striven for social justice, but they are punished and sentenced to imprisonment today. If you agree with some members of the "blue ribbon" camp, who applauded and said that the punishment served these young people right, then by the same logic, you actually deserve the punishment more than anybody else, is that right? Dr Junius HO, I do not want to put it so harshly like this, but I hope colleagues of the pro-establishment camp would understand that we are not trying to pick on you. The problem is that you have gone too far by making such

remarks, and then got yourself tangled up with the disputes about them when you failed to justify yourself. If you could take early action to give an apology and bring an end to the disputes, I would have nothing to say. I can tell you that if you have taken early action to give an apology, and Ms Claudia MO still insists on pursuing the matter with you, I would not support her motion, because you have already apologized and we should drop the matter. Yet, you have provided me with too many reasons to criticize you. Even though I try to view the matter from your perspective, I can find no reason to support you, because you have made it impossible for other people to do so when you repeatedly said that you did this on purpose, and that this was what you meant. Finally, when you realized that there would be complaints against you and the case would be reported to the Police, you became cautious and in order not to take risks, you argued that you were actually using "煞" instead of "殺" (meaning to kill), thus meaning that you would "brake" a car suddenly with "no mercy". But I want to tell you that it is now too late for you to "brake the car".

President, I would finally like to say that I am feeling indignant because as I see it, justice has not been done. I was once a social worker, and have come into contact with children hanging around the street. These children were barely over 10 years old, and they often boasted that they were triad members when they actually have no triad background and the whole thing was merely a pretense. However, some of them were thus brought to the court. Some were relatively lucky and have only been cautioned by Police Superintendents, but they have still been subject to investigation. Hence, when the remarks made by a Honourable Member in a rally are totally out of line—and let me assume that your words actually mean no harm—how come we cannot even conduct an inquiry or censure him? How can we enforce our rules in this way? Are we thus following the example of the Government? When small citizens are forced to take up accommodation in factory buildings, they commit an offence, and as all unauthorized building works have to be cleared, they will only be expelled to the street. However, when a Secretary of Department is involved in an unauthorized building works scandal, we will have every reason to be "forgiving". Why should we not be forgiving to small citizens, but to Dr Junius HO and senior officials? Is there something wrong here?

President, I can find no reason to support Mr CHAN Hak-kan's motion, which can hardly justify itself and seeks only to shield Dr Junius HO.

I so submit.

**MR HUI CHI-FUNG** (in Cantonese): Mr LEUNG, just now, Mr Andrew WAN talked about tolerance. Indeed, Mr CHAN Hak-kan's motion not only tolerates Dr Junius HO, but also condones his brutal remarks that spread hatred. If I support this motion, it means that I also agree to let him go. No, I cannot let the matter be forgotten lightly.

From the perspective of the public, or using any other standards, Dr Junius HO's remark has obviously crossed the line, far crossed the line. President, if I use your standard, as you are so fond of issuing warning letters to Members, should you not warn Dr Junius HO against making such a brutal speech in the first place? When we discussed the Rules of Procedure in this Council, and we clashed with the security guards, you said that we had violated a certain Rule and you punished us and said that you would place criminal charge against us. But in front of these "honourable" Members, you give them face and treat them as if nothing has happened. And now you even allowed a pro-establishment Member to move this motion to defend Dr HO, save him from censure and investigation. What a world is this? Is there any yardstick in society?

I thus speak in opposition to Mr CHAN Hak-kan's motion that seeks to shield Dr Junius HO and support Ms Claudia MO to censure and investigate his remarks. Certainly, we need to talk about the meaning of censure and investigation, and the reason for opposing Mr CHAN Hak-kan's motion that shield Dr HO because there is freedom of speech in society and Members should also have this freedom. However, when we talk about freedom of speech, there should be a bottom line, no matter in the perspective of this Council or the public.

Hence, Ms Claudia MO's censure motion seeks to lay down a yardstick for this Council and for the public, and tell the public where the bottom line of impetuous remarks is, and to discuss whether remarks such as "killing pigs", "killing dogs", "killing people" and "what is the big deal about killing people in a war" are acceptable to society. Her motion also provides an opportunity for impetuous people like Dr Junius HO to listen carefully how unacceptable other Members, on behalf of the public, find his impetuous behaviour. I hope this will let people know that one should not make such reckless remarks because these remarks will encourage violent acts and further spread hatred in society.

Hence, this censure motion can let the public know that an impetuous person has to pay the price for making impetuous remarks; it sends a clear warning to him, warning him against doing so. If we only say that remarks that incite violence and hatred are meaningless, or that the public no longer care about

this outdated incident, more similar incidents will happen in the future. This is not the first time Dr Junius HO makes such remarks. He has made so many that I cannot mention them all here.

