

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 17 October 2012

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

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

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

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

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

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN, J.P.

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

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

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

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

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

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

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

THE HONOURABLE CHARLES PETER MOK

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN

DR THE HONOURABLE KENNETH CHAN KA-LOK

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

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

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

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

THE HONOURABLE TANG KA-PIU

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

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

THE HONOURABLE CHUNG KWOK-PAN

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

THE HONOURABLE TONY TSE WAI-CHUEN

PUBLIC OFFICERS ATTENDING:

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

THE HONOURABLE JOHN TSANG CHUN-WAH, G.B.M., J.P.
THE FINANCIAL SECRETARY

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, S.C., J.P.
THE SECRETARY FOR JUSTICE

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

THE HONOURABLE TSANG TAK-SING, G.B.S., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

PROF THE HONOURABLE K C CHAN, G.B.S., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE GREGORY SO KAM-LEUNG, G.B.S., J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

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

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

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

THE HONOURABLE PAUL TANG KWOK-WAI, J.P.
SECRETARY FOR THE CIVIL SERVICE

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

THE HONOURABLE WONG KAM-SING, J.P.
SECRETARY FOR THE ENVIRONMENT

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

CLERKS IN ATTENDANCE:

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

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

TAKING OF LEGISLATIVE COUNCIL OATH

PRESIDENT (in Cantonese): Members will please be seated. The Oath-taking will now start.

PRESIDENT (in Cantonese): Mr WONG Yuk-man. Please take the Oath.

MR WONG YUK-MAN (in Cantonese): I pray to my God for your forgiveness
.....

PRESIDENT (in Cantonese): Mr WONG, this is not the time for you to speak. Please take the Oath.

The Honourable WONG Yuk-man made the Legislative Council Oath

MR WONG YUK-MAN (in Cantonese): Down with the Hong Kong communist regime, down with LEUNG Chun-ying

PRESIDENT (in Cantonese): Mr WONG, return to your seat immediately.

(A Member shouted "Down with the Chinese communist regime")

PRESIDENT (in Cantonese): Members should not yell in their seats.

(Mr Paul TSE stood up)

PRESIDENT (in Cantonese): Mr Paul TSE, what is your point?

MR PAUL TSE (in Cantonese): President, I seek your ruling on the validity of the Oath-taking just now. After the last incident, I have carefully read the Court's judgment in relation to Mr LEUNG Kwok-hung in 2004. Just now, the so-called Oath-taking, with the Honourable Mr WONG Yuk-man or Mr WONG Yuk-man reluctantly holding the *Bible* in taking the so-called Oath and asking forgiveness in the name of the Kingdom in Heaven, the Father and God, is absolutely an act of insincerity, which will seriously undermine the dignity of this Council.

President, more importantly, I trust that Members are all aware that Article 104 of the Basic Law has stipulated a specific requirement, and Article 79(7) further states the consequence for a breach of the Oath. In this connection, it is of vital importance to determine whether the Honourable WONG Yuk-man has taken his Oath sincerely just now, and whether the contents of such have complied with the law.

Should there be any motion of impeachment relating to Mr WONG Yuk-man as a Member of the Legislative Council in future, we should then review the Oath he made and see whether it fully accorded with the relevant requirements. If Members have read the judgment handed down by the Court of First Instance in 2004, they should know that the requirements are very clear and stringent.

President, I seek your clear ruling as to whether the so-called Oath-taking just now has accorded with the relevant statutory requirements.

PRESIDENT (in Cantonese): Mr TSE, according to the Basic Law, the laws of Hong Kong, the Rules of Procedure as well as the precedents of this Council, I rule that the Honourable WONG Yuk-man has already taken his Oath in accordance with law just now. In case any Member or any member of the public holds that Mr WONG or any Member has breached his Oath, it is perfectly in order to have the matter dealt with in accordance with the Basic Law and the legislation. The Oath-taking has now been concluded.

Members will please stand up while the Chief Executive enters the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): Account for your unauthorized building works (UBWs) now. Down with the Hong Kong communist regime. Account for your UBWs now.

PRESIDENT (in Cantonese): Will Members please remain silent.

MR LEUNG KWOK-HUNG (in Cantonese): LEUNG Chun-ying, account for your UBWs now. How dare he talk about his concepts! Even for such a simple matter

PRESIDENT (in Cantonese): Mr LEUNG, if you violate the Rules of Procedure again, I will order you to leave the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): Down with the Hong Kong communist regime.

(The Chief Executive entered the Chamber)

MR ALBERT CHAN (in Cantonese): President, before the Chief Executive addresses this Council, I would like to

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

MR ALBERT CHAN (in Cantonese): I only want to seek clarification from the President on the ensuing proceedings before the Chief Executive delivers his address. According to my understanding, except for the delivery of policy address by the Chief Executive, whenever the Chief Executive attends a meeting of this Council to give an account to the legislature on behalf of the Executive Authorities, the Legislative Council shall be obliged to put questions to the Government. Nothing like today's meeting has ever happened in which no arrangement has been made for Members to put questions to the Chief Executive

on his address. Has this practice violated any basic principles? Separately, President, can you exercise your discretion to allow some time for Members to put questions to the Chief Executive after his delivery of his address, so that Members can perform

PRESIDENT (in Cantonese): Mr CHAN, your point is already very clear. Please sit down.

(Mr Albert CHAN sat down)

PRESIDENT (in Cantonese): Mr CHAN, what you have just said about your recollection of this Council's history is incorrect. In fact, the Chief Executive of the last term had also addressed this Council under Rule 8(a) of the Rules of Procedure (RoP), and there was no question and answer session on that occasion. Members should have already been notified that the Chief Executive will attend a Question and Answer Session of this Council on 1 November. If Members have any questions on the contents of the Chief Executive's address to be delivered shortly, or on any other work initiatives of the Government, they can ask questions on the said Question and Answer Session.

Please sit down.

MR ALBERT CHAN (in Cantonese): We are dissatisfied with today's arrangement. For this part of the proceedings, the People Power will leave the Chamber in protest, and we protest against the Chief Executive

MR WONG YUK-MAN (in Cantonese): Down with LEUNG Chun-ying!

(Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen turned to leave the Chamber)

PRESIDENT (in Cantonese): Leave immediately!

MR ALBERT CHAN (in Cantonese): protest against his not taking questions from Members. Get lost, LEUNG Chun-ying get lost.

(Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen left the Chamber)

MR ALBERT HO (in Cantonese): President, by the notice we get, we know that the Chief Executive is addressing this Council today under Rule 8 of the RoP. Rule 8 of the RoP provides that in addition to addressing the Council, the Chief Executive may also answer questions from Members. President, as you have said just now, the Chief Executive chooses to attend the Council meeting on 1 November to answer Members' questions. But we also have a procedure in the past which allows Members to seek elucidation of his address. The Chief Executive often speaks with the art of "hypocrisy" such that we are clueless as to what he means. We want him to clarify the contents of his remarks on the spot so that we can understand what he has said. Why can't this be done today? President, shouldn't you allow us to ask him to clarify the contents of his address?

PRESIDENT (in Cantonese): Mr HO, what you said is somewhat outdated. We have already amended the former rules in relation to seeking elucidation of statements. According to Rule 28 of the RoP, Members are allowed to put short questions on the relevant statement. However, Mr HO, please note clearly that Rule 28 is about statements made by designated public officers in this Council. Today, the Chief Executive is addressing the Council under Rule 8(a) of the RoP and it does not fall within the purview of Rule 28. As I have just said, there is a precedent in this Council. According to the former President's ruling, when the Chief Executive addressed this Council, he would not take questions from Members after delivering the address.

MR ALBERT HO (in Cantonese): President, my follow-up question is that I want to seek elucidation. If, on discretion, the Chief Executive agrees to make an elucidation, can we simply ask him to make an elucidation, rather than take questions from Members?

PRESIDENT (in Cantonese): As nothing has been provided in the RoP which allows Members to seek elucidation of the Chief Executive's address, I will not give my permission to do so.

MS EMILY LAU (in Cantonese): President, perhaps you are also aware that at the meeting of the House Committee held last Friday, I requested that the Chief Executive should take questions from Members today. At that time, my request was supported by all members, and the House Committee had also written to convey the same to the Chief Executive. Therefore, I do not care whether the relevant provision is Rule 8(a) of the RoP or any other provisions, I only want to know, is it permissible under the RoP to seek elucidation? Subject to the Chief Executive's agreement, will the President allow him to take questions after delivering the address? If the Chief Executive refuses to answer questions or if he refuses to be accountable to the community by hiding behind the RoP, he should be censured by the Legislative Council and the community. President, please clarify that subject to his agreement, will you allow us to seek elucidation of the contents of his address?

PRESIDENT (in Cantonese): Ms LAU, after the meeting of the House Committee last Friday, the Administration Wing have already informed this Council, and Members have also been informed that the Chief Executive will answer Members' questions when he attends the Council meeting on 1 November under Rule 8 of the RoP. Regarding today's arrangement, the Secretariat has already informed Members that the Chief Executive is addressing this Council under Rule 8(a) of the RoP. Hence, Members please have a clear understanding on this provision of the RoP and stop requesting to conduct any proceedings not allowed under the RoP.

The Chief Executive will now address the Council under

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to ask you a question.

PRESIDENT (in Cantonese): Mr LEUNG, what is your question?

MR LEUNG KWOK-HUNG (in Cantonese): President, will you please ask the Chief Executive next to you whether he will take questions from Members. If he will take questions right now, I will ask questions immediately. He is already in this Chamber now.

PRESIDENT (in Cantonese): Mr LEUNG, as I have already said, this question of yours is not permissible under the RoP. Honourable Members, please observe the RoP. I now invite the Chief Executive to address this Council.

MR JAMES TO (in Cantonese): President, I have gone through the Agenda, and have also been informed that the Chief Executive will attend the Question and Answer Session on 1 November. In fact, subject to the Chief Executive's agreement, is it in order to hold, without notice, the Question and Answer Session today immediately after the Chief Executive's delivery of his address under Rule 8(a)? If that is in order, we can then put questions to him immediately after listening to his address when our memory is still fresh, and the Chief Executive can have the earliest opportunity to explain his policies.

PRESIDENT (in Cantonese): Honourable Members, today's Agenda was decided by me as the President of the Legislative Council. In deciding this Agenda item, I have already fully considered the views of the House Committee as well as that of the Chief Executive. Hence, please proceed with the meeting in accordance with the Agenda. According to the Agenda, the Chief Executive will now address the Council under Rule 8(a) of the RoP.

MR JAMES TO (in Cantonese): President, I would like to know, in deciding this Agenda and scheduling the Question and Answer Session on 1 November, have you already been informed that the Chief Executive does not want to hold the Question and Answer Session today immediately after delivering his address under Rule 8(a)?

PRESIDENT (in Cantonese): What the Chief Executive wishes or not wishes to do is not a factor to be considered by me in deciding the Agenda.

MR JAMES TO (in Cantonese): What you said just now is that you decided the Agenda after considering the views of the Chief Executive.

PRESIDENT (in Cantonese): Mr TO, please sit down. We should conduct the meeting in accordance with the Agenda; otherwise, the meeting will not proceed smoothly.

MR ALAN LEONG (in Cantonese): You just mentioned that there are two precedents in relation to the Chief Executive addressing this Council under Rule 8(a), and the then President had ruled that Members could not seek elucidation from the Chief Executive. President, first of all, I would like to say that seeking elucidation and putting questions involved two different concepts. As far as I understand, no ruling has ever been made by any President of the Legislative Council that Members cannot seek elucidation from the Chief Executive when he addresses the Council under Rule 8(a). Furthermore, if the President wants to rule on this matter, perhaps it is now the right time to do so because there is indeed no precedent.

President, before you make a ruling, I would like to highlight two points in particular. First, under Rule 28 of the RoP, as you have just said, Members may seek elucidation of statements made by designated public officers. If Members can seek elucidation from designated public officers, I see no reason why they cannot seek elucidation from the Chief Executive because he himself is likewise accountable to the Legislative Council. This constitutional duty is vested with

PRESIDENT (in Cantonese): Mr LEONG, please be concise.

MR ALAN LEONG (in Cantonese): I only want to facilitate you in making the ruling in future so that nothing would be left out. Given that Members can

seek elucidation from designated public officers, why can't they seek elucidation from the Chief Executive?

Moreover, President, as you know clearly, while Rule 39 of the RoP governs interruption of speech of Members, Rule 39(b) provides that even though a Member is speaking, any Member present who wants to seek elucidation from that Member can still do so. Under this premise, I seek the President's ruling as to whether we can seek elucidation from the Chief Executive under Rule 8(a) today?

PRESIDENT (in Cantonese): I hope that when Members read out the provisions of the RoP, they would read them aloud clearly and fully. Why is Rule 28, which applies to designated public officers, not applicable to the Chief Executive? I have already set out the reason clearly just now. That is because the Chief Executive is not a designated public officer. There is no such logic that as designated public officers are required to make elucidation, the Chief Executive must also make elucidation.

Regarding Rule 39 of the RoP, if Honourable Members have read the provisions clearly, a Member who wishes to seek elucidation immediately can only interrupt the Member who is speaking if he has the permission of the President and the Member speaking is willing to give way.

The relevant precedent in 2008 is very clear. The then President of the Legislative Council had stated clearly that all speeches made by Members at the meetings must be in accordance with the RoP. Members please note clearly that there is no provision in the RoP which states that Members can ask any questions after the Chief Executive has delivered his address.

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): I am a precedent myself. I once asked Donald TSANG to clarify a word he had mispronounced. I was permitted

to do so at that time. He had mispronounced "jung2 coeng4" (an extended period of time) as

PRESIDENT (in Cantonese): Mr LEUNG, you were not speaking in accordance with the RoP then. Please do not cite this as an example.

MR LEUNG KWOK-HUNG (in Cantonese): Is it true that I can seek his elucidation if he has mispronounced the word?

PRESIDENT (in Cantonese): Honourable Members, we already have a thorough discussion on the relevant proceedings with regard to the RoP concerned. Please stop raising other issues.

DR KWOK KA-KI (in Cantonese): President, I seek your clarification on Rule 8(a) which reads, "addressing the Council at any time as he shall think fit, including during a special meeting". The provision however has not precluded that the Chief Executive may, with the permission of the President, make necessary and succinct elucidations. President, regarding this point, can you ask the Chief Executive whether, with your permission, he is willing to make succinct and necessary elucidations?

PRESIDENT (in Cantonese): According to the RoP, any Member who wishes to speak, including putting questions to the Chief Executive or public officers, must first have the permission of the President. But the RoP has not provided specifically under what circumstances Members can ask questions, as well as under what circumstances arrangements have not been made for Members to ask questions. Hence, I reiterate that Members should no longer dwell on this point. If Members have any queries or views on the RoP, I would be happy to exchange views with them outside this Chamber.

I now invite the Chief Executive to address this Council.

ADDRESS BY THE CHIEF EXECUTIVE

The Chief Executive to address the Council, under Rule 8(a) of the Rules of Procedure, to elaborate on his concept of governance, review progress made in the first three months of the Fourth Term Government, and outline his policy direction and work priorities in 2013.

CHIEF EXECUTIVE (in Cantonese): President, Honourable Members and fellow citizens, I am pleased to address this Council just one week after Honourable Members were sworn into office. Today, I would like to take this opportunity to share with you and the public my views on several issues.

As the term of this Council has just begun, I decided to postpone my Policy Address until January next year so that the new-term Government and Legislative Council will have more time to interact and exchange views on the substance of the coming Policy Address. In two weeks, I will also attend a question and answer session of this Council to listen and respond to your views on what I say today.

Hong Kong is facing many deep-seated social, political and economic problems. But we also have the conditions and ability to solve them. We enjoy the combined strength of a robust legal system, the rule of law and an advanced city administration system. We have a free and open society, and a clean, experienced and efficient Civil Service. With "one country" we can ride on the Mainland's rapid development. With "two systems" we can also capitalize on the differences between Hong Kong and the Mainland.

On the day I was elected Chief Executive, I appealed to the entire community for unity and co-operation as the election contest was over. From that day, we have only one single camp — and that is, the "Hong Kong Camp". Today, six months after the election, I would make the same appeal again: The Government and all Members of this Council belong to the "Hong Kong Camp". We should seriously assess the new internal and external environment and identify the direction for Hong Kong's development. We should seek change while maintaining overall stability, and rise to the challenges ahead. With one heart and one vision, we will be able to shape a better future for Hong Kong.

First of all, I will talk about the macro environment. Although China is the second largest economy in the world, it is still a developing country. Its continued development depends much on a stable international environment. In recent years, new uncertainties have arisen from changes in international and regional relations.

At present, the world is beset with political and economic uncertainty. The global political landscape is changing. Following the onset of the financial tsunami four years ago, the United States and European economies, once driving forces of the global economy, have remained weak, which exposes underlying structural problems. With high unemployment and huge budget deficits, the United States and Europe are in trouble. In Europe, the unprecedented debt crisis has driven some governments to the brink of bankruptcy. The fiscal austerity measures introduced to reduce deficits have brought social unrest. The economic downturn and weak spending power of the United States and Europe, which are the largest markets for Chinese products, have an impact on Hong Kong manufacturers in the Mainland and, to a certain extent, the growth of the Chinese economy. All these external factors directly or indirectly affect the economic and social development of Hong Kong.

I have started today with a brief account of the international environment and the global economy, not because I want to play down local issues or non-economic problems. In fact, there has been much discussion in the community about the core values of Hong Kong, which include liberty, human rights, democracy and the rule of law, and other local issues about which I am equally concerned. I have highlighted the macro economic and political environment in the Mainland and overseas because I hope the community will consider economic and political factors, both internal and external, when discussing local issues so as not to lose sight of the big picture. Hong Kong's social and economic development cannot be insulated from the profound changes in the external environment. Furthermore, local social problems such as poverty, housing and an ageing population cannot be solved without economic strength. In the face of a changing world, we must remain vigilant and alert to threats and dangers so that we can plan ahead to respond effectively to possible changes.

The Mainland has been, and will continue to be, an enormous hinterland for Hong Kong's development. It provides us with an outlet for investment and

talent as well as opportunities for economic restructuring. According to estimates by Hong Kong trade associations in Beijing, Shanghai and Guangzhou, there are hundreds of thousands of Hong Kong residents living and working in these three cities on a long-term basis. The career prospects of our young people lie both in Hong Kong and the Mainland. As some local people pursue careers outside Hong Kong, it has provided space for others to move up the social ladder here. This Government is ready to explore employment and career opportunities in the Mainland for Hong Kong people and to assist various sectors in opening up business opportunities in the Mainland market. The HKSAR Government will study the feasibility of setting up new offices in cities of Central China. We will also enhance the collection of data on the number of Hong Kong people living in the Mainland, their geographical distribution, purpose and duration of stay, and so on to better gauge their situation and the latest trends. We will study ways to strengthen the working relationship between our four Mainland offices and the Hong Kong Trade Development Council, Hong Kong Tourism Board and Invest Hong Kong. A closer partnership among these four parties will help promote Hong Kong's key advantages, including the Hong Kong brand, and support Hong Kong people and enterprises in the Mainland in their career and business development. At the same time, we will continue to deepen regional co-operation with the Mainland. Specifically, we will try to secure early and pilot implementation of more liberalization measures in places with a larger cluster of Hong Kong people and enterprises.

Next, I would like to share my views on several important relationships and issues. The first one is the executive-legislative relationship. The SAR Government cares about, and upholds, the executive-legislative relationship. It is necessary for the Government to establish and maintain constant communication and contact with all legislators to promote constructive interaction between the executive authorities and the legislature. The Government and the Legislative Council have their respective roles and powers and, as such, respective responsibilities. Good co-operation between them is conducive to the full and timely implementation of policies that benefit our people. When that happens, both sides win and both can take credit. By the same token, both sides would shoulder the responsibility if a policy that benefits our people does not come to fruition. The public will assess the performance of both the Government and all Honourable Members

(Mr LEUNG Kwok-hung yelled in his seat)

PRESIDENT (in Cantonese): Chief Executive, please hold on. Mr LEUNG Kwok-hung, if you continue yelling in your seat, I have to ask you to leave the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): I will not listen to his lies.

PRESIDENT (in Cantonese): Mr LEUNG, leave the Chamber immediately.

MR LEUNG KWOK-HUNG (in Cantonese): He should immediately account for his unauthorized building works.

PRESIDENT (in Cantonese): Mr LEUNG, leave immediately.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. I will not listen to his words. I do not know why I have to come here.

(Mr LEUNG Kwok-hung left the Chamber)

PRESIDENT (in Cantonese): Chief Executive, please continue.

CHIEF EXECUTIVE (in Cantonese): President, the public will assess the performance of both the Government and all Honourable Members, and it is not a zero-sum game. Our people have the same expectations of the Government and the Legislative Council. This also demonstrates the nature of the relationship between the two. I attach great importance to constructive interaction between the Government and this Council. In the coming few years, a significant number of policy initiatives on social, political, economic and livelihood issues will be tabled in this Council for approval. The SAR Government will keep an open mind and maintain dialogue with Members of political groups and independent Members through different ways and means. The Government will explain its principles and positions, while listening to Members' views and

suggestions so as to gain their support. The SAR Government will fully respect the status, functions and constitutional powers of the Legislative Council. I also hope that all of us will keep in mind the overall and long-term interests of Hong Kong and deal with policy matters in a rational and pragmatic manner.