So, this censure motion is also a form of public education. How often would parents hear a Legislative Council Member say in public that it is fine to kill in a war? Must we kill people because of war? I do not know if Dr Junius HO just wanted to be exaggerating, or he did mean to kill at that time. Only he knows. But apparently, his remark literally encourages people to use violence.

This reminds me of an incident happened around last week in which a primary student was slashed by the throat and died because he refused to help another classmate to do his homework. Children may think that it is fine to kill because the Legislative Council Member who said so was not punished, censured, or subject to any investigation. Is this a good example for public education? Would this not leave a very bad impression to the younger generation? This is very bad to the freedom of speech in this Council and in society.

Hence, Mr LEUNG, I wish to bring out one point, and that is, this censure motion is not simply an argument between the pro-democracy camp and the royalist camp, nor is it a mutual attack between the two camps in this Council. I can only agree with Mr CHAN Hak-kan half-heartedly that this motion is frivolous or meaningless. I do think it is frivolous and meaningless if this Council has to entangle with Dr Junius HO and handle his mess. Many things can be frivolous and meaningless, but he has crossed the line this time. Dr Junius HO's remarks, which contain violence and hatred, is not a personal matter concerning only Dr HO; it is a matter that concerns the whole society. Hence, it is justified to move the censure motion.

We may hold that the words he used have gone too far, or that he genuinely wanted to kill, or that he was only echoing another person to advocate violence and killing. But in any case, even if he did not mean to kill, the words he used are wrong. He did advocate hatred.

Hatred can proliferate and become hatred of the people, and further proliferate to become social violence. Hence, when he said something that is liable to a criminal offence, he is wrong anyway. Even if his remarks only spread hatred, what does such a remark mean? It means that the remarks intentionally demean, threaten, incite violence against a certain type of people;

the remarks are biased and incite undesirable behaviours in society. So, his remarks that "killing pigs", "killing dogs", "killing people", "what is the big deal about killing people in a war", "kill without mercy" and "what is his use if he is not killed", absolutely fit this definition. Agencies in other countries, such as FBI, also talk about hate crimes, which are a criminal offence that puts other people's lives and property at risk out of prejudices. Hence, these offences originate from hatred.

Many Members have explicitly requested Dr Junius HO to apologize for his remarks. I believe a sincere apology from Dr HO and a withdrawal of his remarks will have some bearing on how democratic Members are going to vote later. I hope that this censure motion can convince Dr Junius HO to curb his arrogance and unrestrained utterances.

Regrettably, although so many months have passed since the incident took place, I am unaware of any reports that Dr HO has openly expressed any remorse. This shows that it is still worthwhile for the pro-democracy camp to bring up this incident for discussion so many months after the incident. This aptly echoes what I said in the beginning. We need to lay down a standard in society for what should be said. For the sake of social education, for our next generation and for how society is going to look at meetings of this Council, we need to lay down an acceptable standard for our words, and look into or censure any unacceptable words and bring out what should be said through debates. Hence, Mr LEUNG, I speak in support of Ms Claudia MO's censure motion and in opposition to Mr CHAN Hak-kan's motion which shields Dr HO and prevents any further actions to be taken on the censure motion. Mr LEUNG, I so submit.

**MR ALVIN YEUNG** (in Cantonese): President, I certainly cannot agree with the motion moved by Mr CHAN Hak-kan, but I would like to raise a point about my observation first and express my viewpoints on the issues concerned. It has come to my attention that since the end of last year, pro-establishment Members have very wisely made use of their existing advantage under the split voting system to terminate the discussions on a number of motions moved by pro-democracy Members, and there is no exception to this motion moved today.

Anyone who has observed the operation of this Council from a direct or indirect perspective should have noticed that under a power imbalance in this Council or after the disqualification of Members from their office, this is one of



the most obvious and direct examples of how the pro-establishment camp has made full use of its present advantage of securing a majority of seats in both groups. Pro-establishment Members will of course win the applause from the people if they can make good use of their advantage in this respect, but I consider it most undignified to adopt the present attitude of playing the bully to handle issues which some Members want to discuss seriously.

President, some colleagues have already explained in detail and set out the reasons why Dr Junius HO's public speech has made Ms Claudia MO consider it necessary to move the censure motion today. However, I would like to explore from another perspective what restrictions have exactly been imposed on us by our identity as a Legislative Council Member, or what expectations do the people have for Legislative Council Members, thereby illustrating why I think that we should vote against the motion moved by Mr CHAN Hak-kan for taking no further action on the censure motion.

President, as mentioned by Dr Fernando CHEUNG just now, the word "Honourable" is added before the English name of each Legislative Council Member, and people call us "Honourable" Members. Today, as a result of the latest political situation and social division, there is room for discussion on the question of whether members of the public still have high respect for the Legislative Council as in the past, but are we really deserved to be called "Honourable" Members? Can we really live up to the expectations of the community for this identity of ours? President, no matter how the political situation has changed, it is my opinion that as long as we are willing to stand for election, and then get elected as Members of this legislature and assume the post, we have to fulfil this most basic responsibility and mission.

President, I have particularly noticed that our identity as a Legislative Council Member will actually accompany us throughout our whole life. As I have mentioned previously, our tenure as Legislative Council Members is limited, but we do hope that this legislature can exist forever and ever. At the same time, we will retire from our office here and leave this legislature one day, and when we are no longer a Legislative Council Member, each and every one of us will definitely go through a transition stage in which we will be called "a former Legislative Council Member" instead of "a Legislative Council Member". When we leave this world one day, "a former Legislative Council Member" may also be one of the descriptions used to introduce us in news reports.

Is this because we have made an excellent Member of this legislature during our term of office here? Many of our seniors have of course done a splendid job during their tenure, and they are well deserved to be addressed this way in obituaries announcing their deaths. However, President, how come each and every Member of the Legislative Council will be addressed this way when he or she leaves this world some day in the future? This is simply because as Members of the Legislative Council, we are indeed doing a special job and holding a special position. Under the system of Hong Kong, there are only 70 Legislative Council Members in a total population of 7 million. President, why should I spend so much time talking in detail about my feelings towards my identity as a Legislative Council Member? It is because there is now a flagrant contrast before our eyes and that is, the public speech made by Dr Junius HO when he was invited to attend a function in his capacity as a Legislative Council Member.

President, politically speaking, there is definitely a huge difference between us and Dr Junius HO, but I am not trying to politicize anything by saying all these. Instead, as a Member of this Council, I firmly believe that if the same speech is made by a fellow Member from our camp, the criticisms and pressure faced by every pro-democracy Member will absolutely not second to those faced by Dr Junius HO. If one of our fellow Members of the pro-democracy camp makes the same speech as that made by Dr Junius HO one day with the same kind of attitude on a public occasion, I am sure other pro-democracy Members will also consider that it is their responsibility to move a motion to censure that Member. Why is that so? We should do so not because it makes us look smart, and I am sure Ms Claudia MO is not moving this motion to make herself look smart. We should do so because we see the need for safeguarding the dignity of Legislative Council Members, as well as maintaining mutual respect between the general public and Members of this Council, which is the most basic thing that we should foster.

Therefore, when Mr CHAN Hak-kan moved the motion in question, I cannot help but wonder if fellow colleagues from the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") would agree with the remarks made by Dr Junius HO. I cannot believe that such a chance really exists, or I would rather have some naive expectations and think that all Legislative Council Members, no matter how polarized their political stances are, should not and will not make such remarks because this is self-insulting, and a disgrace too to our identity as a Legislative Council Member.

Moreover, it is also puzzling to me that by making such remarks, Dr Junius HO is actually bringing trouble to the camp he belongs to. Let us try to put ourselves into other' shoes. As a member of the Civic Party and a pro-democracy Member, I will bring disgrace to both the Civic Party and the pro-democracy camp if I make such remarks. Similarly, if a member of the "love the country and Hong Kong" camp makes such remarks, it will only blur the focus of the lofty ideals of "love the country and Hong Kong" that he represents, and attract condemnation and denunciation from the people. Under such circumstances, is it something that the "love the country and Hong Kong" camp can take pride in? Judging from the quality and image of the person who has made such remarks, does the "love the country and Hong Kong" camp consider the person really deserve the name of "love the country and Hong Kong"?

President, in this connection, as a member of another camp, I really find this incredible and unacceptable. I am sure the pro-establishment camp and the "love the country and Hong Kong" camp are also capable of winning the support of Hong Kong people by demonstrating their own taste and strengths. Fellow colleagues from the pro-establishment camp, such as Mrs Regina IP, have opined just now that they also found such remarks unacceptable, but subsequently, a number of reasons could be given to speak in their own defence. As mentioned by Mr CHAN Hak-kan, the incident is already history, and we should not waste our time on discussing the matter. However, the incident has caused great harm to their own camp, but they can just let it off lightly simply because it has become obsolete, or they do not want to waste time, and so on. I really hope fellow colleagues from the pro-establishment camp can say a few words in this regard, and I am looking forward to listening to their speech because this is very important. This is still an important point even if we put aside our political stance, and look at the issue purely from the perspective of our identity as a Legislative Council Member.