I will then talk about the relationship between the Central Authorities and the HKSAR. The relationship between the Central Authorities and the HKSAR is governed by the Basic Law. The HKSAR comes directly under the Central People's Government, and is authorized to exercise a high degree of autonomy in accordance with the provisions of the Basic Law. According to the Basic Law, on top of matters relating to defence and foreign affairs, the powers of the Central Authorities cover a number of other areas such as political structure, administration and external affairs. For instance, the Basic Law stipulates that the appointment of the Chief Executive and Principal Officials is vested in the Central Authorities. There are also provisions concerning the Central Authorities' role in authorizing Hong Kong to maintain a shipping register and register the marks of aircraft, and permitting Hong Kong to participate in international organizations and conferences not limited to states. The relevant provisions in the Basic Law illustrate that the "autonomy" enjoyed by Hong Kong under "one country, two systems" is a high degree of autonomy as expressly defined in the Basic Law, not autonomy of a different form or content. In the 15 years since Hong Kong's return to China, the SAR Government has abided by the Basic Law provisions concerning the relationship between the Central Authorities and Hong Kong. I and the current-term Government will uphold Hong Kong's high degree of autonomy under the Basic Law.

Next will be my view on the relationship between Hong Kong, the Mainland and other countries. The Chief Executive is both the head of the SAR Government and the whole SAR. As Chief Executive, I have the primary responsibility to safeguard the interests of Hong Kong in our relationships with the Mainland and other countries. Hong Kong and the Mainland have become inextricably linked both socially and economically. No matter how we describe this trend, it is an indisputable fact that more and more Hong Kong people are doing business, working, studying and settling in the Mainland. As at October 2011, there were 11 000 Hong Kong students studying at 205 higher education institutions in the Mainland. According to the Guangdong statistics, the number of Hong Kong enterprises in the province has reached 56 000.

Several years ago, when the meetings of the National People's Congress and Chinese People's Political Consultative Conference were being held, I was invited by Phoenix Satellite Television for an interview in Beijing to talk about the relationship between Hong Kong and the Mainland. Before the programme, the broadcaster had conducted a viewer survey. The results showed that the majority of Mainland residents felt that the Central Authorities were too generous in giving Hong Kong privileges, such as those under CEPA, without asking for similar arrangements in return. My response was that since Hong Kong imposed no tariffs, we could not give tariff concessions to the Mainland in return. I added that over the decades, including before the opening up and reform of the Mainland, Hong Kong people had always cared about the country's development and rendered support in various ways. Both the interview and the survey highlighted one point: We should not assume that people in the Mainland have no views about the preferential treatment that Hong Kong enjoys. The relationship between Hong Kong and the Mainland is complementary and mutually beneficial in nature. Apart from properly managing this relationship, we should also properly explain the situation and facts to people in the Mainland and Hong Kong. The SAR Government will also step up efforts to project a positive image of Hong Kong in the Mainland, spelling out how we have contributed to the development of our country and what we can continue to do in future.

As cross-boundary ties become stronger, not only are more Hong Kong people working, doing business, travelling and living in the Mainland, an increasing number of Mainland visitors are also coming to Hong Kong for travel, shopping, education or other services. In recent years, there has been public concern about some of the activities of Mainland visitors to Hong Kong, such as giving birth, buying milk powder, purchasing residential flats, and parallel trading. I and the SAR Government are concerned about these issues, and have taken timely and appropriate actions to deal with them. The shopping and other activities of Mainland visitors to Hong Kong have both positive and negative effects to different extents on local residents in different districts and sectors. The SAR Government will closely monitor the situation. The SAR Government and the Central Government will continue to look at Hong Kong's capacity. We aim to prevent any negative impact on the normal life of local residents caused by the strong demand of Mainland visitors in Hong Kong. It is for this very reason that among more than 600 cities in the Mainland, the Individual Visit Scheme currently applies to just 49 and that this number has remained unchanged for the past five years. This is just one example.

Unfortunately, these issues are often politicized. During the consultation on the North East New Territories New Development Areas project, some claimed that the project was "turning Hong Kong red" and "selling out Hong Kong". I do not think that such claims reflect the views of the majority of Hong Kong people, but we cannot take this matter lightly. What a small group of people say and do may impact on the relationship between Hong Kong and the Mainland.

I would like to take this opportunity to recap some of the suggestions and proposals I have made in relation to these issues. When serving as Vice-Chairman of the Preparatory Committee for the HKSAR, I suggested closed management of the PLA garrison in Hong Kong. Currently, there are nearly 300 000 foreign domestic helpers in Hong Kong, earning a total of HK\$14 billion annually. Before 1997, I did not agree with the importation of domestic helpers from the Mainland after Hong Kong's return. My view has not changed. In 2003, I supported the implementation of the Individual Visit Scheme, which would help facilitate the development of tourism and the retail industry in Hong Kong. In view of Hong Kong's capacity, I have recommended the Central Government to put a halt to the scheme of issuing multi-entry visas to non-permanent residents in Shenzhen. My recommendation is supported and accepted by the Central Authorities. I have also taken forward the policy of "Hong Kong property for Hong Kong residents" to restrict the purchase of residential flats by non-Hong Kong residents. Shortly after my election, I announced that the quota of expectant Mainland mothers with no ties to Hong Kong allowed to give birth here would be cut to zero in 2013. And I have recently asked relevant departments to join hands to crack down on parallel trading activities.

In developing the relationship between Hong Kong and the Mainland, we must be both principled and proactive. My proposals and decisions just mentioned illustrate how I sought to achieve this before and after our return to the motherland, and before and after I assumed office. I am fully confident that Hong Kong can continue to play an active role in the further development of our country. In so doing, we will also foster our own development and provide a wider playing field with more and better opportunities for local people from all walks of life, especially the younger generation.

Under "one country, two systems", Hong Kong enjoys a much wider scope in dealing with external affairs than before 1997. The SAR Government, using the name of "Hong Kong, China", participates in over 200 international organizations such as APEC, the World Trade Organization, the Bank for International Settlements, and so on. The SAR Government has on its own signed more than 300 agreements with overseas and international organizations in accordance with the relevant provisions of the Basic Law. With the support of the Central Government, a number of Hong Kong people occupy leading positions in international organizations. Hong Kong has a large concentration of consulates. At present, 122 countries have consular missions in Hong Kong to promote ties with the SAR. To reinforce and enhance Hong Kong's status as an international centre for financial services, trade and shipping, we will continue to pursue external relations, including through our 11 Hong Kong Economic and Trade Offices overseas, with a view to strengthening interaction and co-operation with international organizations and other countries.

Hong Kong is an international metropolis. We must make good use of and further develop our international relations. We must also handle properly our special relationship with Mainland provinces and municipalities under the principles of "one country, two systems" and "Hong Kong people administering Hong Kong" with a high degree of autonomy.

We should have confidence in ourselves. Hong Kong's capitalist system is well developed and stable. Our core values are widely shared among our people. They will not be damaged by our close interaction with the Mainland or other countries. As Hong Kong is an externally oriented economy, we should not close the door and isolate ourselves from the rest of the world. We should master both our external relations as well as internal diplomacy. This is crucial to Hong Kong's development.

I will then talk about my view on the relationship between economic development and wealth distribution.

While our society is affluent on the whole, the poverty problem lingers and has even become more acute in certain quarters. From 1996 to 2006, Hong Kong saw a 34% increase in per capita gross domestic product but a drop in earnings among the lowest-earning 30% of the working population. Poverty is not only about social injustice; it is also a political and economic issue. When a

considerable part of the community cannot benefit from economic growth, social stability will inevitably be undermined and economic development will also be impeded.

As a capitalist society, it is understandable that an income and wealth gap exists in Hong Kong. The gap itself is not a problem, but poverty is. While pursuing the common goal of economic development, our society also has the basic responsibility to help the frail and poor and to provide a safety net to protect the livelihood of those who cannot provide for themselves. Economic development and poverty alleviation are not mutually exclusive. In fact, we need persistent and more vigorous economic growth to enhance the capacity of both the Government and the community to tackle poverty and other long-standing social problems.

The most telling reflection of poverty in our society is poor housing conditions. The re-emergence of cage homes as an issue and the prevalence of subdivided flats and cubicle apartments show the gravity of the problem. Many occupants of such accommodation are long-time residents of Hong Kong who insist on supporting themselves. They deserve our respect, but also need our help.

The Government has the responsibility to help the poor and other disadvantaged people, and we have a role to play in this regard. A good example is the introduction of the statutory minimum wage last year to alleviate working poverty. This initiative has helped bring about a noticeable increase in income among low-income workers.

To enhance our poverty alleviation work, we will set a "poverty line" acceptable to the community and with international credibility. This will help us more accurately monitor poverty in Hong Kong, set our policy direction, and measure the effectiveness of our policies.

In my Manifesto, I proposed providing the elderly in need with an additional allowance. And now, just over three months into my term, my Government has already come up with a concrete proposal and a timetable for its implementation. The new Old Age Living Allowance will take effect from the first day of the month in which funding approval is given by this Council. I have to emphasize that this is neither a cash handout nor a one-off measure.

Rather, it will be an ongoing poverty alleviation measure targeted at elderly people in need. I understand that some Honourable Members disagree with the means declaration required under the scheme. However, removing this requirement is both irresponsible and financially unsustainable. Introducing the Old Age Living Allowance is not the first step towards universal retirement protection. In fact, the community has yet to reach a consensus on whether a universal retirement protection scheme should be implemented.

I want to make it clear again that the Government cannot remove, and will not amend, the requirement on means declaration and the limits on asset and income, nor will the Government withdraw the proposal. I sincerely hope that this proposal will be passed by this Council as early as possible to benefit the hundreds of thousands of elderly people in need.

Next is my view on the relationship between the Government and the market.

The market is not perfect. Cases of market failure abound in both production and allocation. It has been a long-held practice in countries around the world that when market failure impacts on people's livelihood and economic development, the Government has to exercise its powers to rectify the situation. The public housing programme, industrial land policy and minimum wage legislation in Hong Kong are notable examples. Others include the regulation or control of financial institutions, financial markets and major manufacturing industries (such as the automobile industry) imposed by Western countries in recent years.

The "positive non-interventionism" that Hong Kong espoused over the years is a vague and contradictory concept. So far, no one has been able to square this concept with the policy measures previously taken by the Government. In the past, the Government actively developed industrial estates and granted land at excessively low premiums, and as a result even non-export oriented companies benefited. The Government of the time also amalgamated the four private stock exchanges into a new corporation through legislation, and required a developer to construct the Trading Hall of the merged stock exchange according to conditions of sale for a piece of valuable commercial land. There were also cases of the Government putting in place policies that intervened in the free market mechanism when granting waters to the private sector for container

terminal development. The concept of "big market, small government" that replaced "positive non-interventionism" also cannot meet the needs of Hong Kong today. There are opportunities in Hong Kong, but also obstacles. As I said in my Manifesto, Hong Kong needs an appropriately proactive government that seeks changes while maintaining overall stability. Our industrial, commercial and professional sectors have great potential for development in Hong Kong, the Mainland and overseas countries, but they may come across some obstacles in the course of development that cannot be removed without government assistance. For example, the difficulties encountered in making use of the preferential arrangements offered under CEPA and other schemes can only be resolved through collaboration between the SAR Government and the central or local authorities. This is the "G2G" (Government to Government) approach that I advocate.

In view of globalization and the Mainland's rapid development, Hong Kong needs to co-operate, co-ordinate and compete with other parts of the world, including Mainland cities, in order to maintain its existing advantages and build up new ones. To keep its leading position, Hong Kong needs to develop new strengths. The speedy economic development of surrounding areas brings both challenges and opportunities. We should be aware that co-ordination and co-operation can help increase our competitiveness and we must therefore do our best to compete, co-operate or co-ordinate with the Mainland and other countries.

We should not be complacent because the present situation also comes with many risks. To achieve synergy among the Government, industry, research and academic sectors, the SAR Government is ready to do its best in the public, academic and research sectors. To this end we will exercise public powers carefully, conduct relevant surveys and studies, and develop our human capital.

Next is the relationship between development and conservation. With a temperate climate, Hong Kong boasts an impressive diversity of fauna and flora in its hills and sea. The countryside is just a stone's throw from urban areas. Convenient transport and modern facilities make Hong Kong a highly liveable city. While renowned as a cosmopolitan city and a business hub, Hong Kong has managed to keep a balanced mix of urban and rural areas, a good diversity of species, untainted natural landscape and a wealth of special historic buildings. This is a hard-earned achievement and we should make every effort to conserve and make good use of these assets. Yet, we all know that the present living

environment is crowded due to a scarcity of land. It is difficult to identify readily available land for industrial and commercial establishments, residential premises, schools, hostels, elderly homes and other facilities.

My policies seek to sustain a stable development of land and building space, while attaching importance to conservation. We will try to strike a balance between the two. Where necessary, we will make choices in the best interests of the community. This requires not only objective analysis, but also courage. We lack neither funds nor technologies for development. As long as we dare to dream and act, Hong Kong can be a pleasant, safe, comfortable and convenient city. On land utilization, if we want to conserve our countryside, which accounts for 43% of the territory, we must make even better use of the 25% of urban land. We need optimal utilization of existing sites. We also need to promote green buildings, adopt low-carbon amenities and transport, and open up more usable land to turn Hong Kong into a new green city.

We will vigorously improve air quality and carefully consider public health when formulating clean air policies. We will consider a number of initiatives, including tighter control over and the eventual phasing out of old buses and commercial vehicles, re-aligning traffic routes, regulating the use of marine fuels, and making polluters pay. Regarding municipal waste management, the community must take the problem seriously and reduce waste at source, change their habits and foster a culture of green living.

As regards heritage conservation, we will continue to encourage community participation in preserving and re-vitalizing historic buildings and areas of distinct character, while at the same time respecting private ownership. We hope that through urban-rural co-operation, we can preserve the countryside and re-vitalize historic buildings to enable our people to live a balanced and quality city life.

I will then talk about my view on housing problem. Our property market has seen an excess of demand over supply in recent years. Over the past few months, property prices and rentals have continued to rise by such an extent that they are now beyond people's affordability. The number of applicants on the public housing Waiting List is approaching 200 000 and many are young singletons. Many people complain about the difficulty to find decent accommodation. Their views about the property market are indeed shared by

the Government. We both see the pressing need to solve the problem concerning home purchase and accommodation.

Tackling the housing problem is a top priority of the current-term Government and the departments concerned. The Government will deal with the problem through a multi-pronged approach. To restore market equilibrium, the fundamental solution lies in increasing and maintaining a continuous supply of housing. This will enable us to address the housing needs and aspirations for home purchase of different groups of people. Previously, I announced a package of 10 short- and medium-term initiatives to increase housing supply. With the concerted efforts of various departments, we have significantly expedited pre-sale approval applications for uncompleted flats. We will sell the flats under the first My Home Purchase Plan project, which was originally conceived as a rent-to-buy scheme. We will also seek to rezone 36 Government, Institution or Community sites as residential land and revitalize industrial buildings to increase housing supply. On top of these measures, we have introduced a "Hong Kong property for Hong Kong residents" policy to give priority to local home buyers. Furthermore, we have set up a Long Term Housing Strategy Steering Committee to assess and analyse the future demand for various types of public and private housing (including subsidized home purchase) comprehensively and critically, and recommend a long-term housing strategy to guide the Government in its planning of land supply and land use.

In the next three to four years, apart from public housing, it is expected that a total of 65 000 first-hand private residential units will come on the market, much more than the past few years. To rectify the housing problem once and for all, we need to ensure an adequate land supply and reasonable allocation of land resources. We also need to adjust the overall direction, scale and pace of development. The Steering Committee on Housing Land Supply, chaired by the Financial Secretary, is actively co-ordinating inter-departmental efforts to boost land development and supply.

I would like to assure the public that the policy measures rolled out earlier on are only a start. In future, we will continue to implement timely initiatives to assist the grassroots with flat accommodation, help middle-income families buy their own homes, and promote the stable development of the property market. I and my team are committed to solving the housing problem.

I will then talk about my view on the relationship between the Government and the 18 districts. I believe that "nothing about people's livelihood is trivial". Livelihood issues are often closely related to district administration. I made over 100 district visits during my election campaign, and have discussed in detail district affairs with the chairpersons and members of District Councils on many occasions since I assumed office. I am greatly impressed by the dedication and wisdom of district leaders.

The HKSAR is a single-tier government with three distinct functions, namely, governance with a "high degree of autonomy" empowered by the Central Authorities, administration of the whole territory, and district administration.

Regarding district affairs, I put forward the idea of "addressing district issues at the district level and capitalizing on local opportunities" so as to gradually relax the Government's "all-embracing" hand on district affairs, encourage members of the community to play a more active role, and enhance the efficiency of district administration by leveraging the wisdom and power of local communities. We will explore ways to enhance district administration and foster a new and closer partnership with the District Councils and district leaders.

Regarding the re-organization proposal, before the current-term Government took office, I had proposed to re-organize the Government Secretariat to address issues concerning the Government's overall co-ordination on major policies and internal division of responsibilities. Re-organization is necessary because given the current social situation, policy making often involves a number of bureaux and there were instances of inadequate co-ordination on major policies that cut across different portfolios. The re-organization plan, however, was not put to vote by the previous Legislative Council. The proposal may have been controversial, but it aimed to enhance governance, the division of responsibilities, co-operation and policy co-ordination, which are in line with my policy objective to do real work.

Although the existing government structure is not ideal, a re-launch of the re-organization proposal might result in another round of protracted meetings in this Council. I have therefore decided not to re-submit my re-organization proposal to this Council in the near future, so that the Government can focus on other areas of work. I have asked my policy secretaries to strengthen

co-operation and co-ordination among them and work closer as a team to formulate and implement effective policies in response to our people's needs.

On political development, political development is a very complicated and controversial issue. It has been discussed and examined by the community over the years, sometimes giving rise to heated debates. After years of hard work, the constitutional reform package was finally endorsed in 2010, signifying a step forward in the development of our political system. I do not underestimate the difficulty of the next stage of work, but I will work together with the SAR Government and different sectors of the community to forge a consensus in the community based on the overall and long-term interests of Hong Kong to achieve the ultimate goal of universal suffrage in accordance with the Basic Law and the relevant decisions of the Standing Committee of the National People's Congress.

President, Honourable Members and fellow citizens, I am fully aware that our deep-seated social, political and economic problems can hardly be solved within a short time. That is why, during my election campaign, I called upon the people of Hong Kong to rise to challenges and to work for a better Hong Kong with "one heart, one vision". I have also raised the point that we would need two years to turn around Hong Kong's lagging social development, and another two or three years to get back on the upward track.

I am grateful for the advice given by various sectors of the community during the past three months. Thanks to their advice and the concerted efforts of my political team and the Civil Service, and their co-operation and mutual support, the Government has taken forward a series of full-fledged policies and measures in a timely manner. My team has also reached consensus on certain complex and long-standing tasks that straddle different departments. I wish to extend my heartfelt thanks for their efforts. In our first three months, we delivered results in some spheres and saw challenges in others. We will learn from our experience and continue to improve the operation of my Government. Your views on our work are welcome.

Hong Kong belongs not to a small group of people, but to all 7 million of us. It is not just a place for this generation, but also home to our future generations. The well-being of Hong Kong should be our common concern. If we look down from Victoria Peak, Lion Rock, Pat Sin Leng or Lantau Peak we will be impressed by the prosperity of our city. But we will also see the pressing

need for further development. Hong Kong is not short of land, nor do we lack capital, talent and technology. What we need is a holistic and long-term approach towards planning. We should be determined and courageous. We need to pull together, try to see things from different angles, and seek common ground on all sorts of issues. I trust that you will take a positive and long-term view in evaluating opportunities and embrace new challenges with confidence and composure. I believe in the systems and values of Hong Kong. I also believe in the people of Hong Kong. As long as the Government, Members of the Legislative Council and the entire community are united as one, we can certainly build a better Hong Kong. Thank you.

PRESIDENT (in Cantonese): The Chief Executive will now leave the Chamber. Members will please stand up.

(Mr LEE Cheuk-yan walked across the Chamber towards the Chief Executive)

PRESIDENT (in Cantonese): Mr LEE, do not walk across the Chamber.

(Mr LEE Cheuk-yan raised a question to the Chief Executive while standing in Members' passageway)

PRESIDENT (in Cantonese): Please be seated.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Designation of Libraries (Amendment) Order 2012.....	150/2012
Solicitors' Accounts (Amendment) Rules 2012.....	151/2012

Accountant's Report (Amendment) Rules 2012	152/2012
Solicitors (Professional Indemnity) (Amendment) Rules 2012	153/2012
Solicitors' Practice (Amendment) Rules 2012	154/2012
Foreign Lawyers Practice (Amendment) Rules 2012	155/2012

Other Papers

- No. 2 — Protection of Wages on Insolvency Fund Board
Annual Report 2011-12
- No. 3 — West Kowloon Cultural District Authority
Annual Report 2011/2012

Report No. 1/12-13 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. Question time normally does not exceed one and a half hours. After a Member has asked a main question and the relevant public officer has given reply, the Member who asks the question has priority to ask the first supplementary question. Other Members who wish to ask supplementary questions may indicate their wish by pressing the "Request-to-speak" button and wait for their turn.

PRESIDENT (in Cantonese): Members may raise only one question in asking supplementary questions. These questions should be as concise as possible so that more Members can ask supplementary questions. Members should not make arguments when asking supplementary questions.

First question.

(Mr Alan LEONG stood up)

MR ALAN LEONG (in Cantonese): President, before we start the session on answers to oral questions, I would like to ask if you intend to provide a written ruling on your ruling just now.