Other colleagues have also brought up many other issues just now, such as public perception, the influence produced on children, and so on. I have no intention to make a bold assumption and assert whether or not the words and deeds of Legislative Council Members have anything to do with certain disturbing news, which have started to emerge in our community and which involve violence. Indeed, there is no scientific method available for finding out the relationship between them. However, we do have to maintain our vigilance because with the growing popularity of live coverage of events, our words and

deeds will turn into historical records. The public functions we attend will attract media coverage, there will be telecasts and news reports of the words and deeds of Legislative Council Members in the media, and these will then become a part of our history and the news. To be cautious with own words and actions is an attitude that all politicians should always hold.

It is true that every one of us can make a slip of tongue, and as long as we have had a deep reflection about our mistakes, people would be willing to understand. However, very regrettably, Dr Junius HO, the person involved, has so far done nothing to convince us or make us believe that the speech he made then is just a slip of tongue. President, under this premise, how can we give our support to the motion moved by Mr CHAN Hak-kan today?

President, I am not going to use up all of my speaking time, but I hope fellow Members, especially colleagues from the pro-establishment camp, would understand that even without the motion moved by Mr CHAN Hak-kan today, it is just a piece of cake for them to have Ms Claudia MO's motion negated, since they are now enjoying a definite advantage under the split voting system. I cannot quite understand why it is necessary for Members from DAB to move such a motion. Does it mean that as the largest political party of the pro-establishment camp, they agree with the remarks made? Or is it just an attempt to prove to Hong Kong people that it is just a piece of cake for them to terminate the discussions on Ms Claudia MO's motion? In this connection, President, I would like to express my deep regret, and I also consider this absolutely unnecessary.

I so submit.

**PRESIDENT** (in Cantonese): I wish to make a clarification. Mr Alvin YEUNG mentioned just now in his speech that the censure motion moved by Ms Claudia MO can be negated, but as a matter of fact, this Council cannot have a censure motion negated. After Ms Claudia MO has moved her censure motion, if no Member wishes to move the motion under discussion, that is, a motion that no further action should be taken on the censure motion, the matters particularized in the censure motion shall then be committed to an investigation committee.

**MR SHIU KA-CHUN** (in Cantonese): Mr Alvin YEUNG said that he did not know if the purpose of this motion is for Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong to showcase their might. I have no idea about this too. However, up to this moment, Dr Junius HO has done something very well. He actually demonstrates his patience and magnanimity as I have noticed that he has been in his seat all along when other Members rise and speak. This is a very fine attitude indeed.

President, I reject Mr CHAN Hak-kan's motion that "no further action shall be taken on the censure motion moved by Hon Claudia MO". I reject it especially because Mr CHAN Hak-kan argued that: "the incident surrounding the 'killing with no mercy' remark has happened some time ago. This issue is already over. The Council should spend time on other meaningful issues." This argument probably has brought up the discussion about the relationship between "over" and "overdo", or the question of importance between "over" and "overdo".

Perhaps Mr CHAN Hak-kan really knows very well the Government's method of governance, or its mindset. But there is a Freudian slip as he claimed that the issue was over after some time. Will everything just fade like this? No wonder the Government adopts such a tactic on almost everything. So, you people can just keep on criticizing them, but after a few days, as long as the Government can bear the backlash for three days, the problem will be over.

I really doubt if things will really fade and be bygones. Over the course of history, many major mistakes never faded even after a year, 10 years or even 100 years. We always bear this in mind. If these mistakes can fade, then we probably no longer have to study history anymore, or the word "history" can be erased totally. "Overdo" and "over" are two words with different meanings. There are certain issues that will not be over so easily.

The subject today is about an issue which have been "overdone". I will analyse this from the perspective that Dr Junius HO is an elite, a legislator, a council member of an university, a Christian, an intellectual, a public figure, etc. I will approach the issue from different angles, and explain why I reject Mr CHAN Hak-kan's motion.

After years of colonial rules in Hong Kong, elitism has been prevailing in the city. In this environment, I respected the elites, the lawyers, the doctors and the school principals during my childhood. However, in the past 10 years or so,

the newly emerged elites in Hong Kong on and off displayed a kind of logic, knowledge and behaviour that rarely conformed with their professional status and qualifications. Dr Junius HO, who was described by Mrs Regina IP as a stupid patriotic, holds the qualification as a lawyer which is a ticket to the elite club. Nevertheless, many of his behaviours have degraded the class that the legal profession should represent, lowering the superior status of the sector and turning it into something seemingly inferior.