PRESIDENT (in Cantonese): Which ruling are you referring to?

MR ALAN LEONG (in Cantonese): You just said that elucidation and questions can be handled in the same way, but Members cannot seek elucidation of the Chief Executive's address made under Rule 8(a) of the Rules of Procedure, or put questions to him. Can I ask President to provide a written ruling?

PRESIDENT (in Cantonese): All my replies to the points of order raised by Members at the meeting will certainly be clearly recorded in the minutes of the proceedings of the Council. However, if the Member has such a request, I can provide a supplementary written explanation after the meeting.

MR ALAN LEONG (in Cantonese): Thank you, President.

PRESIDENT (in Cantonese): First question.

Domestic Free Television Programme Services Licences

1. **MR CHARLES PETER MOK** (in Cantonese): *President, the former Secretary for Commerce and Economic Development told this Council on 6 January 2010 that it had been the Government's established policy to encourage competition and investment as well as the adoption of innovative technologies by the broadcasting industry, and interested parties were welcomed to apply for domestic free television programme service licences (free TV licences). In reply to a question from a Member of this Council on 30 May this*

year, the incumbent Secretary for Commerce and Economic Development confirmed that the former Broadcasting Authority (BA) had already completed its assessment of the three free TV licence applications and made its recommendations to the Chief Executive in Council, and the Executive Council was vetting the applications. Nonetheless, the authorities have not yet announced the outcome. Earlier on, there were media reports that as the SAR Government took into consideration the political worries of the Central People's Government on opening up the local television market, it might need to consider the political stance of individual applicants when processing the three applications, hence affecting the progress of vetting the applications. In this connection, will the Government inform this Council:

- (a) whether the Government's broadcasting policy has remained unchanged; if so, of the concrete measures the Government has in place to implement the said policy in order to achieve the objectives of encouraging competition and investment as well as the adoption of innovative technologies by the broadcasting industry;
- (b) given that the former BA had already made its recommendations on the aforesaid applications, of the factors the authorities consider at this stage in deciding whether a licence will be granted to individual applicants, and whether their political stance is a factor of consideration; whether the Government will respond to the aforesaid media reports so as to avoid undermining public confidence in the TV licensing system and to safeguard the "high degree of autonomy" of the SAR as well as "one country, two systems"; and
- (c) of the latest progress in the vetting of the aforesaid free TV licence applications; and the expected time by which the outcome could be announced?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): My reply to the three-part question is as follows:

- (a) It has been the Government's established broadcasting policy to promote the sustainable development of the local broadcasting industry and encourage fair competition, investment and the adoption of innovative technologies by the industry, thereby leading to the provision of more choices of quality programmes to the public. The Government's broadcasting policy has remained unchanged. Following a review of the television policy in 1998, the Broadcasting Ordinance (BO) (Cap. 562) was enacted in 2000

(Mr LEUNG Kwok-hung entered the Chamber and walked towards the President)

PRESIDENT (in Cantonese): Secretary, please hold on. Mr LEUNG, please leave the Chamber immediately.

(Security personnel stepped forward and assisted Mr LEUNG Kwok-hung in leaving the Chamber)

MR LEUNG KWOK-HUNG (in Cantonese): *You are really*

PRESIDENT (in Cantonese): Mr LEUNG.

MR LEUNG KWOK-HUNG (in Cantonese): *..... Mr WONG Yuk-man has also protested*

PRESIDENT (in Cantonese): Clerk.

(The Clerk to the Legislative Council and security personnel continued to assist Mr LEUNG Kwok-hung in leaving the Chamber)

MR LEUNG KWOK-HUNG (in Cantonese): *..... How can you deprive the rights of Members in this way? Are you now*

PRESIDENT (in Cantonese): Mr LEUNG, you cannot attend today's meeting, please leave the Chamber immediately.

MR LEUNG KWOK-HUNG (in Cantonese): *Why did you not ask me to leave when I protested? How do you enforce the rules?*

PRESIDENT (in Cantonese): Leave the Chamber immediately.

(The Clerk to the Legislative Council and security personnel continued to assist Mr LEUNG Kwok-hung in leaving the Chamber)

MR LEUNG KWOK-HUNG (in Cantonese): *How dare you deprive Members of their right of speech? Do not think that This is Hong Kong people's money, what makes you think you*

PRESIDENT (in Cantonese): Leave the Chamber immediately.

(Mr LEUNG Kwok-hung kept shouting on the Members' passageway)

MR LEUNG KWOK-HUNG (in Cantonese): *..... I asked if you are a member of the Communist Party but you did not answer. What makes you think you can use Hong Kong people's money to stop a Member from speaking? Are you going to drive me out of the Chamber? Is Mr WONG Yuk-man more ferocious? Is that what you think? What are you saying? Are you a true man? What makes you think you can do so? What makes you think so?*

(With the assistance of security personnel, Mr LEUNG Kwok-hung walked out of the Chamber, shouting all along)

PRESIDENT (in Cantonese): Secretary, please continue to give your main reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese):

- (a) It has been the Government's established broadcasting policy to promote the sustainable development of the local broadcasting industry and encourage fair competition, investment and the adoption of innovative technologies by the industry, thereby leading to the provision of more choices of quality programmes to the public. The Government's broadcasting policy has remained unchanged. Following a review of the television policy in 1998, the Broadcasting Ordinance (BO) (Cap. 562) was enacted in 2000. Under the technology-neutral regime enshrined in the BO, licensees are free to adopt their own transmission means to deliver the television services. Under the BO, there is no pre-set limit on the number of free television programme service licences to be issued. Any interested and eligible organizations may make applications to the Communications Authority (CA) for such licences. The CA will assess all applications in accordance with the BO and established procedures as set out in the Guidance Note for Those Interested in Applying for Domestic Free Television Programme Service Licences in Hong Kong (Guidance Note), and then submit its recommendations to the Chief Executive in Council.

As in other developed areas, the CA adopts a regulatory approach on the television market which encourages competition among broadcasting service providers. First, the regulatory regime under the BO is technology-neutral. Television programme services are regulated according to their characteristics and pervasiveness rather than their transmission mode. A television programme service provider may hire any transmission network operator to transmit its service instead of investing in transmission infrastructure itself. This facilitates market entry and encourages competition. Second, there are provisions in the BO to deal with anti-competitive conduct in the broadcasting industry. Section 13 of the BO stipulates that a licensee shall not engage in conduct which, in the opinion of the CA, has the purpose or effect of preventing, distorting or substantially restricting competition in a television programme service market. Under section 14 of the BO, a licensee in a dominant position in a

television programme service market shall not abuse its position. The CA may investigate any complaints about anti-competitive conduct, and may impose a fine or other penalties on a licensee found to have contravened the relevant provisions. Moreover, any person sustaining loss from a breach of the relevant provisions may bring an action for damages under section 15 of the BO against the licensee who is in breach.

In 2004, the Government promulgated the Implementation Framework for Digital Terrestrial Television (DTT) Broadcasting, providing a concrete blueprint for the industry to roll out the digital transmission network and introduce new television services using advanced technology. Subsequently, two domestic free television programme service licensees invested resources into building and testing the digital broadcasting network, and formally launched their DTT broadcasting services at the end of 2007. With the introduction of DTT broadcasting, the number of free television programme channels has increased from four to 10, bringing a wider variety of television content to the viewing public. At present, DTT coverage reaches more than 96% of the population in Hong Kong, with about 73.5% (around 1.73 million) Hong Kong households receiving DTT services via set-top boxes, integrated digital television sets or computers.

- (b) As we have explained on various occasions, the CA assesses applications for domestic free TV licences in accordance with the BO and established procedures, taking into account a number of relevant factors. Such factors include the statutory requirements, assessment criteria set out in the CA's Guidance Note and public opinions. The assessment criteria set out in the Guidance Note include the applicant's financial soundness and commitment to investment; the applicant's managerial and technical expertise; the variety, quantity and quality of programmes to be provided; the technical soundness and quality of the proposed service; the speed of service roll-out; the impact on members of the public by any construction works associated with the proposed service; the benefit to the local broadcasting industry and the economy as a whole; and the applicant's internal quality monitoring mechanism.

As for the three applications for free television programme service licences, the former BA (the predecessor of the CA) completed the assessment in accordance with the BO and established procedures, and submitted its recommendations to the Chief Executive in Council. The Chief Executive in Council will also take into account the abovementioned relevant factors in deciding whether to grant a domestic free television programme service licence. The Administration is now processing the applications in a prudent manner and will announce the outcome as soon as possible after a decision is made by the Chief Executive in Council. As we have clearly explained to the public the necessary procedures for processing the applications, we will not comment on the speculative reports by individual media organizations.

- (c) Since the outcome of the applications will have profound impact on the domestic free television programme service market, the Government has been processing the recommendations submitted by the former BA expeditiously and prudently in accordance with the statutory requirements and established procedures. The outcome will be announced after the Chief Executive in Council makes a decision. It is inappropriate for us to predict or speculate on when such a decision will be made.

MR CHARLES PETER MOK (in Cantonese): *When the Secretary replied to questions at the last legislative term, he gave the public an impression that the vetting results would soon be announced. However, no decision has been made since the new-term Government had taken office. The reply he gave just now has basically not answered my question, and he failed to tell us when the vetting result will be announced. Regrettably, we do not have the opportunity to directly ask the Chief Executive just now; however, I would like to tell the Secretary, this issue really involves the public's right to access to information, the free flow of information and fair competition in the industry. Hence, it involves very important public interests.*

Although the Secretary has said that he will not respond to media reports, there are recently news report about the Executive Council, claiming the need to conduct a market research before making a decision on licensing. Can the

Secretary clarify, since the former BA had already conducted a research, why should another research be conducted again? Is it because there are omissions in the research conducted in the past, such that another research has to be conducted again? Is there any political interference? The Government's procrastination has not only undermined investors' confidence in the market, but has also deprived the public, as audience of free television programmes, of the chance to watch new programmes. The boss who applied for the licence is not the only person affected

PRESIDENT (in Cantonese): Mr MOK, you have raised your supplementary question, please do not make statements.

MR CHARLES PETER MOK (in Cantonese): *Yes, I would raise my question quickly.*

More importantly, many employees of the production team, people appearing on screen or working behind screen, people responsible for technological development, and even artists, such as Bernice LIU and Felix WONG, do not know when they can start working. Should the Secretary apologize to them? Who should assume responsibilities for such delays?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, many thanks to Mr MOK for his supplementary question. Just now, Mr MOK mentioned that my previous remarks might give people an impression that licences would soon be granted. If the President reviews the records of my previous remarks, he will note that I have explained many times in the past that the Government has been processing the recommendations submitted by the former BA expeditiously and prudently in accordance with the statutory requirements and established procedures. This is also what we have been doing now and we will process the applications as quickly as possible.

Nevertheless, I have also mentioned in my main reply that the three applications have profound impacts on the domestic television market, and we have to act with great caution. Mr MOK has just asked if a market research has been conducted. I would like to state here, as the Chief Executive in Council is

now considering the licence applications, it is inappropriate for me to comment on the details of discussion of the Executive Council and how it has processed the applications due to the principle of confidentiality. Yet, I just wish to point out that progress has been made in processing the licence applications in the past few months.

MR SIN CHUNG-KAI (in Cantonese): *President, I would also like to understand the efficiency of the Government in its operation. In 2009, a television station filed an application, and two other television stations filed applications in January and March 2010 respectively. Two and a half years had passed since 2009, are there any cases in which the tenders or applications for an operation licence have still not been processed after a lapse of two and a half year to almost three years?*

The new-term Government has taken office for more than three months and members of the Executive Council did not have a summer break. They even hold an additional meeting of one and a half days. Yet, the licences have not been granted. Regarding part (b) of the main reply, will the Secretary please clarify, whether it is the former Executive Council or the current-term Executive Council which has failed to come up with a decision on the recommendations or otherwise submitted by the former BA to the former Executive Council or the current-term Executive Council?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): My thanks to Mr SIN for his supplementary question. In fact, I have repeatedly stated that we have been prudently handling the three applications for domestic free television programme services licences in accordance with the statutory requirements and established procedures. Regarding the recommendations made by the former BA, let me clarify here, the recommendations were submitted to the Chief Executive in Council on 13 July 2011. In this connection, the Chief Executive in Council has been processing these three applications. Regarding the various factors for consideration, they have been mentioned in the main reply and clearly stipulated in the guide. Based on the principle of confidentiality, I am afraid I cannot comment here details of the Executive Council in Council in discussing and processing the applications.

MR SIN CHUNG-KAI (in Cantonese): *President, I would like to clarify*

PRESIDENT (in Cantonese): Mr SIN, you can only point out the part of your supplementary question that the Secretary has failed to answer.

MR SIN CHUNG-KAI (in Cantonese): *It is the last part, does the current Executive Council have sufficient time to process the applications in the past three months. Is that what the Secretary meant to say?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I have already answered Mr SIN's supplementary question just now. The recommendations of the former BA were submitted to the Chief Executive on 13 July 2011 and the Chief Executive in Council has all along been processing these three applications.

DR KWOK KA-KI (in Cantonese): *President, the Secretary has basically not answered our question. At present, most people watching free television do not have any choice. As we all know, a television station has constantly broadcast the same programmes over and over again. Some Members have also mentioned that this situation has been going on for three to four years but the Secretary has not given any answer so far. Therefore, I would like to ask further and seek the Secretary's clarification; even though he has set out in the second paragraph of his main reply many assessment criteria, including the applicant's financial soundness and technical expertise, the quantity and quality of programmes to be provided — I am not going to repeat the contents of the main reply — there is one point that the Secretary has not mentioned, that is, will the processing of television license be tightened due to political factors or for fear of political censorship. Would the Secretary please give a formal reply?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank the Member for his question. To put it simply, there are no factors of political consideration in processing the three free television licence

applications. We have to take a number of factors into consideration as mentioned in the main reply.

PRESIDENT (in Cantonese): Dr KWOK, what is your question?

DR KWOK KA-KI (in Cantonese): *President, I have asked him two questions just now; the first one is about political considerations and the second one is about the most important factor among all other factors listed by him.*

PRESIDENT (in Cantonese): Dr KWOK, I have stated clearly at the very beginning that Members may only raise one question when asking supplementary questions; the Secretary has already answered your question.

DR ELIZABETH QUAT (in Cantonese): *President, at present, many people worry that a certain television station has all along monopolized the free television programme market. Earlier, a television station claimed that the domestic television advertising market could hardly accommodate more free television stations; otherwise, vicious competition would be resulted. Moreover, with the current licence applications still pending, there is a very limited choice of free television programmes owing to a lack of competition. I would like to ask whether the authorities have examined the overall environment of the domestic free television market; whether there are other measures to deal with the monopolized situation, so that there are more high-quality free television programmes for Hong Kong people.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Dr Elizabeth QUAT for her question. I would like to reiterate again that our policy welcomes competition in the development of the broadcasting industry. As in the case of other advanced areas in regulating the television market, the former BA or the current OFTA has been encouraging the broadcasting service operators to compete, and to provide services in response to the needs of the market, so as to give the public more choices. In processing the applications, the former BA had considered the benefits of the applications to the

local broadcasting industry and the economy as a whole, and the Chief Executive in Council would also take this factor into consideration before making a decision on these applications.

As regards the programmes, as Hong Kong is a diversified community, members of the public have different views on the quality of television programmes. Regarding free television programmes, given the production guidelines of television programmes stipulated by the OFTA, the complaint mechanism, the mid-term review and market forces, we believe that the performance of domestic free television services can be effectively monitored and evaluated.

MS EMILY LAU (in Cantonese): *President, the SAR Government is indecisive in this issue. The Donald TSANG Group of the last Government and the current LEUNG Chun-ying Government have considered the applications for more than 10 months. During this period, have they considered the discontent of the public over the inferior quality of programmes of the two television stations, and the views of the business community that the authorities' indecisiveness would affect the business environment in Hong Kong? I hope the Secretary can tell this Council whether the authorities have, in being indecisive, considered these two factors? What is the Secretary's response?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): My thanks to Ms Emily LAU for her question but I do not agree that we are indecisive. In fact, we have expeditiously and prudently handled the matter in accordance with the statutory requirements, and we have also taken into consideration the factors listed in the guidelines. Certainly, many complicated issues are involved and they would be handled in accordance with the relevant procedures.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MS EMILY LAU (in Cantonese): *He has not answered my question at all. I said that people were unhappy with the inferior programmes of the free television stations, and the business community considered that the business environment has been affected. Have the authorities considered these two factors?*

PRESIDENT (in Cantonese): Secretary, can you disclose if the authorities have considered the two factors mentioned by Ms LAU?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, concerning the business environment, these factors have actually been considered. If Ms LAU has listened attentively to the factors that I have listed out, she would know that the factors include the benefits to the local broadcasting industry and the overall economy. Therefore, we will consider the relevant factors in processing the applications.

PRESIDENT (in Cantonese): Secretary, has the other factor been considered as well?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thank you, President.

PRESIDENT (in Cantonese): Ms LAU has just asked if the authorities have considered the two factors she mentioned. Secretary, will you give a response about the other factor?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): The other factor is the dissatisfaction of the public. This point has also been included in the overall benefits to the broadcasting industry, and this factor will also be considered by us.

MR LEUNG YIU-CHUNG (in Cantonese): *President, Ms Emily LAU has just pointed out that the authorities are indecisive, but the Secretary disagreed. The Secretary has said repeatedly that the Government has been processing the recommendations submitted by the former BA expeditiously and prudently in accordance with the statutory requirements and established procedures. In fact, the Secretary made this statement last year and the same statement is made this year. I would like to ask the Secretary, will you make the same statement again next year? If not, can the Secretary tell us what does "expeditiously" mean? He used the term "expeditiously" last year, and he still uses the same word after a year and three months have elapsed. I would like to ask, during the "expeditious" period, that is, during the past year or so, how serious the economic loss is.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, I have answered questions about this issue in the Legislative Council many times. I have said that we must handle the three applications expeditiously in accordance with the procedures and statutory requirements. This is a true fact, and I will not give a different answer even if I have been repeatedly asked the same question 1 000, 10 000 or 1 million times. If Members think that my answer will change after their speeches, follow-up questions or queries, the credibility of my answer will also be queried.*

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

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Secretary has not answered my question at all. I asked if he knew how serious the economic loss was when he kept saying that the applications would be processed "expeditiously". He has not answered my question. I have also asked him what did "expeditiously" mean? How long is the period involved? Can a year and three months be considered as "expeditiously"?*

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, let me reiterate again that we have handled these three applications expeditiously in accordance with the relevant procedures. Just now, a number of Members have also asked about the factors to be considered. The factors include the benefits to be brought by these applications to our economy as a whole, and we will surely consider these factors from the economic point of view.

PRESIDENT (in Cantonese): We have spent almost 23 minutes on this question. Second question.

Practitioners in Lift Works and Escalator Works

2. **MR TAM YIU-CHUNG** (in Cantonese): *President, the Chief Executive announced on 21 August this year that the Government would launch a "universal accessibility" programme (the programme) at the end of this year under which lifts would be installed at footbridges, elevated walkways and subways, and so on, in 230 places all over Hong Kong to provide barrier-free access for the elderly, persons with disabilities and children. However, some members of the industry have pointed out that the working environment and remuneration packages of the engineers and workers currently engaged in the installation, repair works and maintenance of lifts and escalators (practitioners) are unsatisfactory, causing brain drain and succession problems. They have further pointed out that although the Lifts and Escalators Ordinance, planned to be fully implemented in December this year, will improve the registration and monitoring system of lift and escalator practitioners, the authorities have not taken any corresponding measure to help the industry ease the brain drain and train new blood. Some members of the public have expressed to me their worries that the shortage of personnel may affect the progress of the programme as well as the maintenance and repair works of the lifts and escalators concerned. In this connection, will the Government inform this Council:*

- (a) *of the number of competent lift and escalator practitioners at present and their turnover rates in the past three years; and the number of practitioners required under the programme as assessed by the authorities; if no such assessment has been made, of the reasons for*

that; whether there are adequate competent practitioners available to tie in with the implementation of the programme and the maintenance and repair works concerned in future;

- (b) whether there are measures in place to improve the working environment and remuneration packages of lift and escalator practitioners, so as to ease the brain drain and recruit new blood; if so, of the details; if not, the reasons for that; and*
- (c) whether it has helped the industry to train new blood; if so, of the details; if not, the reasons for that; whether the authorities will consider training more new blood for the industry through the Hong Kong Institute of Vocational Education or other tertiary institutions to ensure that there will not be any succession problems?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, my reply to the three parts of Mr TAM's question is as follows:

- (a) At present, there are 302 registered engineers and 4 960 competent workers engaged in lift and escalator works in Hong Kong. The main duty of a registered engineer is to examine and certify whether a lift or an escalator is in safe working condition. As for competent workers, they are mainly responsible for carrying out installation, maintenance and repair works for lifts and escalators for which they are qualified.

In 2009, 2010 and 2011, there were 267, 279 and 294 registered engineers and 4 761, 4 950 and 4 959 competent workers respectively. These figures indicate a moderate increase in the number of registered engineers. According to a survey conducted by the Electrical and Mechanical Services Department (EMSD) this year, 54 people ceased to be competent workers in 2011, accounting for only 1% of the total number of competent workers. In addition, with new workers acquiring the status of competent workers in the same year, the overall number of competent workers has still remained steady. As at the end of 2011, there were about 59 000 lifts and 8 200 escalators in Hong Kong. We estimate that the

"universal accessibility" programme will add about 100 lifts on average each year, a very slight increase in comparison with the existing 59 000 lifts. As such, the programme will not bring about undue pressure on the overall manpower demand. We believe that this should be manageable with the expected growth in manpower as well as suitable redeployment of resources and flexible work arrangements by the industry.

- (b) The Government, the Construction Industry Council (CIC) and the industry are committed to improving site safety and working conditions for site personnel. The EMSD regularly organizes promotion activities with the industry for promoting safety in lift and escalator works to raise their awareness of work safety. The EMSD also reviews and updates the Code of Practice for Lift Works and Escalator Works (the Code) from time to time in conjunction with the industry and in accordance with the latest developments in the industry to raise the requirements on work safety and working conditions. For instance, in the latest review of the Code, a requirement is added to stipulate that, before commencing any works in a lift shaft, a contractor must assess and confirm the working conditions in the lift shaft, in respect of temperature, ventilation and lighting to be suitable for the kind of works to be undertaken. Moreover, the CIC also issued in January this year Guidelines on Safety of Lift Shaft Works to promote site safety.

At present, registered engineers and competent workers are normally employed on a monthly basis, which is more stable. In addition to basic salary, they are entitled to various benefits and allowances. As the above statistics show, the overall number of practitioners in the industry has remained stable in recent years.

In terms of the regulatory regime, with the support of the Legislative Council and the industry, the Lifts and Escalators Ordinance (No. 8 of 2012) (the Ordinance) was enacted in April 2012 and the main provisions will come into operation in mid-December this year. The Ordinance introduced a registration system for lift and escalator workers to recognize their competence, exert better control of workmanship, promote continuous self-development and replace the

existing employment-tied competent worker arrangement, which provides workers with more flexibility in their choice of work.

- (c) To attract graduates with relevant engineering degrees to enter the lift and escalator industry and to join the ranks of registered lift and escalator engineers, the EMSD actively encourages lift/escalator contractors to set up engineering graduate training schemes, recognized by the Hong Kong Institution of Engineers, in order to provide the graduates with more opportunities to obtain professional qualifications.

As regards workers, the Vocational Training Council (VTC) has been training new blood for the industry for many years through organizing relevant skills training courses to complement the apprenticeship scheme for lift and escalator mechanics. Moreover, the industry is also planning to collaborate with the Employees Retraining Board and the VTC to organize a Certificate Course for Assistant Lift and Escalator Mechanics to attract new entrants to the industry.

We will work with the industry and the CIC to monitor closely the situation and take measures, such as increasing training places, to timely address the manpower requirements of the industry.

MR TAM YIU-CHUNG (in Cantonese): *President, the problem does not sound serious in the Secretary's reply, which is inconsistent with the data. While the Secretary advised that the number of practitioners has maintained a steady growth, the increase in relevant personnel has been insignificant over the past three years. The number of engineers has only increased by some 20, whereas the number of registered competent workers has increased by less than 200 in three years. Despite the large number of buildings completed each year with the installation of either lifts or escalators, the number of practitioners is pretty tight. With an increasing number of lifts and escalators, as well as the implementation of the "universal accessibility" programme, should the Government exert greater efforts to train up more practitioners? Can the Government advise the number of people currently receiving the relevant training so that we can identify the measure to be adopted to replenish the workforce in future?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as at the end of 2011, there were about 59 000 lifts and 8 200 escalators in Hong Kong, and the average annual growth was about 800 in the past three years. We estimate that the "universal accessibility" programme would generate an additional demand of about 100 lifts and escalators each year. Given the annual growth of 800, the additional demand of 100 will make up a total of only 900, representing an increase of about 1.5%. According to our observation, lifts under the programme normally have a simple structure, and it is estimated that the maintenance and repair works of each lift would take about 60 working days each year. We therefore project that 100 lifts will need a total of roughly 6 000 working days. As the total workforce in the industry is about 4 960 at present, thus calculating on the basis of an average of 250 working days a year, the time required would be around 1.25 million working days. Therefore, the number of lift and escalators workers required for this programme accounts for only 0.5%. On the other hand, there are about 70 people receiving training each year.

MR TANG KA-PIU (in Cantonese): *President, I am concerned about wages.*

As it was mentioned earlier, brain drain problem does exist and people are reluctant to join the industry. I hope the Secretary will tell us how many of these 70 trainees will remain in the industry three years later. For instance, as reported in yesterday's news reports, for new blood entering the construction industry, they will earn a monthly salary of \$13,000 for working eight to nine hours a day. However, a seasoned lift worker who has seven to eight years of experience has to work 11 to 12 hours a day for a monthly salary of \$10,000. Who will remain in the industry then? Given that the lift and escalator industry is a high-risk industry, will the Secretary make reference to the existing training system of the construction industry, under which workers can get training allowance, or they can get pay while they receive on-the-job training, so as to attract more new blood to join the industry, with a view to pushing up the wage level of the entire industry?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, of the 70 people who receive training each year, about 50% of them have completed the training course in the end. On the other hand, employees attending part-time courses will have lessons on one day and two nights a week.

According to the data in hand, the wage level of general workers in the lift and escalator industry is about \$11,000 in 2012, whereas that of experienced and competent workers ranges from \$12,500 to \$18,500. Of course, this is subject to the experience of workers and individual company. Generally speaking, these workers are employed on a monthly wage basis and though the basic salary is comparatively low, it will reach the prescribed level after other extra incomes, like allowances, are taken into account.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR TANG KA-PIU (in Cantonese): *He has not answered my question. Just now, I asked if the trained workers would remain in the industry three years later.*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): On the question of whether the workers trained will remain in the industry three years later, I do not have the relevant data in hand right now. And yet, as I have said in my earlier reply, according to the survey conducted by the EMSD this year, of the 4 000-odd workers recorded in 2011, only 50-odd people ceased to be competent workers and the turnover is pretty low.

IR DR LO WAI-KWOK (in Cantonese): *President, before we can genuinely attract more new blood to join the lift and escalator industry, many problems have to be resolved first. Apart from the manpower problems mentioned by Mr TAM Yiu-chung, such as the working environment, remuneration packages and staff succession, the industry also faces various operational problems and difficulties, such as price competition and quality assurance, which are also closely related to manpower, or probably some other more deep-rooted problems.*

Therefore, may I ask the Secretary if the authorities have gained a thorough understanding of and followed up on these operational problems, and what support will be given to help the industry?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, regarding the operational problems, we are willing to listen to the industry for their views, difficulties or aspirations, and see how assistance can be given. In the meantime, we will also liaise with the CIC and the relevant trade associations.

MR LEUNG CHE-CHEUNG (in Cantonese): *President, according to the data provided by the Secretary, the number of practitioners has actually been dropping steadily and thus resulted in a stagnant workforce. In this connection, can the Administration specify in the Conditions of Tender of the "universal accessibility" programme the number of repair and maintenance workers or the level of qualification required, so as to ensure that contractors can recruit sufficient competent practitioners, with a view to safeguarding the remuneration of the practitioners? Will the Secretary please answer?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the maintenance and repair works of lifts must be undertaken by competent workers, and we will uphold this requirement. I will consider the view expressed by Mr LEUNG Che-cheung.

MISS ALICE MAK (in Cantonese): *May I ask the Secretary if the Government has conducted regular meetings with members of the industry, including the relevant companies and trade unions, to discuss the development of the industry and the livelihood of the practitioners, so as to have a better understanding of their difficulties? If it has, how many meetings have been conducted in total in the past year? If it has not, what are the reasons?*

SECRETARY FOR DEVELOPMENT (in Cantonese): A designated team has been set up under our Bureau to handle the work, and about 10 meetings had been conducted in the past year.

MR CHAN HAN-PAN (in Cantonese): *President, it seems that the authorities do not consider the problem serious when discussing the issues of manpower and training. And yet, following the development of the Mainland, members of the industry and practitioners have flocked to work or operate businesses in the Mainland in recent years. The Government highlighted that only 50 practitioners have left the industry, but has it included the number of practitioners who have sought development in the Mainland?*

SECRETARY FOR DEVELOPMENT (in Cantonese): *President, judging from the current workload and demand, it is not too difficult for lift and escalator workers to secure a job. On the income level, as I have said earlier, qualified and experienced employees may earn as much as \$18,000. We have not looked into the situation of employees seeking development in the Mainland. For the question just raised by the Member on whether workers undertaking training courses receive any allowance, trainees who are undertaking recognized training courses will receive a monthly allowance of some \$8,000 throughout the training period.*

MR KWOK WAI-KEUNG (in Cantonese): *President, just now, the Secretary said that the industry offers stable income as well as attractive benefits and allowances. We are shocked upon hearing this. We learn from members of the industry that the basic salary of the practitioners is actually pretty low. Many practitioners have to work overtime for allowances, so as to reach a certain income level. In this connection, I hope that the Secretary can follow up on the matter with members of the industry. My question is, as the Secretary has mentioned earlier, 70 people receive training each year on average, but only half of them remain in the industry. Has the Secretary conducted any review of the 50% staff turnover? Furthermore, have the authorities introduced any adequate measures to attract the trained practitioners to remain in the industry?*

SECRETARY FOR DEVELOPMENT (in Cantonese): *President, as I have said, of the young people who have completed the training courses, 50% chose to remain in the industry for further development. This is because the entire training course lasts for three years and people who receive training are relatively young. On the other hand, the employment situation of Hong Kong has improved over the past few years and other employment opportunities are*

available in the market. Nonetheless, we will further explore more effective ways to retain the experienced workers.

PRESIDENT (in Cantonese): Third question.

Review of Maximum Levels of Rent Allowance Under CSSA Scheme

3. **MR CHEUNG KWOK-CHE** (in Cantonese): *President, since the one-off reduction of the maximum levels of rent allowance (MRA) under the Comprehensive Social Security Assistance (CSSA) Scheme by 15.8% in 2003, only a slight upward adjustment has been made this year. For instance, the monthly MRA for singleton has been increased from \$1,265 to \$1,335. Some CSSA recipients have told me that as the rent allowance is insufficient to cover the soaring rent payment (for example, the monthly rent for a cubicle apartment in Sham Shui Po now costs \$1,600), they have to resort to saving on food and clothing to make up for the shortfalls in rents, affecting their livelihood and health. According to a document from the Social Welfare Department (SWD) as quoted in the press, among the CSSA households receiving rent allowances, the ratio of cases of the actual rent payments being higher than the MRA has been increasing in recent years: 56.4% in 2009-2010, 57.4% in 2010-2011 and 60.3% in 2011-2012, reflecting that the problem is acute and worsening. In this connection, will the Government inform this Council:*

- (a) *whether it is aware of the reality that the rents of private housing are soaring and whether it has any data on the rents of cubicle apartments and sub-divided units; if so, of the details; if not, the reasons for that; whether the Government will review the MRA immediately so as to help the recipients cope with the pressure from rising rents; if it will, of the earliest time when it will complete the review and adjust the MRA; if not, the reasons for that;*
- (b) *whether the Government will introduce any temporary measures during the MRA review to help the people in dire straits, such as providing extra rent allowance for them to cover the shortfalls in rent payments; if it will, of the time to implement such measures; if not, the reasons for that; and*

- (c) *as some CSSA recipients have pointed out that the Household Expenditure Survey (HES) on CSSA Households, which is updated by the SWD only once every five years, simply cannot reflect the livelihood pressure faced by them, whether the SWD will change its practice and conduct the HES annually to update the weighting system of the Social Security Assistance Index of Prices (SSAIP); if it will, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the CSSA Scheme helps families in financial hardship meet basic needs. Rent allowance is payable to CSSA households for meeting accommodation expenses. The amount of the allowance is the actual rent paid by the household, or the maximum rate determined with reference to the number of members in the household who are eligible for CSSA, whichever is the less.

My reply to Mr CHEUNG Kwok-che's question is as follows:

- (a) Using the adjustment mechanism approved by the Legislative Council in 1998, the Government adjusts the MRA annually in accordance with the movement of the Consumer Price Index (A) rent index for private housing. The index is compiled by the Census and Statistics Department (C&SD) based on information collected through a monthly sample survey on private rented households and is used to measure the rental movements of private housing, including those of the relatively low expenditure non-CSSA households and households residing in rooms/cubicles.

The SWD last increased the MRA by 5.7% on 1 February 2012, that is, this year, in accordance with the above mechanism. The prevailing MRA is set out at Annex. We will continue to monitor the situation, and adjust the MRA in accordance with the established mechanism.

- (b) As at June 2012, the MRA could fully cover the actual rent paid by the majority (88%) of CSSA households.

For CSSA households living in private housing and on the waiting list either for compassionate rehousing or admission to a subvented home for the elderly, the Director of Social Welfare (DSW) may exercise discretion to approve a rent allowance higher than the applicable MRA to cover the actual rent paid.

As regards short-term measures, the Community Care Fund launched an assistance programme, namely the "Subsidy for Comprehensive Social Security Assistance Recipients Living in Rented Private Housing" in October 2011 to provide CSSA households living in private housing and paying a rent which exceeded the MRA under the CSSA Scheme with a one-off subsidy, so as to relieve their financial burden in face of periodic rent increase. This assistance programme is administered by the SWD and each eligible one-person and two-or-more-person CSSA household is provided with a one-off subsidy of \$1,000 and \$2,000 respectively. About 22 500 CSSA households have benefited from this assistance programme.

- (c) Standard payment rates under the CSSA Scheme are adjusted on an annual basis, taking into account inflation/deflation reflected by the SSAIP, in accordance with the established adjustment mechanism. The weighting system of the SSAIP truthfully presents CSSA recipients' expenditures on individual categories of goods and services as a proportion of their total expenditures. It is compiled using data obtained from the HES on CSSA Households. Applying these weights in the calculation of the SSAIP can reflect more accurately the impact of price changes on CSSA recipients.

As in the case of the main HES, the HES on CSSA Households is conducted once every five years in order to keep track of changes in the expenditure patterns of CSSA households, including changes in consumption volume and consumption patterns. As changes in consumption volume and consumption patterns usually take place gradually over time and become relatively significant only after a long period of time, the updating of the weighting system of the SSAIP once every five years by the C&SD based on the results of the HES on CSSA Households is an appropriate arrangement, and

also conforms to international practices. It is also in line with the arrangement adopted by the C&SD in updating the weighting system of consumer price indexes.

Annex

The maximum rates of the rent allowance (MRA)
under the Comprehensive Social Security Assistance (CSSA) Scheme
(as at October 2012)

<i>Number of members in the household eligible for CSSA</i>	<i>Monthly MRA</i>
1	\$1,335
2	\$2,695
3	\$3,520
4	\$3,745
5	\$3,750
6 or above	\$4,690

MR CHEUNG KWOK-CHE (in Cantonese): *President, just now, the Secretary talked about a number of measures to provide assistance to CSSA households living in private housing, and as far as we know, at least some 20 000 CSSA recipients are in need of such assistance. In his reply to part (a) of the question just now, the Secretary stated that many surveys have been conducted by the C&SD, but we know that some 20 000 CSSA recipients still need the assistance. Obviously, there is room for improvement with regard to the sampling methods adopted by the C&SD.*

I would like to ask the Secretary: Given the discretionary power of the DSW, as well as the pressures of high rental faced by CSSA households living in private housing, can the Secretary tell us whether the DSW will voluntarily assist all CSSA households living in private housing with rental higher than the MRA by providing them with extra allowance to cover the shortfalls in rent payments, instead of having the DSW exercise his discretion only after enquiries have been

made by the recipients? Can the same treatment be extended to all CSSA households living in private housing?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, thanks to Mr CHEUNG for the supplementary question. First of all, I have to stress that the DSW's discretion is exercisable for two groups of CSSA recipients living in the so-called private housing with rental higher than the MRA. The first group of CSSA recipients are those on the waiting list for compassionate rehousing. The second group of CSSA recipients are those on the waiting list for admission to a subvented home for the elderly. Our target is to help these two groups of CSSA recipients, rather than all CSSA households living in private housing. As the term suggests, "discretion" should take into account the actual circumstances. For those who are eligible for compassionate housing, an emergency need such as serious sickness is involved. Regarding those CSSA recipients awaiting admission to a subvented home for the elderly, various factors are also involved, such as they can only be provided with a rent allowance above the MRA after a certain period of time. Hence, this discretionary power must not apply indiscriminately to all cases, or else it can no longer be regarded as a discretion. I think this point is understood by all Members.

I would like to respond to a point raised by Mr CHEUNG in his main question. In January 2011-2012, the ratio of CSSA households living in private housing with actual rental higher than the MRA was 60.3%. At that time the MRA had not been adjusted. Members may recall that the MRA was raised by 5.7% on 1 February this year. The situation has improved substantially after the upward adjustment of the MRA. I can provide some figures to Members for reference. In January, the ratio was 60.3%, that is, there were 22 688 CSSA households with actual rent payments higher than the MRA. After the adjustment of the MRA, the ratio has been reduced, with the number of affected households standing at 19 691, or 53.4%. Regarding the situation asked by Mr CHEUNG in the main question, the ratio has been increasing in the past few years from 56.4% to 57.4%, and then 60.3%. But the situation has actually improved recently with the ratio going down to 53.4%.

In addition, I would like to stress that under the established mechanism, we note that there is room for increasing the levels of the MRA. Hence, we will report to the Panel on Welfare Services by the end of this year that the MRA will

increase early next year, that is, on 1 February. Regarding the rate of increase, it will depend on the situation in the coming two months We will make reference to the figure in October (which is a moving average), that is, the figure over the past 12 months up to the end of October, by then we will be able to know the overall trend. But there is definitely room for upward adjustment in order to bring further relief.

Thirdly, as I have stated clearly in my reply, under the Community Care Fund — Mr CHEUNG should know very well because he is a member of the Steering Committee on the Community Care Fund — we had also provided assistance to some needy persons last year. Each eligible one-person and two-or-more-person CSSA household living in private housing with rental exceeding the MRA will be provided with a subsidy of \$1,000 and \$2,000 respectively. This can also help relieve their pressures. Hence, we have been working in various ways to relieve their pressures.

PRESIDENT (in Cantonese): Secretary, you should answer the Member's main question in your main reply. The time limit stipulated by this Council on the main reply given by a Director of Bureau is not intended for him to give his main reply by taking up Members' time for asking supplementary questions. If that is the case, it can hardly serve the purpose of allowing Members more time to ask supplementary questions.

DR FERNANDO CHEUNG (in Cantonese): *The Secretary has just provided us with some figures. Nonetheless, these new figures also illustrate the fact that more than half of the current CSSA households living in private housing are still paying rental higher than the MRA. In other words, these CSSA households have to resort to using their living expenses to make up for the shortfalls in rents. The situation is unsatisfactory.*

From the entire reply given by the Secretary, there is basically no mechanism to revise the calculations of the MRA. Let me quote the Secretary's reply. He said the authorities would adjust the MRA in accordance with the Consumer Price Index (A). That is exactly the crux of the problem, President. The Consumer Price Index (A) refers to a level below 50%, that is, the problem of rent faced by half of the entire population of Hong Kong

PRESIDENT (in Cantonese): Please ask your supplementary question.

DR FERNANDO CHEUNG (in Cantonese): *If he does not adjust Because the income level of CSSA households is within the lowest 10% of our population, that is, CSSA households belong to the lowest 10% in our overall income distribution. However, he just uses the figure for 50% of the income-earning population as the basis for adjustment*

PRESIDENT (in Cantonese): Dr CHEUNG, you have already taken up more time than you are allowed to in raising your question. Please ask your supplementary question expeditiously.

DR FERNANDO CHEUNG (in Cantonese): *Hence, my supplementary question is: President, does the Secretary have any intention to revise the mechanism for calculating the MRA? Otherwise, there is absolutely no way to reflect the rental fluctuations faced by CSSA households.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Thanks to Dr CHEUNG for the question. Adjustment to the MRA is made in accordance with the movement of the Consumer Price Index (A) rent index for private housing. This arrangement, which was approved by the Legislative Council in 1998, has all along been working well.

I would like to stress that the Consumer Price Index (A) covers 50% of the households in Hong Kong in the relatively low expenditure range. As we all know, the Consumer Price Index (A) mainly covers household groups in the relatively low expenditure range. Of course, as I said in the main reply, rental of cubicle apartments as well as other different types of housing has also been reflected and hence, the index is indicative. I think this mechanism is well-established.

As I just said, we will adjust the MRA on the basis of this index in accordance with the annual trend. Therefore, both aspects will be reflected in the actual figure.

PRESIDENT (in Cantonese): Dr CHEUNG, what is your question?

DR FERNANDO CHEUNG (in Cantonese): *He has not answered my question at all. He merely repeated what I have said, and it is meaningless. My question to him just now is: As the mechanism is ineffective, it should be changed; will he make any changes?*

PRESIDENT (in Cantonese): Dr CHEUNG, while you consider the mechanism ineffective, the Secretary has just explained that in his view, this mechanism is well-established. If you disagree, you will have to debate the matter with him on other occasions.

DR KWOK KA-KI (in Cantonese): *President, LEUNG Chun-ying is not in the Chamber now. He should have listened to this question because the plight of CSSA households is worsening. Although we are talking about households living in cubicle apartments, many people are in fact still living in "caged homes".*

The Secretary said that the impact was not serious. Perhaps he has not visited the districts. Some people who originally lived in cubicle apartments can no longer afford the rent, and have to live in "caged homes" at a rent of \$1,600, which is exactly the amount of rent allowance provided by the SWD.