I pointed out in a previous speech in the Legislative Council that Dr Junius HO had been spreading sophistry in which he equalized Occupy Central with Love and Peace with "Hong Kong Independence". I do not blame Dr Junius HO for his political stance, but instead his thinking and logic, as well as his attitude of making irresponsible and impudent remarks in reliance on his strong backing.

Dr HO, perhaps you have forgotten one thing. You and I actually had some sort of interaction before we became legislators. Dr HO claimed that he was a social worker during a discussion in the City Forum programme. When accused widely in the community that you might have breached the Social Workers Registration Ordinance, you responded that we were just a bunch of useless and fake social workers who were not properly fulfilling our duties. I replied online that "maybe I am useless, but you must be fake", as you truly could not causally claim to be a social worker. As a member of the Social Workers Registration Board, I knew that the Board expressed concern on you claim. Yet you responded that they were some useless and fake social workers who did not carry out their duties properly ...

**PRESIDENT** (in Cantonese): Mr SHIU Ka-chun, what is the relation between the issue you are mentioning and the debate topic? Please return to the topic as soon as possible.

**MR SHIU KA-CHUN** (in Cantonese): President, Dr HO has made countless bold and fallacious arguments. Many Members have reminded that we honourable legislators should speak and act discreetly. As honourable Members, our honour is not vested merely in the Basic Law. More importantly, we should manifest our honour through our words and deeds.

Regrettably, Dr HO mindlessly referred to the seven convicted policemen as the "Magnificent Seven". Even worse, he joined an assembly held without a Letter of No Objection and in violation of civil servants' principle of neutrality. Indeed, the assembly was held to denounce, in a red-guard style, a professor at the University of Hong Kong, and it was on this occasion that the remark "killing with no mercy" was made.

As pointed out by many Members, the remark "killing with no mercy" can never be withdrawn, no matter how he has explained and twisted the meaning with his rhetoric. He should play no more sophistry and alter the literal meaning of his words, while arguing that we all misinterpreted his implication. Sorry, he simply cannot defend himself like this.

President, we have to reject Mr CHAN Hak-kan's motion that "no further action shall be taken on the censure motion moved by Hon Claudia MO". We object this because Members have yet to start handling this issue, yet to account to the public for this incident, yet to explain this to the future generations and yet to expound the matter to the future society. There are simply too many issues to clarify and handle. During the Legislative Council Election last year, the New Territory West geographical constituency was mired in disputes after one of the candidates, Mr Ken CHOW, was coerced to withdraw from the race by powerful agencies ...

**PRESIDENT** (in Cantonese): Mr SHIU Ka-chun, please return to the debate topic and do not speak on other unrelated matters. The topic of the debate only relates to whether Members support the motion that no further action shall be taken. Please return to the topic.

**MR SHIU KA-CHUN** (in Cantonese): I thank the President for the reminder. Given the large number of unfinished businesses, and that the discussion item today has yet to be dealt with, we will just effectively leave these issues aside if we adjourn the debate today. As a result, we will just produce one more unfinished item. By unfinished item, I mean we have yet to deal with the malady in society. We sometimes call this malady double standard, while the other time we call this lenient to oneself but strict to others. Dr HO once criticised the Lingnan University Students' Union for organizing a concert during which a performing unit insulted the Police with lyrics containing foul language,

but on the other hand, he himself brazenly intimidated others in a public assembly. As mentioned by Members just now, how can he set an example to young people if he himself has behaved in such an improper manner?

President, there is a saying of the former British Prime Minister Mrs Margaret THATCHER: "Watch your thoughts, for they become words. Watch your words, for they become actions. Watch your actions, for they become habits. Watch your habits, for they become your character. And watch your character, for it becomes your destiny. What we think, we become." Will Dr HO please pay heed to the reminders and advice given by many of his fellow Members.

I believe Mr CHAN Hak-kan's motion does not offer genuine help to Dr Junius HO. If we are to help Dr Junius HO, we should give him a chance to sincerely apologize as he has never truly apologized at all. He was merely playing sophistry. What does true apology mean? Dr Junius HO is more erudite than me, and he has a higher level of proficiency in Chinese and English than me. There are many books in English about apology for his reference. For example, *On Apology, Sorry About That: The Language of Public Apology* and *Art of the Apology: How, When, and Why to Give and Accept Apologies*. Ms Kaman LEE, Associate Prof at the School of Journalism and Communication of The Chinese University of Hong Kong, has authored and published a Chinese book titled *PR Justice* (《公關公義》). The book analyses numerous successful or unsuccessful cases of apology made by corporations after mistakes were committed. In a word, apart from sincerity, when one apologizes, first, there should be an obvious target; second, a clear expression of ...