As a matter of fact, for residents in many districts, rent is not their only burden. According to a survey conducted by the Society for Community Organization, their median expenditure on electricity is \$256, while that on water charge is more than \$160. Therefore, this measure cannot help them at all.

As a matter of fact, this price index as well as the rent index are out of pace with the current levels of rent for cubicle apartments and "cage homes"

PRESIDENT (in Cantonese): Dr KWOK, please ask your supplementary question.

DR KWOK KA-KI (in Cantonese): *I would like to ask the Secretary: When setting the MRA, do you have some relatively clear data on the size of cubicle apartments or "cage homes" that people live in? Their situation has brought shame to Hong Kong. Do you have any data on the average living area per person of these households?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, regarding the question just raised by Dr KWOK, we do not have such detailed figures for reference. However, as I pointed out just now, data on "caged homes", cubicle apartments, en suite units, and so on, have been included under the Consumer Price Index (A) rent index for private housing which we adopt currently. That is why we consider that the index is indicative and can serve as a sound mechanism for adjusting the MRA.

MR KWOK WAI-KEUNG (in Cantonese): *President, the current MRA lags far behind the actual rents in the market, reflecting the serious problem caused by the ineffectiveness of the base figures as well as the adjustment rates of the SSAIP. It is also unreasonable to ask CSSA recipients to resort to using their basic living expenses to make up for the shortfalls in rents.*

My supplementary question is: Have the authorities conducted any studies or surveys on turning rent allowance into a separate subsidy; and has any surveys been conducted on the rents of grass-roots housing including bed spaces and cubicle apartments, for the purpose of understanding the levels of rent increase as well as actual rents in recent years, so that they can serve as reference material for the adjustment of the dedicated rent allowance?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Thanks to Mr KWOK for the question. As a matter of fact, we have already treated the issue of rent allowance independently. Members must not confuse the two because we do not use the SSAIP for the present purpose. The SSAIP is related to the standard rates of CSSA payments, and so on. But the index I just referred to is clearly the rent index which is a specific index. Hence, there is a so-called matching index to deal with the issue.

Mr KWOK has just asked whether surveys would be conducted on the rents of cubicle apartments, en suite units, and so on. Having studied the matter with the C&SD, we consider that difficulties would arise as the current sample size is limited. It will be difficult to process this figure separately. Moreover, any fluctuations can bring the figure up or down to a large extent. Hence, we consider that the existing mechanism which is objective, well-established and reliable can be used to gauge and review the MRA periodically.

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

MR KWOK WAI-KEUNG (in Cantonese): *Secretary, but in fact*

PRESIDENT (in Cantonese): Mr KWOK, if you think that the Secretary has not answered your question, you can only repeat the part of your question that has not been answered by the Secretary.

MR KWOK WAI-KEUNG (in Cantonese): *No, it is not that the Secretary has not answered my question. I do not want to repeat a particular part of the question.*

PRESIDENT (in Cantonese): If it is not about the Secretary not answering your question, please sit down because each Member can only ask one supplementary question.

MR KWOK WAI-KEUNG (in Cantonese): *Thank you, President.*

MISS ALICE MAK (in Cantonese): *President, according to the Secretary's statement just now, the existing adjustment mechanism was approved in 1998. Hence, I would like to ask the Secretary: As the current MRA cannot cover the rents paid by 50% of the CSSA households, what is the Secretary's rationale for*

saying that the mechanism, approved 14 years ago, is still reliable and well-established? Will the Government review this mechanism which was approved 14 years ago?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I have said earlier, I now reiterate that we have always used the Consumer Price Index (A) as an objective benchmark for price changes. This point is very important.

As for the rent index, I have already said just now that it is a component under the Consumer Price Index (A) which can more accurately reflect the situation of households in the relatively low expenditure range. I have already said that statistically, this group represents 50% of the population in the relatively low expenditure range. Hence, I have stressed time and again that it is an objective and well-established mechanism, and we do not see any need for change.

MR TANG KA-PIU (in Cantonese): *Secretary, if you do not see the need for any major change or adjustment to the mechanism, I will then concentrate on the issue of discretion, that is, part (b) of your main reply. According to our estimates or front-line contacts, which type of CSSA households live in private housing and not public rental housing (PRH)? Most of these CSSA households are waiting for PRH allocation. In respect of discretion, can you slightly adjust the wording so that approval is given for CSSA households living in private housing who are on the PRH waiting list to receive the full amount of rent allowance? I hope the Secretary can answer my question.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, at present, the average waiting time for PRH allocation is about 2.6 years from registration to the first flat offer, that is, over two years but not more than three years. Generally, the waiting time is not too long. This is the first point.

Secondly, I have already said just now that this discretion is genuinely a discretion which applies specifically to two groups of CSSA households, namely those on the waiting list either for compassionate rehousing or admission to a

subvented home for the elderly. This is a transitional arrangement for these specific households, rather than other households in general. Therefore, the Member's suggestion just now has deviated from the direction as well as the basis of our discretion. At this stage, we cannot deviate from this policy. But if there are grounds in individual cases, we will make compassionate arrangements accordingly.

PRESIDENT (in Cantonese): Mr TANG, what is your question?

MR TANG KA-PIU (in Cantonese): *Can the Secretary explain in detail what is meant by compassionate rehousing, and what should be done in order to receive discretionary treatment?*

PRESIDENT (in Cantonese): The Secretary has already replied. Regarding your follow-up question, if you still want to exchange any views with the Secretary, please do so on other occasions.

This Council has spent almost 22 minutes on this question. Fourth question.

Measures to Stabilize Development of Schools in Response to Dwindling Number of Secondary One Students

4. **MR IP KIN-YUEN** (in Cantonese): *President, my question is: according to Government information, the number of Secondary One students in the 2013-2014 school year will drop drastically by more than 5 000. Quite a number of school principals and teachers have told me that they are extremely worried about under-enrolment in secondary schools in the coming few years, and in the face of the imminent threats of reduction in classes and closure of schools, the development of secondary schools will suffer a catastrophic impact if the authorities do not implement comprehensive stabilization measures. In fact, soon after the incumbent government officials assumed offices, the Hong Kong Professional Teachers' Union met with the Secretary for Education to raise this issue and urge the Government to devise long-term measures to stabilize the*

development of secondary schools in response to one of the education objectives proposed by the Chief Executive when he ran in the Chief Executive election, namely "to maintain stability of the education system and policies as well as allowing breathing space for the stakeholders". In this connection, will the Government inform this Council:

- (a) whether it will immediately commence planning to reduce the number of students per class at Secondary One level starting from the 2013-2014 school year, so as to progressively implement small class teaching (SCT) with 25 students per class in all secondary schools in Hong Kong, so as to dovetail with SCT in primary schools; and whether it will immediately commence planning to improve the teacher-to-class ratio, increase the number of permanent teaching posts within the approved teaching establishment, and to provide suitable staffing and support with an aim to improving teaching quality;*
- (b) given Chief Executive's pledge in his manifesto that "to ease the interim problem of under-recruitment at certain schools, we will provide more flexibility to schools to determine for themselves the class size at Secondary One level Schools that fail to recruit enough students will be permitted to operate small classes (25 students or below) catering for students who require additional attention or extra care", and that the number of Secondary One students will drop drastically in the 2013-2014 school year, of the progress in and the timetable for honouring such pledge by the authorities; and*
- (c) whether the Education Bureau will consider not requiring schools located in districts with serious under-enrolment to cease operation if they can operate two Secondary One classes, and freezing the teaching establishment of such schools to maintain the manpower for offering a sufficient number of subjects for students to choose under the New Senior Secondary curriculum?*

SECRETARY FOR EDUCATION (in Cantonese): President, before replying to the three questions raised by Mr IP Kin-yuen, I wish to give an overview on

the issue of "the drop in Secondary One student population". As projected, there will be a drop in the number of school-age Secondary One students in the coming few years, amounting to a total of about 11 000 students. However, I have to emphasize that it is merely a transitional situation, since the number of Secondary One students will rebound gradually in the 2017-2018 school year and thereafter, back to and exceed the level of this school year. Therefore, when considering the options to tackle the situation, what we need are timely and proportionate transitional relief measures rather than a long-term structural change. This is to avoid shaking the education system again and affecting its long-term stability when the number of students rebounds.

Recently, an analysis suggested that with a drop of 5 400 Secondary One students in the next school year, meaning that there should be a reduction of 159 classes or 80 schools. This is possibly but a result of simple division and is not necessarily equal to the actual situation in schools. As a matter of fact, we have gained experience in dealing with the issue of declining Secondary One student population. From the 2006-2007 to the current school year, the number of Secondary One students has been reduced by a total of about 22 000 students. Notwithstanding this, under the various relief measures implemented by the Education Bureau, various stakeholders, school operators and schools, up till now, there are only eight secondary schools, closed or to be closed upon their own decision for various reasons.

We believe that the education sector knows well that many of the relief measures taken — from formulation, planning to implementation — are the outcome of close collaboration and co-operation between the Education Bureau and the sector. We will continue to work closely with the sector to tackle the issue of declining Secondary One student population.

I will now reply the three questions one by one:

- (a) Regarding the effectiveness of implementing small class teaching (SCT) in secondary schools, conclusion is yet to be drawn from international studies. We need to learn from the experience of SCT in primary schools and take into careful consideration the existing conditions of secondary schools, teaching and learning environment as well as provision of support to secondary schools, overseas experience and resource allocation, and so on. We should not

merely take the implementation of SCT as a means of solving the problem of temporary student population decline.

Besides, we have all along been examining the manpower of teachers in secondary schools, and based on the actual need and priority in resource utilization, consider the necessity of increasing teaching posts or providing other support measures. Apart from calculating the establishment of regular teachers according to the number of classes and teacher-to-class (T/C) ratios, we also provide schools with a number of additional teachers or cash grants for implementing various education initiatives. With the implementation of a number of measures, the student-to-teacher ratio in public sector secondary schools has improved progressively from 18:1 in the 2005-2006 school year to 15.3:1 in the 2011-2012 school year, similar to the figures of other advanced regions in Asia, with the ratios being, for example, 16.1:1 in Singapore, 18.2:1 in South Korea and 13.2:1 in Japan.

- (b) As I have already said, to address the issue of the declining Secondary One student population, the Education Bureau has deployed substantial resources since the 2006-2007 school year and implemented a series of relief measures to stabilize the teaching force and avoid affecting the quality of education.

Some of the more significant relief measures include:

- Reducing the number of students allocated to each Secondary One class from 38 in the 2006-2007 school year to the prevailing 34;
- Launching the Voluntary Optimization of Class Structure Scheme and its enhanced measures in 2010; and
- From the 2012-2013 school year onwards, the criteria for approving Secondary One classes have been further relaxed. The basis for calculating the number of approved Secondary One classes has been adjusted downwards from 30 to 25 students per class. Schools can operate three classes by

admitting 51 Secondary One students, with an average class size of 17 students.

Broadly speaking, the relief measures implemented by the Education Bureau over the years after balancing various considerations are effective. We are also pleased to see that no secondary school has to apply for the development option with the Education Bureau due to failure in operating three Secondary One classes in this school year.

In response to the further decline in Secondary One student population in the coming few years, the education sector has proposed to us the option of reducing the number of students allocated to each Secondary One class across the board, which involves changes to the school places allocation system and commitment of considerable financial resources. We are assessing its feasibility and effect on different stakeholders, including parents' choice of their desired schools. We are open-minded to this option and will also actively explore all the feasible and effective relief measures.

- (c) The New Senior Secondary Academic Structure stresses the importance of providing students with a broad, balanced and diversified senior secondary curriculum. In general, we are of the view that a secondary school should have at least 18 classes (that is, three classes for each level), otherwise it can hardly have sufficient resources to provide a broad and diversified curriculum. Following the recent completion of the first three-year-cycle under the New Academic Structure, we learned that apart from those elective subjects taught by teachers, schools may also provide students with a broad and balanced senior secondary curriculum through different means, including arranging for students to select diversified Applied Learning subjects according to their interests, establishing district school network programmes of elective subjects, and so on.

As the diversified development mentioned above matures over the past few years, I, therefore, decided that starting from the next school year, we would accept those schools, with two approved

classes for each level, to offer diversified elective subjects through flexible deployment of resources, different means and strategies to provide students with a broad, balanced and sustainable senior secondary curriculum, with the interests of the students being our most important consideration. Such schools do not need to apply for any school development option. For those schools only able to operate one Secondary One class, they can apply for school development option. These schools can continue their operation if they will show evidences on the provision of "a broad, balanced and sustainable senior secondary curriculum". Meanwhile, I decided that all schools operating two Secondary One classes or less can still participate in the Secondary Schools Places Allocation System with a cap of three Secondary One classes. This is important in the sense that it can allay any concerns schools may have about the labelling effect and to tide them over until the Secondary One student population rebounds gradually in a few years' time.

The above new measures will be implemented together with the existing measures. At the same time, we will actively explore to extend the Early Retirement Scheme for Aided Secondary School Teachers. When the details have been worked out, we will submit the proposal to the Legislative Council Panel on Education.

MR IP KIN-YUEN (in Cantonese): *I believe that the education sector would be very disappointed at Secretary Eddie NG's reply. Of the measures mentioned in his reply, some have been implemented and the effects of these measures are obvious to all, and some effects have already been "exhausted". He also mentioned some less important measures and those measures have been anticipated by the education sector in the course of discussion. We describe those measures as "cough syrup". As we are suffering from tuberculosis, cough syrup can in no way solve our major problems. Hence, the education sector has reached a consensus, in order to solve the present problems, we have to focus on the crux of the matter. The solution to solving the problem is to adjust expeditiously the number of students allocated to each class as the standard for student allocation, thereby stabilizing the whole education system and facilitating the development of a better system in Hong Kong with higher quality. I would*

like to ask whether the Secretary will seriously consider solving the current problem in this way?

The Secretary has just mentioned that the conclusion of the effectiveness of implementing SCT is yet to be drawn from international studies, but in fact, the high-ranking officials in Hong Kong have already drawn the conclusion by sending their children to schools which implement SCT

PRESIDENT (in Cantonese): Mr IP, this is not a debate session. Have you asked your supplementary question?

MR IP KIN-YUEN (in Cantonese): *I have already asked my supplementary question, that is, will the Secretary seriously consider adjusting the number of students in each class in order to solve the imminent problem? At present, we should not compare Hong Kong with the advanced regions in Asia, instead we wish that Hong Kong can attain international standards.*

PRESIDENT (in Cantonese): Please let the Secretary reply after you have raised the supplementary question.

SECRETARY FOR EDUCATION (in Cantonese): I thank the Member for raising the supplementary question. In fact throughout the consideration process, especially recently, we have had very close contacts with the education sector. What I mentioned earlier were targeted relief measures while the Member's proposal was an "across-the-board" policy to reduce the number of students allocated to each class. However, as I have already mentioned, if the "across-the-board" policy is implemented, we need to take into account the possible worries of parents concerning the choice of schools, whether schools in the same district can reach a consensus, as well as how feeder, nominated or "through train" schools deal with the number of students admitted. Another point that warrants our special attention is that if Direct Subsidy Scheme schools are forced to reduce the number of student intake, their operation funds and resources may be affected.

According to our past experience, if an overall balance cannot be struck among various districts, difficulties will arise in making inter-district school places allocation and other arrangements. Another consideration is the requirement of extra government resources. However, as I have mentioned earlier, we will consider both options. On the one hand, we will adopt the targeted measures with proven effectiveness, and we will also consider the "across-the-board" arrangement. We very much hope that we will have more discussions on this issue in the following two weeks, especially with the Panel on Education as soon as possible.

DR LAM TAI-FAI (in Cantonese): *President, you had been a school principal and I believe that you are very well aware of a long-standing phenomenon in the local education sector which is rather odd and very unhealthy. On the one hand, local schools are worried about under-recruitment, while on the other hand, a few hundred students compete for twenty odd places in international schools each year. Almost all those who compete for these school places are local students, most of them are children of high-ranking officials and some of them are children of the rich in Hong Kong. I believe that the Secretary and the President also know many such people in your circle. Therefore, there is a saying that international schools in Hong Kong have become a commodity exclusively for high-ranking officials and the rich in Hong Kong.*

As more and more local students have enrolled in international schools, the children of many expatriates working in Hong Kong can hardly get a school place

PRESIDENT (in Cantonese): Please ask your supplementary question.

DR LAM TAI-FAI (in Cantonese): *My supplementary question is, as the Government has to offer concessionary measures and allocate land to education institutions at concessionary premiums to operate international schools in Hong Kong, but in the end, children of high-ranking officials and the rich have a higher chance to enrol in international schools, leading to a vicious cycle*

PRESIDENT (in Cantonese): Please ask your supplementary question.

DR LAM TAI-FAI (in Cantonese): and local schools suffer from under-recruitment. My supplementary question to the Secretary is: how can this unfair and unhealthy phenomenon be dealt with in a more pragmatic manner? Will there be a strict restriction in the ratio of local students enrolled in international schools, so as to avoid this vicious cycle which affects the student intake of local schools.

SECRETARY FOR EDUCATION (in Cantonese): I thank the Member for his supplementary question. We have to consider two principles in this respect. Firstly, Hong Kong is a pluralistic and free society, and parents have the autonomy to choose whatever schools their children should enrol in. Secondly, since most international schools are self-financed and conduct its own admission, parents who have the financial means would very often consider enrolling their children in international schools.

Another point to note is that local schools have to follow the local education system, such as adopting the New Senior Secondary Diploma curriculum. Hence, consideration should be made in this respect. As for international schools, different education systems will be adopted. I think these are some of the factors that have to be considered, and I will certainly study them in detail. As regards how the admission rate mentioned by the Member earlier will affect the schools, the extent of influence, as well as the present situations of different schools, and so on, I will provide more information to the relevant Panel later.

DR LAM TAI-FAI (in Cantonese): President, I have asked loud and clear in my supplementary question whether the Secretary will consider restricting the admission of local students by international schools. Although he describes the phenomenon as sound and healthy, I do not think so. I would like to know if he has considered how to address this situation.

PRESIDENT (in Cantonese): Mr LAM, the Secretary has already answered why the authorities cannot deal with the issue in the way that you requested.

MR MICHAEL TIEN (in Cantonese): *After the reunification, Hong Kong students' language standard continues to decline — this is certainly one of the few consensuses in society — especially in respect of their writing skill and that will seriously weaken Hong Kong's competitive edge in the long run. I wonder if the Secretary is aware that language teachers in the Mainland continue to develop new and advanced teaching methods and materials while many teachers in Hong Kong*

PRESIDENT (in Cantonese): Mr TIEN, are you sure that your supplementary question is related to the under-recruitment of secondary students?

MR MICHAEL TIEN (in Cantonese): *President, the two are absolutely related. Teachers in Hong Kong are at present in a dire situation as they have no time at all to engage in brainstorming on how to improve their teaching of the Chinese and English languages. Will the Education Bureau consider taking this opportunity to reduce the number of lesson hours taught by language teachers in secondary schools from the current 30 lesson hours each week to 20, so as to give them ample time to develop innovative teaching programmes? For example, currently there is a very popular practice in the Mainland which involves a group of teachers engaging in brainstorming when preparing a lesson. If the Secretary has not heard of such practice, he can study it in detail later on. I hope he will answer me whether he will consider allowing language teachers in all secondary schools to reduce their lesson hours from 30 to 20 each week.*

SECRETARY FOR EDUCATION (in Cantonese): I thank the Member for his supplementary question. Starting from several years ago, more studies have been conducted in this respect. I have recently attended several meetings and I found that many schools have, in respect of language learning, promoted an authentic learning experience which is not necessarily confined to the classroom. However, the Member has brought up a very good point and I will convey it to

the Standing Committee on Language Education and Research (SCLER) for detailed discussion. I will also bring this issue up at meetings of the 24 subject committees under the New Senior Secondary curriculum for discussion.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR MICHAEL TIEN (in Cantonese): *I was once the Chairman of SCLER and I know that nothing can be achieved as the Government will not listen to the views of the SCLER. I would like to know the Government's stance in this regard.*

PRESIDENT (in Cantonese): The Secretary has answered already.

DR KENNETH CHAN (in Cantonese): *I am glad to see the Chief Secretary for Administration accompanying the Secretary for Education in attending this question session. Members of the education sector are not familiar with the Secretary. As a member of the education sector, I am very disappointed at the Secretary's reply to this question. I am disappointed not because of what he answered but how he understood the question.*

Mr IP Kin-yuen asked him a question of concept, that is the concept of SCT, but he responded with a series of relief measures, new relief measures as well as the transitional arrangements concerning the new relief measures. As such, he has not answered the question directly.

I understand the restriction set in the Rules of Procedure that I can only raise one supplementary question, President

PRESIDENT (in Cantonese): Please ask your supplementary question.

DR KENNETH CHAN (in Cantonese): *therefore I will concentrate my supplementary question on part (a) of the Secretary's main reply. In the paragraph regarding the effectiveness of implementing SCT in secondary schools, he listed five factors — please correct me if I am wrong — including international studies, Hong Kong's experience in implementing SCT in primary schools, teaching and learning environment in secondary schools and provision of support, and consideration of overseas experience and resource allocation*

PRESIDENT (in Cantonese): Please ask your supplementary question expeditiously.

DR KENNETH CHAN (in Cantonese): *My supplementary question is: how does the Education Bureau assess and measure those factors? Can SCT be implemented if three factors out of five are marked with a "✓", or will SCT only be implemented when all five factors are marked with a "✓"? Will the Secretary answer this question directly?*

SECRETARY FOR EDUCATION (in Cantonese): I thank the Member for his supplementary question. With respect to the practice of SCT, perhaps apart from the major premises that I mentioned earlier, I will further elaborate from a more professional point of view.

Many studies have clearly indicated that SCT is a teaching method. According to the findings of international studies, the effectiveness of SCT is the most prominent when students are younger and the effect diminishes as students grow older. Some famous educators have criticized the high costs of SCT while its effectiveness may not be up to the level that everyone expects.

In considering whether SCT should be implemented in secondary schools, we have to take into account the existing conditions of secondary schools, including the teaching and learning environment, provision of support to secondary schools and overseas experience. Let me cite a simple example. In senior secondary schools, very often students of the same class may take different

subjects in view of the diversity of subjects, hence specialized teaching is adopted. Under such circumstances, some individual senior secondary classes have adopted specialized teaching with only 20 to 30 students in each class, not necessarily over 30 students. Therefore, in order to implement SCT in secondary schools, we have to consider the actual situation and tie it in with a broad syllabus rather than strictly limiting the number of students in a class.

PRESIDENT (in Cantonese): This Council has spent almost 23 minutes on this question. Fifth question.

Public Remarks Made by Chief Secretary for Administration on Institutions Which Monitor Work of Government

5. **MR JAMES TO** (in Cantonese): *President, at a luncheon hosted by the Hong Kong Public Administration Association (HKPAA) on 27 September 2012, the Chief Secretary for Administration said (I quote), "You just imagine the pressure that public services are put under with all these institutions, checks and balances, all that Ombudsman, ICAC, not that they are bad, as I said, sometimes these things are good. These are the safeguards of any civic society. But if they become a major hurdle because we don't know how to deal with them, then, at the end of the day what would suffer would be the Government's executive ability to deliver things". (End of quote) In this connection, will the Government inform this Council:*

- (a) *whether it has assessed, apart from the Independent Commission Against Corruption (ICAC) and the Office of The Ombudsman, what other institutions are suitable for assuming the role of monitoring or providing checks and balances against the Government, and what others are not suitable for assuming such a role; if it has, of the outcome; and its explanation of the circumstances under which these monitoring institutions are good or otherwise;*
- (b) *whether, in her remarks that (I quote) "if they become a major hurdle because we don't know how to deal with them, then, at the end of the day what would suffer would be the Government's*

executive ability to deliver things", (End of quote) the Chief Secretary for Administration was referring to incidents which already happened or which have not yet happened, and which government officials do not know how to deal with the monitoring institutions; and

- (c) *given that it has been reported in the press that various sectors of the community have criticized that the Chief Secretary for Administration's aforesaid remarks undermined the independence of the monitoring institutions, whether the Government will request the Chief Secretary for Administration to withdraw the aforesaid remarks and apologize to the public?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the remarks concerning pressures on civil servants which I made at the luncheon hosted by the HKPAA on 27 September have aroused concerns of some people and comments in the media. Although I have made clarifications immediately afterwards, I would still like to thank Mr James TO for raising a question on the matter at the Legislative Council meeting today as it gives me an opportunity to explain myself in more details and respond to further questions from Legislative Council Members.

President, I was invited by the HKPAA to the event to share my views on challenges faced by this term of the Hong Kong Special Administrative Region (HKSAR) Government. When I addressed the meeting, I said that the greatest challenge was to implement the election manifesto of the Chief Executive, and that it required effective governance and good public administration to translate the vision into action.

I then cited a few examples to illustrate the new Administration's determination to enhance the efficiency of governance. For example, the Chief Executive announced five measures to improve livelihood at the Legislative Council on 16 July — less than three weeks after his taking of office. Then there is the new policy to install lifts at walkways so as to create a "universally accessible" environment for all — a programme which has been put together by various bureaux and departments in response to community aspirations expressed

during the new political team's district visits in July, and is a realization of the Chief Executive's belief of "no livelihood issue is too trivial". The Chief Executive also advocates the resolution of district problems by district solutions, and therefore we have that project of opening a new open-air bazaar for residents in Tin Shui Wai.

With this illustration of a series of initiatives introduced within barely two months after the start of the new Administration, I assured the luncheon guests and academics that the Government remained very efficient as long as departments worked together and there was a very clear direction because, after all, our team of Principal Officials and civil servants all regarded being able to do good things for the people as the best reward for being public servants.

In the question and answer session that followed, one of the guests seemed to disagree with what I had said. He raised a question in English, saying that the HKSAR Government was notoriously conservative, short sighted and had a lack of innovation. He asked me how to transform the current bureaucracy to become a visionary team, a team that could serve the vision of the Chief Executive. I answered in English, mainly trying to explain that the Civil Service took rules and procedures very seriously and attached great importance to any possible advice from monitoring institutions. Civil servants are very careful in that regard indeed, which might give an impression that government operation is "bureaucratic" and conservative.

I must point out that in my answer I named two monitoring institutions, that is, the ICAC and the Office of The Ombudsman, simply as examples for the "rules, due process, checks and balances, and institutions" mentioned. I did not have the least intention to pinpoint or direct any negative comments against them. Notwithstanding, I still immediately added that such "rules, due process, checks and balances, and institutions" were the safeguards of a civic society. As we all know, for that matter, apart from the ICAC and the Office of The Ombudsman, the Government is also monitored by the Legislative Council, the media and a host of other statutory bodies, and is subject to the checks and balances of the judicial system.

I should never go overboard with self-defence. However, as one can see from the context, the main point in my answer to that floor question is that the

executive authorities have to know how to deal with the ever changing world as well as the rules, processes and checks and balances essential to a civic society. It was never my intention to consider the monitoring system and all its necessary rules and processes and institutions as hurdles to administration. Therefore, in the second half of my answer, I made a few suggestions for colleagues of the executive authorities to go for, namely, a clear direction for the work, co-ordinated action, and empowerment of front-line staff. I hope that these suggestions can offer some help to civil servants at all levels. If ever the Government's executive ability is affected by anxieties about the many forms of checks and balances or by the inability to deal with them, eventually it would be public interest that suffers.

The full transcript with audio-visual recordings of my speech and related remarks at the luncheon have been uploaded to the government website. In hindsight, my answer to the question was indeed simple in words, but apparently its intended meaning was well understood by all the guests and academics present. It is much regretted, and disturbing to me, that it was subsequently misinterpreted by some people and media. I waited no time to clear the misunderstanding. On 28 September, the very next day after the luncheon, I set the record straight for my colleagues at the Heads of Departments' meeting in the morning; I issued a written statement to stress the huge importance I attached to the role of key institutions like the ICAC and the Office of The Ombudsman in ensuring a clean, fair, just and effective government; and in the evening I phoned in a radio programme to offer my clarification again. On top of that, I wrote to the Commissioner of ICAC and The Ombudsman on 4 October, and called Prof Felice LIEH MAK, who had openly criticized the remarks in question, to explain and clarify the case.

This incident is a reminder that every comment and remark made by me, as the Chief Secretary for Administration, should be devoid of room for misinterpretation. To avoid any misunderstanding whatsoever, I must be extra careful with my choice of words and presentation. This is a good lesson I shall take to mind and heart.

MR JAMES TO (in Cantonese): *President, I raise this question because I am concerned that the Government may have undermined our core values. The*

words I quoted in my question were the actual words said by the Chief Secretary on that occasion. When she talked about "these things", which referred to the monitoring institutions, she said that sometimes they were good. Will she consider retracting this remark? If she truly believes that these institutions are good at all times, only that some officials do not know how to deal with these institutions, then it is the problem of those officials, and these institutions should not be regarded as the major hurdle to administration. In view of this, when the Chief Secretary gave her reply today, she should not have blamed the media and others again for misinterpreting her remarks. Instead, she should have retracted that remark and apologized to the public. Is that right?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I would like to thank Mr TO for giving me another opportunity to explain myself. As a matter of fact, Mr TO has made an assumption in his main question and in his supplementary question raised just now. He has some misunderstanding concerning the grammar of my previous remarks. He used the Chinese term "那些" in his questions, and in English, that term should be interpreted as "they" and "these". If you consider my remark in context, you will find that I was not referring to any particular institution. I must therefore emphasize once again that I was talking about "rules, due process, checks and balances, and institutions" in context. As all these had, as a whole, given people an impression that the government operation was bureaucratic and conservative, I thus made such a comment at that time.

As for the allegation that I am putting the blame on others in my reply today, this seems to be inconsistent with the facts. As I have already said, I will take this lesson to mind and heart and I am also well aware that, as the Chief Secretary for Administration, I must be very careful with my words said in public in the future. It will be best if all my remarks can be watertight and leave no room for misinterpretation. Therefore, there is no such issue as shifting my responsibility onto others in my reply.

Yet, all in all, I think it is constructive for me to make all these clarifications and explanations after 27 September, including the explanation that I give today in the Chamber in answer to Mr TO's question. They can help clarify the whole issue.

MS CYD HO (in Cantonese): *President, in making her comments on that day, the Chief Secretary for Administration had indeed cited the Office of The Ombudsman and the ICAC as examples, and this had caused concern about her lending support to acts which had not been subject to rules and regulation. As a matter of fact, such phenomenon has already arisen and what worries me more is that some newly-appointed officials who come from private enterprises and the business sector may also misunderstand that the Chief Secretary is backing them. There had been such examples before. When Secretary Gregory SO first came to office as an undersecretary, he used his name card to apply for extension of stay for his domestic helper, and Mr Antony LEUNG "jumped the gun" in buying a car. Even the incumbent Chief Executive did not respect the monitoring procedures when he was under the investigation of the Select Committee.*

I would like to ask the Chief Secretary: since she has become the supervisor of these newly-appointed officials, has she taken any concrete actions or provide any training to help them understand the rules, due process and checks and balances, as mentioned in her remarks? In quoting the words of the Chief Executive raised just now, has the Chief Secretary instructed the Permanent Secretaries, who are assistants to those newly-appointed officials, to remind the officials from time to time that they are subject to all those checks and balances? Should irregularities arise in the future, who should be held responsible?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, let me put it this way: I can understand that my previous remarks have aroused the concern of some people, and that is why I have to make such great efforts to clarify my remarks made unwittingly. Yet, it is incorrect for Ms HO to say that my remarks were meant to give backing to certain officials. Today, I have specially spent some time to point out that my remarks were made in response to a question raised on that day, and that question was targeted at the entire system, alleging that we were bureaucratic, short-sighted and had a lack of innovation. In hindsight, I might be too eager to make a defence at that time. However, I was not making a defence for my boss, but for the entire Civil Service. I must defend the Civil Service from unnecessary criticism that it was short-sighted, conservative and had a lack of innovation.*

Today, being the Chief Secretary for Administration, I am obliged to do what Ms HO expects from me as she just said; and therefore, as stated in my main reply just now, I made the necessary clarification on an occasion on 28 September in which all of the Heads of Departments, including Permanent Secretaries, principal officials and heads of dozens of departments, were present. I will hold fast to this belief in my routine work because from the moment that I accepted the appointment as the Chief Secretary for Administration, I am required to perform four major duties, and one of them is to uphold the core values of Hong Kong.

MR GARY FAN (in Cantonese): *President, given that the heads of institutions like the Office of The Ombudsman and the ICAC are appointed by the Chief Executive, or to be more exact, they are appointed by the Central People's Government under the nomination of the Chief Executive according to the Basic Law, and that the Chief Secretary — those words and deeds are highly influential — remarked that our monitoring institutions were major hurdles to government administration, what concrete measures has the Government taken in response? Of course, I am not talking about measures just mentioned by the Chief Secretary, such as oral clarifications or explanations and written statements. I am asking what concrete measures can be taken to restore public confidence in these monitoring institutions that they will continue to enforce the law in a fair and just manner.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Thank you, President and Mr FAN. Mr FAN's question is premised on the fact that I had, in my remarks, criticized the heads of those two important institutions, and that I had described those two important institutions as major hurdles to administration. As the arguments of these two points are not justified, I do not think I have to take any further actions. However, as stated in my main reply, I have already written to the heads of those two institutions and one of them, The Ombudsman, had replied. I think his reply may perhaps answer the query of Mr FAN. In his reply, Mr Alan LAI, The Ombudsman, said that he welcomed my clarification and would perform his duties as The Ombudsman in accordance with the empowering legislation.

MR ABRAHAM SHEK (in Cantonese): *President, Mr James TO's question and the Chief Secretary's reply actually involve two different concepts. Mr James TO refers to good governance in his question, whereas the Chief Secretary talks about effective governance in her reply. The reply given by the Chief Secretary is very clear, with a clear illustration of her interpretation to effective governance and good governance. My question for the Chief Secretary is: can effective governance and good governance complement each other? Or are they in conflict with each other?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): It is hard for me to give a detailed explanation to this question in such a short time. Otherwise, I will make the mistake that I have just said, that is, my reply cannot be watertight. Yet, in short, I think good governance includes something more than effective governance. Just now, I have stressed that there are values which we have to uphold. In order to uphold these important core values, sometimes we may have to slightly compromise our efficiency. This is my view. Thank you, President.

MS EMILY LAU: *President, the Chief Secretary's reply says, "In hindsight," — that's after the luncheon meeting — "my answer to the question was indeed simple in words, but apparently its intended meaning was well understood by all the guests and academics present. It is much regretted and disturbing that it was subsequently misinterpreted by some people and the media." But then, on the following day, she set the record straight to her colleagues at the Heads of Departments' meeting.*

President, I want to ask the Chief Secretary for Administration: how did she know that her well-intended meaning was understood by the guests? Did she have a chance to ask them afterwards? And why did you rush off to explain to your colleagues at the Heads of Departments' meeting? Did you get a lot of feedback from your colleagues saying they were very, very disturbed and concerned by your remarks?

CHIEF SECRETARY FOR ADMINISTRATION: President, well, first of all, if I remember correctly, the question was the first being asked by the floor during that luncheon meeting. And, this particular gathering was not a gathering of ordinary people because it was organized by the Hong Kong Public Administration Association. So, it was a gathering of academics who were very familiar with subjects of governance. Therefore, had the intent of my remarks been the same as that interpreted by some people, I would have expected very critical follow up to what I had said from people who wanted me to clarify right on the spot whether I was targeting on those institutions in my response. But that did not happen. The floor immediately turned to ask other questions. And, there was even no reaction from the floor similar to what I would have expected sometimes in this Chamber if I have said something very stupid and silly — there would be all sorts of noises and body language to alert me that perhaps I have said something very wrong. So that is the first point.

The second point is that the Heads of Departments' meeting I referred to which took place the next day was actually a regular monthly meeting. So I, of course, on that very morning, I heard what was said on the radio by some commentators. So in order to forestall any misunderstanding by my senior colleagues, including the principal officials and the Permanent Secretaries and indeed, the Commissioner of ICAC was also an attendee at that particular Heads of Departments' meeting. So I took that very earliest opportunity to do my needed clarification with my colleagues. Thank you very much.

DR KENNETH CHAN (in Cantonese): *President, I have just carefully read the speech given by Chief Secretary to my fellow academics on that day. I have also read her subsequent response again. At first, I thought the original response of the Chief Secretary was quite clear. But I am very confused after reading her reply to this question.*

Let me ask the Chief Secretary directly. It seems what she wanted to say is that all these due process, rules and checks and balances, including the two institutions just mentioned by my colleagues, that is, the Office of The Ombudsman and the ICAC, can be a major hurdle; and this so-called major hurdle is of course related to the executive ability mentioned in her same speech. Can she, as the Chief Secretary for Administration who represents the

Government, be true to her own conscience and clarify whether she was referring to the executive ability or the rules and due process? How will she deal with the partnership or collaboration between the Government and various monitoring institutions?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, as the Chief Secretary for Administration or as an official who has been serving the public for more than 30 years, my emphasis has always been to serve the people. Of course, serving the people includes upholding our inherent core values. It is also about good governance. Just now, I have responded to Mr SHEK that we need to have good governance. What is more, we have to implement and enforce the policies which intend to serve the people. But let me put in this way: exactly because I have more than 30 years of experience, or it can be said that as I am a well-experienced official, I will not make any untenable criticisms. Hence, this time, the misunderstanding of some people is purely due to my way of expression and the use of grammar, and I have already tried my best to clarify the misunderstanding. I hope Members can appreciate that.

PRESIDENT (in Cantonese): This Council has spent almost 23 minutes on this question. Last question seeking an oral reply.

Provision of Paid Paternity Leave

6. **MR WONG KWOK-HING** (in Cantonese): *President, the SAR Government of the last term started to provide paid paternity leave to eligible male employees on 1 April this year, and it also conducted a study on legislating for the provision of paternity leave. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of civil servants and non-civil service contract staff who applied for and were granted paternity leave since 1 April this year;*

- (b) *whether it knows the number of public and subvented organizations that provide paid paternity leave to their employees at present; the percentage of such number in the total number of public and subvented organizations; the total number of the employees concerned who are entitled to paid paternity leave, and the number of days of paternity leave they can take each time; and*
- (c) *given that during his election campaign, the Chief Executive had pledged that he would progressively extend the system of providing paternity leave to the subvented and private sectors after being elected to the office, of the authorities' plans to honour such pledge, as well as the time frame and the relevant details; if they do not have such plans and time frame, of the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, my reply to the question raised by Mr WONG Kwok-hing is as follows:

- (a) The provision of five working days of paid paternity leave to eligible government employees has been implemented with effect from 1 April 2012. In the half year up to 30 September 2012, a total of 1 315 paternity leave applications from government employees have been approved, including 1 264 from civil servants (96.1%) and 51 from non-civil servants (3.9%).
- (b) We do not have the data on paid paternity leave provided by public and government subvented organizations to their employees. The terms of employment of their staff are employment matters between them as employers and their employees. Having regard to their own circumstances, these organizations are free to decide whether to adopt any family-friendly employment practice or measure, including the granting of paid paternity leave to employees.
- (c) As one of the promoters in family-friendly employment practices, the Labour Department (LD) has since 2006 been promoting a family-friendly culture, including the provision of paternity leave, and encouraging human resources executives, employers and

representatives of industry-based employers' associations to implement different forms of family-friendly employment practices, through its network of 18 Human Resources Managers Clubs and nine industry-based Tripartite Committees. Over the years, either on its own or in collaboration with other relevant government departments and organizations, the LD has also been continuously promoting family-friendly employment practices including paternity leave through various publicity channels such as large-scale seminars, roving exhibitions, educational DVDs, publicity videos, feature articles, publications and promotional leaflets.

After six years of promotional efforts, the number of organizations providing paternity leave to employees has been increasing continuously. Findings of the surveys conducted by the LD with member establishments of its 18 Human Resources Managers Clubs show that the percentage of respondent organizations voluntarily offering paternity leave to their employees gradually increased from 16% in 2006 to 38.7% in 2012 (that means this year).

Separately, the LD has conducted a study on legislating for paternity leave. In the process, we have looked into the practices of other economies where paternity leave is provided by law and examined the various issues that the Administration has to deal with if paternity leave is made a statutory benefit for all male employees in Hong Kong, having regard to the preponderance of small and medium enterprises in Hong Kong.

The LD is currently consulting the Labour Advisory Board (LAB) actively on the subject of legislating for paternity leave.

MR WONG KWOK-HING (in Cantonese): *President, in part (c) of my main question, I asked the authorities about the plan and timetable for legislating for the system of paid paternity leave. Regrettably, the Secretary merely indicated in the last sentence of his main reply that they are now actively consulting the LAB in this regard, completely evading my question about the timetable. Hence, now I would like to ask the Secretary, exactly when can the authorities proceed to legislate for paid paternity leave? Is it 2013, 2014, 2015 or 2016? Secretary,*

please give a clear reply. Do not stall answering questions of the Legislative Council with an unquantified expression like "actively consulting".

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr WONG for his supplementary question. First of all, concerning the stance on paternity leave, the Government is of the view that it is worthwhile to follow up the proposal of promoting and regulating the paternity leave system by way of legislation. This is the first point and also a very important point. This is our stance right from the beginning. It is something which the Government considers should be done.

Therefore, now our priority task is to build a consensus in the LAB, and after that we can report to the Legislative Council Panel on Manpower and put forward the legislative work. In fact, if you remember, we gave an account at the meeting of the Panel on Manpower in June, that is, in the last term of the Legislative Council, advising the Members that the LAB had commenced negotiations in this respect. However, during the process, we have to solve some problems, and these problems do not simply involve issues of labour interests. There are also many complicated matters which must be rationalized, such as the human rights issue, how we should address the problems of children born out of wedlock, as well as how to deal with children born outside the territory, and so on. These are important details which we need to grasp and handle properly. At present, we are actively following up the said matters in the LAB. Once a consensus is reached, the authorities will proceed with the legislative work.

PRESIDENT (in Cantonese): Has your supplementary question not been answered? Has the Secretary not answered the part on the timetable?

MR WONG KWOK-HING (in Cantonese): *That is right. My question is very clear. Is it 2013, 2014, 2015 or 2016? He just cannot always stall by saying that no consensus has been reached and then do nothing.*

PRESIDENT (in Cantonese): What you said is clear enough. Secretary, regarding the timetable, do you have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, regarding the timetable, as I have clearly stated earlier, we are now striving to build a consensus in the LAB. The LAB will shortly conduct a meeting to further discuss the details. In response to the questions raised by members of the LAB, we would provide relevant data and information, in the hope that some progress can be attained at the next meeting. I would like to stress that once a consensus is reached in the LAB, the authorities will proceed with the relevant legislative work and will also make a full report to the Panel on Manpower. By then, we will definitely be able to put forth a concrete timetable.