**PRESIDENT** (in Cantonese): Mr SHIU Ka-chun, you have strayed too far. Please return to the debate topic.

**MR SHIU KA-CHUN** (in Cantonese): That is, to expressly apologize. It is true that Dr Junius HO's remarks worry us. But if Mr CHAN Hak-kan's motion is passed, the situation is even more worrying. It is because, despite being a legislator, lawyer, intellectual and university council member, he has demonstrated his very low calibre. If the pro-establishment camp is still keen to harbour him by means of all those ridiculous arguments, I am afraid these reckless and intimidating remarks will become the norm. President, I urge



pro-establishment Members to think-twice, not to shelter Dr Junius HO and support Mr CHAN Hak-kan's motion. When Members start to learn that the public increasingly get used to the levels shown by him as a legislator and lawyer, it in fact represents the death of elites in Hong Kong, and thus the city's decline. As a Christian, I wish to share with Dr HO a Christian proverb: "A word fitly spoken is like apples of gold in pictures of silver." Also, I have to remind him the quote in the Epistle of James 3:8 which reads: "but the tongue may not be controlled by man; it is an evil, it is full of the poison of death." One have to control his tongue lest he will be destroyed by it. Thank you, President.

**MS CLAUDIA MO** (in Cantonese): Our present discussion is all about the remark "殺無赦", that is, "kill without mercy"; and the meaning of "殺" is to kill, involving blood. So, please don't say it should be the word "剎", that is "to brake" as in braking a car. Dr Junius HO could not brake his car. He crashed his car, though I am not saying he crashed his car and died. Censuring him would be the appropriate approach.

News is news; history is history. Mr CHAN Hak-kan says that the incident took place four months ago and it is already bygoned. Is an incident considered bygoned after four months? Basically, the present political situation surprises you every day. So, you may say that an incident is bygoned after four months. The royalist camp is fond of smears. They smear a person for seven to eight years non-stop until they succeed. How come they do not considered their actions bygoned and stop doing so?

Talking about smears, I am scared after hearing Mr CHAN Kin-por's speech just now. According to him, the person who should be censured is Mr Benny TAI. I do not know what he wants to smear him for; perhaps, for advocating Hong Kong independence. I can barely regarded as learned person, but I do know Chinese and English, and I do not think the slogan "Occupy Central with Love and Peace" has any sense of pro-independence. This in actually a smear.

Let us come back to Mr CHAN Hak-kan's remark. He says censuring a person is a very serious matter. Certainly, I agree. The last time I moved a censure motion is against Mr Holden CHOW. Why did Mr CHAN Hak-kan not speak for him last time? It is because he knew that it was meaningless to do so since their political parties and camps did not have enough people to vote down

that censure motion. However, with the disqualification of four pro-democracy Members, it is now the pro-democracy camp which does not have enough Members to vote down the motion. Under the separate voting system, the royalist camp can now safeguard his motion of taking no further actions on the censure motion. That is why he can suddenly speak with such great confidence and righteousness today.

In fact, in my opinion, Mr Holden CHOW's incident and the incident under discussion today are the same serious to me. One is about colluding with LEUNG Chun-ying, and the other is the horrifying attitude, words and deeds of Dr Junius HO. Mr CHAN Hak-kan made another strange remark. He questions us why we do not censure the riot in Mong Kok which is also very violent. Does he have any sense? Does he know what he is talking about, or what he is doing? When we discuss a social event, we need to ask who, what, when, where, why and how. There should be a rule to follow. We are criticizing and censuring a Legislative Council Member in this Council under the Rules of Procedure, and he asks us why we do not censure a certain person. If so, according to his logics, should we not censure the person who originated this evil incident? That person is Mr TSANG Shu-wo. Should we censure Mr TSANG in the first place? He really does not make any sense. Conversely, we notice that the Police have taken enforcement actions. They arrested the people who humiliated a judge. If he called the Police and said, "Policeman, someone humiliated me." Do you think the Police would arrest the person recklessly? I do not think so, unless the person is a triad member.

Hence, when we look at an incident, we need to consider the identity of the persons involved and the occasion. Are court judges more superior and well-respected? Indeed, they are. Humiliating a judge is a criminal offense. Judges are different from ordinary people. Will Mr CHAN Hak-kan say to policemen or judges that they have double standards? I believe he will not. He asks why we do not censure the Mong Kok riot or the young people participated in it. But how many young people who are already in prison and have paid a dear price for doing so? Why do we still need to censure them? We have a judicial system in place. Hong Kong has judicial independence, whether he likes it or not. The judge has already made a ruling. Those young people have already paid a price for their actions. What is the point of talking about double standards now?