DR HELENA WONG (in Cantonese): *President, the Democratic Party and I have been very concerned about the fight for paternity leave, and we support the implementation of family-friendly policies. We also commend the Government for introducing the measure to provide five working days of paid paternity leave to civil servants in 2012. After the introduction of this measure, the public will indeed have a reasonable expectation that in the near future, the Government will further comprehensively promote the system of paid paternity leave in society through legislation. Yet regrettably, the answer given by the Secretary today makes us feel that although the Government has a good start, it peters out towards the end. Now the Government is saying that it seeks to persuade employers to implement family-friendly policies through publicity projects. However, we know very well*

PRESIDENT (in Cantonese): Please raise your supplementary question.

DR HELENA WONG (in Cantonese): *The problem is that if it does not step up the efforts, a consensus can hardly be reached. So I sympathize with Mr WONG Kwok-hing. Just now he asked about the timetable, but the Secretary did not answer the question. He only replied*

PRESIDENT (in Cantonese): Please raise your supplementary question.

DR HELENA WONG (in Cantonese): *the LD has been and is conducting a study on legislating for paternity leave. In that case, what kind of study has the department actually conducted? Has the study been completed? Has the study come up with any result, and can the relevant information be provided to the Legislative Council as soon as possible? The Secretary said that with regard to legislating for paternity leave, the Administration is now*

PRESIDENT (in Cantonese): Dr WONG, if you have already raised your supplementary question, please be seated and let the Secretary reply.

DR HELENA WONG (in Cantonese): *actively conducting consultation. Why does the Administration only consult the LAB? This matter concerns family-friendly policies. Should the Secretary carry out public consultation instead of merely having closed-door discussion with deputations of employers and employees?*

PRESIDENT (in Cantonese): I would like to remind Members, as you are well aware that each Member may raise only one question at a time and should not make any comments. Besides, we have a consensus that each Member will have only one minute to put the question. I hope Members will observe this rule which we have agreed to keep.

Dr WONG has just raised a number of questions. Let me see how the Secretary will reply. Will the Secretary for Labour and Welfare reply?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Dr WONG for her supplementary question. Perhaps let me give a brief account of the relevant background. The LD's study had already been completed and we had briefed the Panel on Manpower in the last legislative term and a discussion was held. The Panel members knew about the contents of the

study as well as the Government's position. As I have pointed out earlier, the Government inclined to introduce legislation, and please do not have doubts about the Government's stance. What we need to do now is to build a consensus in the LAB, since members representing employers and employees in the LAB had expressed some views. There are issues that have to be clarified and information which need to be provided. This is a process which cannot be skipped.

However, let me reiterate that we will dedicate our efforts to attaining a consensus as soon as possible. Once a consensus is reached, we will commence the law drafting work and give a full account to the Panel on Manpower. Then we will know the overall timetable. I believe the matter will not drag on too long because the negotiation process has already started. I hope that in the near future, we will be able to reach a consensus, come up with a concrete timetable and then give an account of the matter. During the process, there are some details which must be handled, such as how to deal with the issue of children born out of wedlock; this is an issue which employers are concerned about. Moreover, there are some technical problems which need to be addressed. Hence, after we have handled all these problems, we will brief the Panel.

MISS CHAN YUEN-HAN (in Cantonese): *President, consensus, consensus, consensus. President, though you advised that we should not make any comments, I must make some comments first, and I will try as far as possible to deliver my supplementary question within one minute.*

Secretary, after Mr WONG Kwok-hing has spoken for such a long time, all you have brought up today are just some problems which I consider not very significant. I have no intention to attack the Secretary, and I have promised myself not to lose my temper, but now I am really a bit angry. Up till today, you still fail to put forward a concrete timetable. What is more, you magnify some hitches and regard them as difficulties in addressing the problems concerned. Can the Secretary honestly tell us, exactly how much longer will it take to resolve the two problems mentioned just now? If there is no solution, why not let the relevant Panel of the Legislative Council hold a public hearing to solve the problems, rather than delaying the implementation of the long-awaited paternity leave system? Secretary, please do not make any more excuses. What you

have done have let us down deeply. How are you going to discharge your duties as a Secretary to the best of your ability? I am still asking about the timetable.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I have clearly stated earlier that we are now striving to build a consensus in the LAB. As I said just now, the LAB will hold a meeting shortly to have an in-depth discussion on this issue. I hope the law drafting and legislative work will commence after a consensus has been reached in the LAB. This is our distinct road map.

MISS CHAN YUEN-HAN (in Cantonese): *He has not answered my question.*

PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered? Please state that part clearly.

MISS CHAN YUEN-HAN (in Cantonese): *I asked about the timetable, the specific time arrangements, but he did not answer that. He only talked about the need to build a consensus. How can a consensus be built?*

PRESIDENT (in Cantonese): Regarding this follow-up question, Mr WONG Kwok-hing has asked about it earlier, and the Secretary has already replied. If you are not satisfied with the Secretary's reply, you will have to follow it up on other occasions.

MISS CHAN YUEN-HAN (in Cantonese): *President, the question is about the time. He has not answered the question about the timetable at all. How can he be regarded as having answered my supplementary question?*

PRESIDENT (in Cantonese): The Secretary has just responded repeatedly concerning the timetable. If you are not satisfied, please follow it up on other occasions.

MR POON SIU-PING (in Cantonese): *President, just now the Secretary indicated that the LD had conducted a study on legislating for paternity leave and advised that a report had been issued for this purpose. I would like to ask whether the Government has drawn up certain assessment criteria for the formulation of paternity leave arrangements, for example, legislation will be introduced when a certain number of organizations have not put in place any paternity leave arrangement. If such assessment criteria have been drawn up, what are the details? If there are no such criteria, what are the reasons?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, first of all, I thank Mr POON for his question. The Government's stance is very clear. As I have stressed repeatedly, we are inclined to introduce legislation. There is no need to have any doubt about this. This is the first point, which is highly important.

Secondly, we do not need any indicators, for example, legislation would be introduced if there are a certain number of organizations which have not implemented such a measure. As a matter of fact, we have now adopted a two-pronged approach. Just now Dr WONG raised a question, but I did not have time to reply. That is, we do not simply rely on publicity and education to carry out promotion. We actually work along two lines. On the one hand, before legislation, we certainly need to conduct publicity and promotion work. In fact, at present, more than 30% of the enterprises in our network have voluntarily provided paternity leave. Yet on the other hand, we also consider legislation a desirable approach. Thus we are currently moving forward in this direction.

Hence, regarding Mr POON's question about the number of non-compliant organizations required for legislation, the answer is that we do not need such an indicator. We are inclined to introduce legislation. However, now it is necessary to build a consensus in the LAB first and address the concerns of employers.

MR JAMES TIEN (in Cantonese): *President, part (c) of the main question raised by Mr WONG Kwok-hing reads "given that during his election campaign, the Chief Executive had pledged that he would progressively extend the system of providing paternity leave to the subvented and private sectors after being elected to the office". The expression used is "progressively extend". However, in the last part of the main reply, the Secretary pointed out that "the LD has conducted a study on legislating for paternity leave". In the actual situation, has the LD decided to introduce legislation? Yet what the Chief Executive had said was not to introduce legislation but to progressively extend the system. Actually what is the difference between the two?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank the Member for raising the question. I would like to stress again, these are two issues which should not be mixed up. The first issue is publicity and promotion, which we are doing now. It is also the promotional work which the Chief Executive has pledged to do. It is something which must be done. On the other hand, based on the study conducted earlier, we are of a view that ultimately we should set up a statutory framework. As a result, now we are working on both tasks. The two of them are not in conflict with each other and can be carried out concurrently. Of course, we should proceed step by step, conducting promotion on the one hand while studying the feasibility of legislation and exploring whether a consensus can be established on the other hand. We have presently adopted a two-pronged approach. There is no question of the Chief Executive pledging only to progressively extend the system but not introducing legislation. We are now moving forward in this direction, working along both lines.

MR LEE CHEUK-YAN (in Cantonese): *President, of all the words said by the Secretary, I think only four words are important, that is, "inclined to introduce legislation". However, I would like to know if there is a tinge of sincerity in such inclination to introduce legislation, since he later said it was necessary to build a consensus.*

Will the Secretary clarify whether the expression "inclined to introduce legislation" can be regarded as the Administration having decided to introduce

legislation? In other words, if there is no consensus by then, will the Administration still introduce the legislation all the same? Or, can we say that actually the legislative work is already underway now, and the Administration just wants to conduct consultation on certain details, such as the issue of children born on the Mainland or those born out of wedlock mentioned by him earlier? Will the Secretary make it clear that the legislative work is actually underway now, and the Administration is merely conducting consultation on the details, and after that, it will expeditiously submit a bill to the Legislative Council for scrutiny? Since the Secretary is presently inclined to introduce legislation, can the Administration proceed with the law drafting work first and let the Department of Justice commence the procedure in this regard, so as to shorten the whole legislative timetable as much as possible?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, regarding the supplementary question raised by Mr LEE, the answer actually involves a full range of matters. As you may remember, I have earlier mentioned that in the last legislative term, we had briefed the Panel on Manpower on some technical problems which were not easy to tackle, such as the issues on human rights, children born out of wedlock, the validation of certifying documents by employers for children not born in Hong Kong. Since employers may be held criminally liable after legislation, the requirements must be laid down clearly. For the Civil Service, the issues can easily be handled because the Secretary can do the vetting and grant approval. However, should there be any disputes between employers and employees in the private sector, especially when criminal liability is involved, it is necessary to stipulate clear provisions in dealing with the matter. There cannot be any ambiguity in legislation. Thus these issues must be rationalized and straightened out.

Another point is, we have to build a consensus. Let me stress again, the Government's stance is that it is worthwhile to follow up the legislative proposal. This point is rather clear.

DR ELIZABETH QUAT (in Cantonese): *President, over the years, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) has been promoting family-friendly policies and striving for the provision of paid*

paternity leave. We are of the view that the Government should expeditiously introduce such legislation. Moreover, before legislation, some organizations may wish to implement such a measure, yet they are still unable to put it forward. For instance, in the past, the social welfare and subvented organizations in Hong Kong mostly drew reference from the Government's mode of operations in various aspects, including leave and benefits, but some employees in the social welfare sector have relayed to the DAB that at present, most of the social welfare and subvented organizations still have not followed the Government's practice to implement the system of paid paternity leave. In the light of this, will the Government consider taking the initiative to discuss with the social welfare and subvented organizations, find out their difficulties and offer relevant assistance so that these organizations can follow the Government in implementing the system of paid paternity leave?

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Labour and Welfare, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Dr QUAT for her question. At present, the social welfare organizations in Hong Kong mostly receive subvention from the Social Welfare Department and operate on the lump sum grant model. These organizations enjoy autonomy in governance. This is the first point.

Secondly, the provision of paternity leave actually falls on the terms of employment reached upon negotiations between employers and employees. Hence, in respect of this issue, the Government or the Social Welfare Department does not play any role which can really influence the decision of any specific organization. Nevertheless, to complement the cultural change, we have promoted family-friendly employment measures, and some time ago, we have also sent letters to all organizations, including public and social welfare organizations, encouraging them to seriously consider implementing this measure if their capacity allows, so as to benefit more employees and enable them to have more time to look after their families.

MR CHAN HAN-PAN (in Cantonese): *President, in his earlier response, the Secretary mentioned that consultation is now being conducted and there is the need to consider many issues, so he is unable to put forward a definite timetable today. That means we still have to wait longer. We find this disappointing.*

Before legislation, can the Government roll out more active measures to encourage and facilitate private organizations to provide paid paternity leave, which include offering incentives such as tax concessions to organizations which provide paid paternity leave?

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Labour and Welfare, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr CHAN for his question. As I have said earlier, our present objective is certainly to introduce legislation, and we hope we will do so in the end. The building of a consensus may take some more time. Once a consensus is reached, we will be able to proceed full steam ahead and take forward the law drafting work. As for other approaches, all along we have used some softer approaches. For example, as I have said earlier, we have conducted a lot of publicity and educational work and carried out promotion through the Human Resources Managers Club to disseminate the message.

As regards taxation, will it take some time to handle? I believe we can ask the relevant Director of Bureau to conduct a study, but I cannot blurt out here that it can or cannot be done. We can go back and conduct a study in this regard.

PRESIDENT (in Cantonese): This Council has spent more than 21 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Implementation of Moral and National Education Subject**

7. **DR LAM TAI-FAI** (in Chinese): *President, on 8 September this year, the Chief Executive announced changes to the policy on the Moral and National Education (MNE) subject. Under the new policy, school sponsoring bodies (SSBs) and schools may exercise discretion to decide whether the subject should be introduced and whether it should be introduced as an independent subject, and no deadline would be set for implementing the subject. In addition, the Moral and National Education Support Grant (MNESG) of \$530,000 disbursed to each school may be used on subjects other than the MNE subject. Schools which implement the MNE subject may also determine by themselves the modes and schedule for its implementation. Chief Executive then indicated to the media on 8 October that the recommendation of the Committee on the Initiation of MNE Subject (the Committee) to shelve the Curriculum Guide of the MNE subject (Curriculum Guide) was accepted, but there was no need to withdraw the subject. As the matter now stands, quite a number of people and groups in the community are still demanding the Government to withdraw the subject. In this connection, will the Government inform this Council:*

- (a) whether it will conduct another round of public consultation on issues relating to the implementation of the MNE subject; if it will, of the details; if not, the reasons for that;*
- (b) whether it has assessed the impact of withdrawing the subject on the development of education in the short, medium and long term and on the development of young people; if it has, of the details; if not, the reasons for that;*
- (c) whether it has assessed the impact of shelving the Curriculum Guide on the implementation of the subject; if it has, of the details; if not, the reasons for that;*
- (d) whether it has assessed if the withdrawal of the subject will cause confrontations and deep-rooted conflicts among SSBs, the education sector, the SAR Government and the State; if it has, of the details; if not, the reasons for that;*

- (e) *whether it has assessed the impact of withdrawing the subject on the implementation of policies by and the governance credibility of the SAR Government; if it has, of the details; if not, the reasons for that;*
- (f) *how it ensures that there are adequate quality teachers in schools to implement the subject; whether it will increase the number of related training courses; if it will, of the details; if not, the reasons for that;*
- (g) *whether it has assessed the impact of the aforesaid change of policy on the implementation of the subject by SSBs and schools; if it has, of the details; if not, the reasons for that;*
- (h) *whether it knows the number of schools which have decided to introduce the subject so far, as well as their modes and schedules for implementation, with the number and names of such schools broken down by school zone;*
- (i) *whether it has assessed the impact of shelving the Curriculum Guide on SSBs and schools which have already implemented the subject; if it has, of the details; if not, the reasons for that;*
- (j) *whether it has assessed if it will be unfair to schools which have implemented or plan to implement the subject when all schools are given the grant of \$530,000 regardless of whether they will implement the subject or not; if it has, of the details; if not, the reasons for that;*
- (k) *whether it has assessed if it needs to increase the amount of MNESG after the Curriculum Guide has been shelved, so as to provide more resources to schools for compiling teaching materials on their own; if it has, of the details; if not, the reasons for that;*
- (l) *given that schools may exercise discretion in making reference to any curriculum guides or developing their own teaching materials when implementing the subject, how the Government ensures the quality of the teaching materials of the schools;*

- (m) *whether it has planned to help relieve the pressure from the community and public opinion on SSBs or schools which have already implemented the subject; if it has, of the details; if not, the reasons for that;*
- (n) *whether it has received any requests for assistance from SSBs or schools intending to implement the subject which indicated that they were forced to abandon the idea as they could not stand the pressure from the community and public opinion; if it has, of the details and the assistance to be provided by the authorities for them in facilitating the smooth implementation of the subject;*
- (o) *whether any measures are in place to encourage more SSBs or schools to implement the subject; if there are such measures, of the details; if not, the reasons for that; and*
- (p) *whether it will assess and review the effectiveness of the implementation of the subject; if it will not, of the reasons for that; if it will, the time to do so and the details?*

SECRETARY FOR EDUCATION (in Chinese): President, my reply to the questions raised by Dr LAM Tai-fai is as follows:

- (a) Under the new policy on the MNE subject, if SSBs and schools decide to introduce the subject, they can freely adopt any teaching guides and relevant teaching resources that their professional judgment deems appropriate. The Government will not set requirements as to how this should be done or provide any mandatory or official curriculum guide for the subject. Under the principle of schools' professional judgment, we consider that it is not necessary to re-convene the consultation on the implementation of the subject.
- (b), (d) and (e)

Hong Kong has always placed strong emphasis on moral, national and civic education. It is also the unanimous view of the

Committee that such education is an important facet of school education, and that whole-person development should include knowledge about one's country, understanding of one's national identity and awareness of such core values as inclusiveness and diversity in the wider society. Therefore, it stands to reason that students should receive moral, national and civic education. Based on the opinions collected from SSBs, schools and various sectors in society, the majority view is not to withdraw the MNE subject. Likewise, both the Committee and the Government do not support withdrawing the subject.

- (c) Although the Government has shelved the Curriculum Guide (Primary 1 to Secondary 6), MNE is not a complete novelty to schools. To meet their own and their students' needs, schools could continue to implement MNE and cultivate students' positive values and attitudes so as to achieve the overall curriculum goals. If SSBs and schools decide to offer the MNE subject, the Government and the community should respect and have confidence in them. Schools can freely adopt any teaching guides and relevant teaching resources that their professional judgment deems appropriate.
- (f) Exercising their professional autonomy, SSBs and schools can continue to make the most use of the MNESG of HK\$530,000 disbursed by the Education Bureau to promote MNE. The Education Bureau will continue to provide professional development programmes and support in various teaching and learning areas.
- (g) In 2001, the Curriculum Development Council published the report *Learning to Learn — The Way Forward in Curriculum Development*, which highlighted the aim of "understanding (one's own) national identity and contributing to the nation and society" as one of the seven learning goals. Elements of Chinese cultures, and the development and challenges facing China are included in related subjects, such as Chinese Language at different Key Learning Stages, General Studies at the primary level, Life and Society, Geography, Chinese History and Religious Education at the junior secondary level, as well as Liberal Studies and Chinese History at the senior secondary level. Life-wide learning experiences, at the

same time, cover values education and the cultivation of positive values. Under the new policy, SSBs and schools could choose to introduce the MNE subject or to implement moral, civic and national education in different modes. Hence, under the new policy and the principle that respects schools' professional autonomy and judgment, the development of adolescents in the short, medium and long term could be sustained.

(h) and (i)

Based on the views collected from and our observations of the SSBs and schools, some of them, under the principle of professional autonomy, are considering to offer moral, civic and national education, and so on, that is in line with the schools' contexts to facilitate whole-person development. The impact of the shelving of the Curriculum Guide on the SSBs and schools cannot be assessed for the time being due to the lack of comprehensive data.

(j) and (k)

The MNESG was disbursed to schools in August 2012. Regardless of the modes of implementing MNE, such as values education, life education, education on national situations, civic education, sustainable development education, and sex education and its relevant issues, schools can make flexible use of the MNESG to develop their own learning and teaching resources, to procure learning and teaching resources, and to hire professional staff or services to share and support related work. Hence, there should not be any issue of unfairness to the schools concerned. As the MNESG has been disbursed for less than three months, it is not necessary to assess the need of adjusting the amount at present.

(l) All along, schools have been adopting a student-centred and school-based approach when providing students with worthwhile learning experiences and developing their desirable moral and national qualities. Schools make their professional decisions on the choice of teaching guides and related learning and teaching resources to be adopted with reference to their vision, aims of education,

school contexts and students' needs. The Education Bureau respects schools' professional autonomy and, as an established practice, will continue to provide professional development programmes and school-based professional support when such needs arise.

- (m) We believe that the controversy will come to an end upon the announcement of the revised policy on 8 September and the decision made on the formal shelving of the Guide on 8 October.
- (n) The Education Bureau has not received any request for assistance.
- (o) and (p)

Since the Curriculum Reform in 2001, moral and civic education has been one of the four key tasks in the reform. The aims are to develop students' independent thinking and autonomy so that they are able to distinguish right from wrong, and to help students develop positive values and attitudes so that they can make informed decisions in a caring and reasonable manner. As an established practice, the Education Bureau will continue to keep abreast of schools' development in different domains and the effectiveness of learning through a wide range of channels, such as seminars and focus group interviews. The Education Bureau will keep in contact with SSBs and schools, listen to their opinions and suggestions actively, and respect their professional discretion in deciding whether and how they are to implement the MNE subject.

Improvement on Welfare Benefits for Elderly

8. **MR PAUL TSE** (in Chinese): *President, some elderly concern groups have pointed out that many policies and services for the elderly have failed to meet the needs of the elderly. In this connection, will the Government inform this Council whether it will adopt the following improvement measures pursuant to those views:*

- (a) *to waive the means test for the elderly aged 70 or above applying for the Old Age Living Allowance (OALA) Scheme;*
- (b) *to increase the amount of elderly health care vouchers to \$2,000 per year and lower the minimum age limit for elderly recipients to 65;*
- (c) *given that quite a number of elderly people have difficulties in understanding and following the pre-recorded instructions of the telephone booking service in the general out-patient clinics (GOPCs) of the Hospital Authority (HA) to make a booking and many of them would rather line up in person outside the clinics early in the morning to obtain a consultation quota, to resume the provision of person-to-person telephone booking service in out-patient clinics, to add a person-to-person dialogue option to the existing telephone booking service, or to reinstate the option of queuing up in person for consultation quotas; and*
- (d) *to designate in future areas inside the libraries of newly completed government complexes, including the Library in Lam Tin Complex which will be opened soon, as "elderly corners" and to provide elderly-friendly facilities therein, such as magnifiers, height-adjustable desks and armchairs?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to Mr Paul TSE's question is as follows:

- (a) The OALA aims at alleviating poverty and supplementing the living expenses of Hong Kong elders aged 65 or above who are in need of financial support. As such, its applicants must meet income and asset requirements.