Mrs Regina IP has made a very good point. Mr CHAN Hak-kan says that Dr Junius HO's remarks are senseless and meaningless. But when the incident took place, there were overwhelming criticisms against Dr Junius HO for what he had said. Even Mrs Regina IP agrees that many people criticized him. Honestly, I have been waiting for Dr Junius HO. He just needs to make a small apology, not to me, nor to the Legislative Council, but to Hong Kong people. If he is willing to do that, I will withdraw this motion today. But regrettably, he refuses to do so.

However, I have to be 100% honest with Members. My only positive comment for Dr Junius HO is that he is true to his temperament. He speaks his mind. I always prefer a true villain than a hypocritical gentleman. But in this incident, he has crossed the line. I will not quote again his words of abuse on other people, since the words are rather rude and far-reaching. It is embarrassing that he calls himself a patriot, claiming what he did is just to be patriotic. I think Mr CHAN Hak-kan's rebuttal shows that he is in disarray. He says that Dr Junius HO's incident is frivolous and meaningless, but then he also says other Members have double standards. In fact, all these arguments are untenable. Dr HO just wants to use patriotism as an excuse. Or, he wants to divert our attention, like what Mr CHAN Kin-por just said. This is their best trick. They want to divert our attention and censure Prof Benny TAI. This is unacceptable. As an English saying goes, "Patriotism is the last refuge of a scoundrel". Thank you.

**PRESIDENT** (in Cantonese): Ms Starry LEE, please speak.

(Mr SHIU Ka-chun stood up)

**PRESIDENT** (in Cantonese): Mr SHIU Ka-chun, what is your point?

**MR SHIU KA-CHUN** (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)

**MS STARRY LEE** (in Cantonese): President, the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") opposes any form of violence, certainly including verbal violence. Why do we oppose violence? It is because we must oppose violence for the next generation, for Hong Kong people and also for ourselves.

Many people describe me as a decent person. Actually, I really dislike violence, and I have strong resentment to vulgarisms. I remember clearly that the first time I had faced verbal violence or "intimidation" as Members call it was the time when I stood for the direct election of the Kowloon West constituency as a DAB representative. If I remember it correctly, a debate was held in the MacPherson Playground at the time. If my guess is correct, a candidate brought along all his supporters, and they besieged the entire venue after the debate. How were people with dissenting political views treated after the debate? They received "greetings to their mothers" in vulgarisms and were surrounded, unable to leave the venue. Have they ever experienced such intimidation? Did they condemn such violence? As the saying goes, "Do unto others as you would have them do unto you." So, even if I am reprimanded with vulgarisms and surrounded inside or outside the legislature, I will only wear a smile. After watching video clips on YouTube, many people come to ask me how I can have such a high EQ. I wish to tell them that this is because of the saying "Do unto others as you would have them do unto you". For the sake of our next generation, I honestly do not want to see Hong Kong become a community where violence prevails and young people use vulgarisms casually.

But President, much to my regret, such a culture of violence has turned increasingly rampant after I joined the legislature. At present, I do not have the same feeling as I did at the time. Sometimes, even if I face vulgar gestures, or even if I receive "greetings to my mother" in vulgarisms or even surrounded by others when handling certain controversial issues, I can also face the situation with ease. In retrospect, I will now say that their conduct was very unreasonable. President, sometimes in the Legislative Council, I can hear various Members voice opposition to violence with a strong sense of righteousness. They assert that they must safeguard Hong Kong's culture for the next generation. But I honestly cannot but heave a sigh at the thought of the above situation.

If the motion moved by Ms Claudia MO today is really intended to arouse our serious concern about the phenomenon of inciting violence in various demonstrations and protests or in the community over recent years, or to attach

importance to the requirement that Legislative Council Members should comply with their oaths and diligently discharge their duties as Legislative Council Members, we will certainly be glad to see it. But regrettably, they have kept using Dr Junius HO's words to make a mountain out of a molehill, with the aim of discrediting their political enemies. We honestly cannot agree with them. Therefore, I rise to speak in support of Mr CHAN Hak-kan's motion that no further action shall be taken on the censure motion.

President, many Members have criticized Mr CHAN Hak-kan for harbouring Dr HO. I must say a few words of fairness. The word "harbouring" they have used is a mere sophistry intending to smear DAB again. There is no problem for them to criticize Dr Junius HO or anyone for uttering certain words. And in fact, they have already levelled their criticisms. Many months have passed since the incident, and they may issue a condemnation statement.

Just now, certain Members also asked, "Are you saying that we cannot even express condemnation?" As Members know, we do not mean anything like this. They may express condemnation. But President, they have moved a motion under Rule 49B(1A) of the Rules of Procedure to disqualify Dr HO from office. In my view, they should not mention the two in one breathe. Mr CHAN Hak-kan raises opposition or proposes that no follow-up shall be taken because we think that even if Dr HO's words may sound disturbing or not quite so appropriate, we nonetheless should not invoke Rule 49B of the Rules of Procedure to disqualify him from office due to his words.

Just now, certain Members criticized us for harbouring Dr HO and refusing to give them an opportunity to condemn Dr HO and propose a censure motion. Sorry, I think they have failed to see the whole picture and focus on the topic of the present debate. Sometimes, I am also worried that people are unable to grasp Members' arguments after listening to their speeches. So, I must give a clarification.

President, next, I wish to say that I am also very confused sometimes. A moment ago, Ms Claudia MO said with a strong sense of righteousness in her speech that she must criticize words and acts of violence. However, do Members notice that after uttering the relevant words, Dr HO has likewise faced immense pressure and has even been victimized by the same kind of verbal violence? Someone left a message, saying that he would kill all family members of Dr HO or exterminate his whole family. A netizen who claimed to work for Demosistō said that he would kill Dr Junius HO when seeing him. During that

period, I kept a close watch on their response. But sorry, I honestly failed to see those Members who have just risen to speak with a strong sense of righteousness come forward and criticize them for their inappropriate remarks, or point out that they should not have made such remarks. Neither did they say that they should not use violence against violence regardless of how disturbing Dr HO's words might sound. So, I cannot believe they propose the censure motion for the purpose of safeguarding the dignity of the legislature and opposing verbal violence.

President, as a Legislative Council Member, every one of us present here is honestly duty-bound to uphold Legislative Council's solemnity and discharge his duties as a Legislative Council Member. But we absolutely should not criticize an individual Member for contempt of Legislative Council's functions and duties and even propose a censure motion solely because he has uttered certain words outside the legislature which have aroused controversy in the community. Remember, the censure motion is actually aimed to disqualify Dr HO from office.

President, let us recall our memory. How many Members in the legislature have hurled verbal insults at other Members or government officials? Frankly speaking, we are also major victims as we have always been reprimanded, and they can reprimand us for being shameless anytime they wish. Only because we are generous, we have not risen to our feet to point out that their remarks are insulting. Frankly speaking, those who always criticize others for being shameless are actually the most shameless themselves. I seldom say so. But I honestly cannot bear this anymore. They are not the only ones who are the most capable of reproaching others.

President, many Members have directed insults at our officials at Council meetings, snatched away their papers and hurled vulgarisms. Some have even said that certain Members and officials must be condemned to hell. Have they given any response to such words or acts of violence? Putting aside the moving of a censure motion, may I ask if they have ever pointed out that Members should not resort to verbal violence in the legislature and exaggerate things indefinitely? Sorry, I have not heard any such talks. Just now, they explained why they had to propose a censure motion with a strong sense of righteousness. But I honestly am not convinced of the motives they have mentioned.

President, the censure motion brings up the issues of misbehaviour and breach of oath. In my view, it can serve as a mirror for Members to do some self-reflection. Do those Members who are concerned about the words and

deeds of Legislative Council Members remember an incident? Let me give an example. Sixtus LEUNG and YAU Wai-ching insulted our Motherland on Legislative Council's solemn policy deliberation platform during oath-taking and conducted themselves shamelessly. They violated the swearing-in requirements on Legislative Council Members; and not only this, their remarks even aroused the agony of Chinese people worldwide. Did they ever rise to condemn them that day?

Ms Claudia MO, you are the mover of this censure motion. Do you remember what you said at the time? At the time, you asserted that they had gone too far only, saying that we should not kick them when they were down and criticize them for their conduct. As I remember, you even said that the most important thing was that some voters voted for them, adding that attacking a Member elected by voters was tantamount to attacking the people. Ms MO, if you still hold fast to your words that day, I will say that your words that day are also applicable to Dr Junius HO today. If you think that your words are not applicable because Dr Junius HO disagrees with you people or his political views differ from yours, then I am sorry to say that this is definitely a double standard in my view.

President, I do not want to speak too much. Frankly speaking, regarding the motion today, if Members put the various pictures together, it will not be difficult for them to draw a conclusion, the conclusion that the mover of this censure motion or Members who support it have adopted a double standard as usual, in a bid to attain their political objectives or even discredit their opponents. In DAB's view, the legislature should not turn a solemn censure motion—their intention is to disqualify Dr HO from office—into a political tool or weapon. For these reasons, I support Mr CHAN Hak-kan's motion that no further action shall be taken on the censure motion.

## **SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): I now suspend the meeting until 9:00 am tomorrow.

*Suspended accordingly at 7:48 pm.*