On the other hand, Hong Kong's population is rapidly ageing. The number of elders aged 65 or above will surge from about 980 000 at present to 2.56 million in 2041, representing 30% of the population at that time. It will put heavy pressure on our welfare and medical systems. Hong Kong will also see a drastic increase in the elderly dependency ratio and economic dependency ratio. This will reduce

our economic growth potential and pose immense challenge to our fiscal sustainability in future.

If all people aged 70 or above can receive OALA without having to declare their financial situation and meet income and asset requirements, the additional expenditure on allowance payment in the first year (calculated in full-year terms) is estimated to immediately soar from around \$6.2 billion to almost \$10 billion. With a fast growing elderly population, the burden of OALA expenditure on public finance is bound to increase drastically over time and at the same time crowd out other government expenditures (including welfare-related expenditures) required to cope with an ageing population. This underlines the importance of having an objective mechanism of income and asset requirements for OALA to identify those with financial need so that limited government resources can be focused to help them.

- (b) The Government launched the three-year Elderly Health Care Voucher Pilot Scheme (Pilot Scheme) on 1 January 2009 to supplement existing public healthcare services and promote the concept of family doctor. Elders aged 70 or above would be given annually health care vouchers worth \$250 to subsidize their use of primary care services in the private sector. On 1 January 2012, the Government extended the Pilot Scheme for three years, with the annual voucher amount increased to \$500 per eligible elder.

In view of the popularity of the Pilot Scheme and calls from different quarters of the community to further increase the voucher amount, the Chief Executive made a pledge in his election manifesto to raise the voucher amount to \$1,000 per year. The Administration subsequently announced on 16 July 2012 that the annual voucher amount per eligible elder would increase to \$1,000 starting from 1 January 2013. The Food and Health Bureau will brief the Panel on Health Services of the Legislative Council on details of the proposal and seek funding support from the Finance Committee later this year.

With regard to the suggestion of lowering the eligibility age to 65, the Government will need to assess the long-term financial implications in terms of affordability and will not consider making any changes at this stage.

- (c) To alleviate the crowded conditions of clinics and reduce the risk of cross-infection among patients, the HA launched the GOPC Telephone Appointment Service in 2006 such that patients do not have to visit clinics and queue for consultation quotas in person. There are over 500 telephone lines in the system providing 24-hour appointment services. Given the huge volume of the GOPC services, the automated appointment system enables the search and allocation of available consultation quotas to be conducted within the shortest time possible, thereby improving service efficiency. The system also forms a network whereby consultation quotas of different GOPCs in the same district can be linked and pooled together for use. When a particular clinic has run out of consultation slots, the system will automatically search for available quotas in nearby clinics of the same district, thereby ensuring that consultation slots and clinic resources are fully utilized and that patients do not have to commute between clinics in search of consultation opportunities. The HA anticipates that if additional manually operated services are to be provided on top of the automated system, it would add to the pressure of GOPCs in terms of financial resources and manpower, and affect the efficiency of appointment services.

In fact, about half of GOPC consultations at present involve chronic disease patients with stable conditions (for example, patients with diabetes mellitus or hypertension). Where follow-up consultations are required, such chronic patients will be assigned a timeslot after each consultation and they do not need to make separate appointments by phone.

The HA has also introduced a number of measures to improve the operation of the telephone appointment system over the past few years. These include replacing computerized voice with authentic human voice to make it easier for elders to hear, simplifying data

entry procedures to make the system more user-friendly for elders, and extending the response time in each step to allow sufficient time for elders to input data, and so on. Elders in general are used to making appointments via the telephone system and have not encountered major difficulties in the process. Moreover, help desks have been set up in every GOPC to provide suitable assistance to elders and other individuals who encounter difficulties in using the telephone appointment service. The HA will continue to keep in view the operation of the telephone appointment system, and will introduce appropriate improvement measures when necessary.

- (d) Various ancillary facilities are available in the public libraries under the Leisure and Cultural Services Department to facilitate elders' use of library services. For example, the new district library to be commissioned at the Lam Tin Complex will provide equipment and facilities such as portable magnifying glasses, image magnifiers, height adjustable desks and armchairs for the elderly to read library materials. In addition, an Internet workstation with special aiding devices will be installed in that library, so that the elderly and the visually impaired can use the screen magnification software, Cantonese and English voice synthesizer software and "EasyDots" Chinese input method software for Internet browsing.

Impersonation of Voters in Voting at 2012 Legislative Council Election

9. **MR ALBERT CHAN** (in Chinese): *President, quite a number of members of the public relayed to me on 9 September 2012, the polling day of the Legislative Council Election, that when they went to the polling stations to vote, the polling staff inside told them, after verifying their personal particulars, that someone else had previously cast votes using their identity. However, these members of the public had not entered the polling stations to vote at an earlier time. In this connection, will the Government inform this Council:*

- (a) *of the number of cases received on 9 September 2012 in which the identity of electors were allegedly used by others in voting, and the respective numbers of cases for each polling station;*

- (b) *of the reasons for the problem mentioned in part (a) above; and*
- (c) *whether the authorities will take measures to prevent the recurrence of the aforesaid problem; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President, the Administration's reply to the three parts of the question is as follows:

- (a) and (b)

Section 53 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) (the Regulation) provides that in a Legislative Council election, immediately before issuing a ballot paper, the Presiding Officer must place a line in the copy of the final register across the name and identity document number of the elector to denote that the ballot paper the person is entitled to have issued to him or her at that polling station have been so issued. Also, section 60 of the Regulation states that if a person representing himself or herself to be a particular elector applies for a ballot paper after that particular elector has been issued with a ballot paper (that is, a line has been placed in the register across the name and identity document number of the elector), the Presiding Officer may issue a ballot paper endorsed on the front of it with the words "重複" and "TENDERED" to that person. These ballot papers will not be regarded as valid in vote counting. The Presiding Officer has to act according to the above Regulation when handling cases in which the name and identity document number of an elector have been crossed out before the elector claims his or her ballot paper at the issuing desk. Generally speaking, since the information of the cases is limited, it is difficult to identify the causes. The possible causes may include the following: there might be an impersonator applying for a ballot paper in the name of another person; an elector might attempt to claim a ballot paper in his or her own name again after

casting a vote; or the electoral staff at the issuing desk might have inadvertently crossed out an entry in the register.

In the Legislative Council election held on 9 September 2012, a total of 135 ballot papers endorsed with the words "重複" and "TENDERED" on their front were found in the vote count for the geographical constituencies. For the District Council (second) functional constituency and traditional functional constituencies, 95 and five ballot papers endorsed with the words "重複" and "TENDERED" on their front were found respectively.

As for complaints, the Electoral Affairs Commission (EAC) has so far received 70 complaints (each complaint involves one elector and in total involving 70 electors). The complainants claim that when they tried to claim their entitled ballot papers in the polling stations, someone else had previously been issued with the ballot papers using their identity. The number of cases for each polling station is set out at the Annex. The EAC is investigating the cases and if there is anything dubious, the case(s) will be referred to the relevant law-enforcement agency for follow-up. On the other hand, the police has received 31 cases of suspected impersonation whereby persons had been issued with ballot papers using other persons' identity (involving 34 electors). Twenty six out of the 31 cases (involving 28 electors) have been referred to the Independent Commission Against Corruption (ICAC) for follow-up. The ICAC has received a total of 27 such cases (involving 29 electors, and including the 26 cases referred to the ICAC from the police). As persons making complaints to the EAC may at the same time report to the police or the ICAC, the complaints received by the EAC and the cases received by the police or the ICAC may overlap.

Under section 15 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), a person engages in corrupt conduct at an election if the person applies for a ballot paper in the name of another person; or having voted at an election, applies at the same election for a ballot paper in the person's own name. If tried on indictment, the person is liable on conviction to a fine of \$500,000 and to imprisonment for seven years.

- (c) Before every Legislative Council election, the Registration and Electoral Office (REO) will through training remind electoral staff working at the issuing desk that they should act according to the Regulation and exercise due care in crossing out the name and identity document number of an elector in the register after confirming his or her identity. The REO also requires that when crossing out the concerned entry, it should be checked by another electoral staff to ensure that the other entry below or above the concerned entry will not be crossed out inadvertently. In view of the complaints, the REO will continue to enhance training for the electoral staff to ensure that they will carry out their duties correctly and in accordance with the law in future elections.

Annex

<i>Code</i>	<i>Name of Polling Station</i>	<i>Number of Cases</i>
A0102	Hong Kong Park Sports Centre	1
A0901	St. James' Settlement Belcher Kindergarten Child Care Centre	1
A1302	SKH St. Matthew's Primary School	1
B0801	Wong Nai Chung Sports Centre	2
B1001	Wan Chai Post Office	1
C0401	CCC Kei Wan Primary School (Aldrich Bay)	2
C0501	Shau Kei Wan Post Office	1
C0901	Fukien Secondary School (Siu Sai Wan)	1
C1101	Pui Kiu Primary School	1
C1401	Quarry Bay Sports Centre	1
C1801	Queen's College	1
C2301	Chan's Creative School (Hong Kong Island)	2
C2902	G/F, Yat Hei House (Block B), Tung Hei Court	1
D1001	Centennial College	1
E0701	PLK Camões Tan Siu Lin Primary School	2
E1301	SKH Kei Wing Primary School	1
E1701	St. Mary's Canossian School	1
F0201	Fuk Wing Street Government Primary School	1
F0601	Pei Ho Street Sports Centre	1

<i>Code</i>	<i>Name of Polling Station</i>	<i>Number of Cases</i>
F1701	Cheung Sha Wan Community Centre	1
G0502	YMMSS Homantin Integrated Centre for Youth Development	1
G0601	Yu Chun Keung Memorial College	1
G1601	GCEPSA Whampoa Primary School	1
G1701	Ma Tau Chung Government Primary School (Hung Hom Bay)	1
G1901	Hung Hom Municipal Services Building Sports Centre	1
G2101	SKH Holy Trinity Church Secondary School	1
H1202	Kit Sam Lam Bing Yim Secondary School	1
H2101	PLK Centenary School	1
H2401	Buddhist Hung Sean Chau Memorial College	1
J0501	SKH St John's Primary School	1
J0701	Chun Wah Road Sports Centre	1
J1701	Lam Tin (East) Community Hall	1
J2301	Po Chiu Catholic Secondary School	1
J2701	Kwun Tong Maryknoll College	1
J3501	Lok Wah Estate Community Centre	1
K0101	Princess Alexandra Community Centre	1
K1102	Former Site of Oceanic Kindergarten	2
L1701	TWGHs Sun Hoi Directors' College	1
L1802	Butterfly Bay Community Centre	1
L2701	SKH Mung Yan Primary School	1
M0301	Long Ping Community Hall	1
M1401	TWGHs Yiu Dak Chi Memorial Primary School	1
M1701	Xianggang Putonghua Yanxishe Primary School of Science and Creativity	1
N0401	HHCKLA Buddhist Ching Kok Lin Association School	1
N1001	Po Wing Road Sports Centre	1
N1101	Choi Yuen Estate Hall	3
N1602	Luen Wo Hui Community Hall	1
P1401	Assembly of God Hebron Secondary School	1
P1501	Lam Tsuen Public Wong Fook Luen Memorial School	1

<i>Code</i>	<i>Name of Polling Station</i>	<i>Number of Cases</i>
Q0401	Hong Kong and Macau Lutheran Church Primary School	1
Q2402	Creative Secondary School	1
R0401	Baptist Lui Ming Choi Primary School	3
R0601	Chi Hong Primary School	1
R1601	Lung Hang Estate Community Centre	1
R2001	PLK Siu Hon Sum Primary School	1
R2801	Ng Clan's Association Tai Pak Memorial School	1
S0401	Buddhist Lam Bing Yim Memorial School	1
S1401	CCC Kei Chun Primary School	1
S2001	SKH Tsing Yi Estate Ho Chak Wan Primary School	1
S2901	CNEC Lui Ming Choi Primary School	1
T0601	SKH Wei Lun Primary School	1
Total		70

Assistance Provided to Owners of Target Buildings of Operation Building Bright

10. **DR CHIANG LAI-WAN** (in Chinese): *President, some owners of old buildings who participated in the "Operation Building Bright" (the Operation) or similar schemes have indicated that shortly after the completion of maintenance works of their buildings, they received fire safety improvement directions and fire safety compliance orders (directions and orders) issued under the Fire Safety (Buildings) Ordinance (the FS(B)O) (Cap. 572) and the Buildings Department (BD)'s statutory notices for inspecting buildings and windows. While the former requires owners to install facilities such as fire services sprinkler systems and fire services water tanks, the latter requires owners to appoint Qualified Persons to inspect and repair their buildings. Such owners have pointed out that the objectives of the two measures are almost identical to those of the Operation in enhancing building structure and fire safety, and generally speaking, upon completion of works under the Operation, the buildings concerned should be able to comply with the relevant statutory requirements. They have pointed out that owners have to pay maintenance fees for three times because the same item of*

works are enforced by the authorities on three occasions, and such an arrangement is not acceptable to them. In this connection, will the Government inform this Council:

- (a) whether it has investigated if the aforesaid situations are true; if the outcome of the investigation is in the affirmative, why some of the buildings with building maintenance works financed by the Operation already completed still failed to comply with the statutory requirements; if the outcome of the investigation is in the negative, whether the authorities will consider re-launching the Operation to help owners of old buildings who have never applied for any similar schemes or grants to repair their buildings, so that they will not be prosecuted by the authorities for their failure to comply with the aforesaid orders and statutory notices;*
- (b) given that the aforesaid affected owners have indicated that most of them are elderly people who have received the grants for repair works under the Operation, and they can no longer afford to pay additional maintenance expenses, whether the authorities have other schemes or grants to help them solve the aforesaid maintenance problems;*
- (c) of the measures put in place by the authorities to minimize the inconvenience caused to the residents by the arrangements made by the aforesaid government departments; and*
- (d) of the number of directions and orders issued to owners of old buildings who have completed works under the Operation, broken down by District Council districts?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the FS(B)O came into effect on 1 July 2007. It aims to ensure that the fire safety of composite and domestic buildings completed on or before 1 March 1987 would be enhanced to better meet the requirements of today's society. The BD is the enforcement department of the FS(B)O on the fire safety measures in terms of the planning, design and construction of buildings, whereas fire service installations

or equipment fall under the purview of the Fire Services Department (FSD). Since the FS(B)O came into effect, the BD and FSD have been conducting joint inspections on target buildings, and issuing Fire Safety Directions (FS Directions) to owners and occupiers to enhance basic fire protection measures.

In May 2009, the Government, in collaboration with the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA), launched the Operation to provide subsidies and one-stop technical assistance to help owners of old and dilapidated buildings to carry out repair and maintenance works. The one-off Operation aims to achieve the dual objectives of creating more job opportunities for the construction sector amidst the financial tsunami as well as improving safety and maintenance of old buildings and the cityscape. The Operation assists buildings aged 30 years or above and meeting the prescribed eligibility criteria.

On the other hand, the BD fully implemented the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) on 30 June 2012 to handle the problem of building neglect at source. The MBIS and the MWIS cover all private buildings aged 30 years or above and 10 years or above respectively, except domestic buildings not exceeding three storeys in height. Under the MBIS, building owners are required, within a specified time frame, to carry out a prescribed inspection and a prescribed repair found necessary of the common parts, external walls, projections and signboards of the building once every 10 years. Under the MWIS, building owners are required, within a specified time frame, to carry out a prescribed inspection and a prescribed repair found necessary of the windows in the building once every five years. To facilitate owners, buildings selected for the MBIS will also be selected for the MWIS under the same cycle so that owners can carry out inspection and repair works under both schemes concurrently.

To enable owners to carry out improvement works for fire safety facilities concurrently when undertaking building repair to meet the requirements of the FS(B)O, and avoid owners having to carry out repair works under the FS(B)O or the MBIS and the MWIS shortly after the completion of building repair, the BD and the FSD will take measures according to different situations to facilitate owners as far as possible.

My reply to the four-part question is as follows:

(a) and (c)

Under the Operation, the grant must first be used on repair and maintenance works in the common areas of target buildings relating to structural and fire safety as well as sanitary facilities (first priority items), including repair of building structure, repair of external walls, repair or replacement of defective windows, repair of building sanitary services, and repair of defective fire safety construction and fire service installations and equipment. After covering the cost of the above works, any remaining grant may be used for additional repair and improvement works in the common areas (the second priority items), including removal of unauthorized building works, improvement of fire safety construction and fire service installations and equipment, improvement of building services and facilities, maintenance or improvement works for slopes and retaining walls, and repair of water-proofing membranes and works to alleviate water seepage problems. All the repair works must fulfil the statutory requirements.

Owners participating in the Operation may determine their priority items having regard to the actual conditions and needs of their buildings as well as the cost of works that they can afford. Therefore, the completed items under the Operation may vary from buildings to buildings. Besides, such items may not fulfil the requirements of enhancement of fire safety construction and fire service installations and equipment under the FS(B)O or the various prescribed inspections and prescribed repair under the MBIS and the MWIS.

As mentioned above, we have put in place measures to facilitate owners as far as possible. For target buildings approved under the Operation, the BD will issue pre-notification letters to the owners/owners' corporations (OCs) to alert them and the occupants to the compliance with the FS(B)O, so that they may concurrently carry out the required fire safety improvement works and make full use of the subsidies of the Operation.

As for the MBIS and the MWIS, the BD takes into account a number of factors when selecting target buildings, including their repair records. In general, if repair works have been carried out on the common areas and external walls of a building in recent years under the supervision of an authorized person in compliance with the BD's statutory repair order, the BD will not select the building for the MBIS and the MWIS within a certain period after the completion of the repair works. Moreover, if a building has repair works completed or being carried out under the Operation, the BD will not select it for the MBIS and the MWIS in the near future. In fact, when selecting the first quarterly batch of target buildings for the MBIS and the MWIS in June this year, the BD has, based on its records, excluded buildings that have repair works completed or being carried out under the Operation. However, buildings that have just completed repair and maintenance works may still be selected for the MBIS and the MWIS if the BD does not have their repair records. Owners in these cases may contact the BD to provide information about the repair works of their buildings completed in recent years. The BD will consider deferring the issue of statutory notices under the MBIS and the MWIS to these buildings on a case-by-case basis.

Furthermore, in order that the various inspection, repair and improvement works under the FS(B)O, the MBIS and the MWIS can be carried out in one go, the BD will, in the pre-notification letters to be issued to target buildings selected for the MBIS and the MWIS, advise the owners/OCs concerned to carry out concurrently all building services inspections and repair works as required by other government departments, including the works required under the FS(B)O for improving fire safety construction and fire service installations or equipment. In this connection, if buildings that have been selected for the MBIS and the MWIS are due for the implementation of fire safety improvement works as required by law-enforcement departments, or if the owners so request, the BD and the FSD will arrange the issue of FS Directions to the buildings within the period of the MBIS and the MWIS notices.

Owners have the responsibility over timely repair and maintenance of their buildings, which is also a continuous work for the owners.

As a specific measure for "Preserving Jobs" amidst the financial tsunami, the Operation at a total commitment of \$3.5 billion is a special one-off programme with an aim to achieving the dual objectives of creating more job opportunities for the construction sector and improving building safety and the cityscape. We have no plan to launch a new round of the Operation at this moment. The BD, the HKHS and the URA will continue to render technical and financial support to building owners to enhance building repair and maintenance works through their other existing schemes, including the "Integrated Building Maintenance Assistance Scheme" (IBMAS), "Building Maintenance Grant Scheme for Elderly Owners" (BMGSEO) and "Building Safety Loan Scheme" (BSLS), and so on.

- (b) To dovetail with the implementation of the MBIS, the HKHS and the URA have launched the "Mandatory Building Inspection Subsidy Scheme" to subsidize eligible owners the cost of the first building inspection under the MBIS (subject to a cap), and to provide technical support to owners. A summary of the subsidy scheme is at Annex A. The subsidy scheme started receiving applications on 12 October 2012.

As for the repair works found necessary according to the inspection, the Government, together with the HKHS and the URA, will continue to provide financial assistance under the various existing schemes, including IBMAS jointly administered by the HKHS and the URA, BSLS administered by the BD, and BMGSEO administered by the HKHS. In line with the spirit of provision of "one-stop" service, owners can make multiple applications covering various types of grants/loans in the above schemes by simply completing one set of application forms under IBMAS. A summary of these schemes is at Annex B. Besides, fire safety works pertaining to the FS(B)O have been incorporated into the scope of these schemes.

- (d) With the above measures in place, there should not be cases where a building with works recently completed under the Operation still received FS Directions issued by the BD and the FSD. We do not have the relevant statistics.

We Provide
Assistance

**Mandatory Building Inspection
Subsidy Scheme**



For details and application, please call

3188 1188



Purpose of Subsidy Scheme

Full implementation of the Mandatory Building Inspection Scheme (MBIS) was commenced on 30 June 2012. Owners of buildings aged 30 or above are required to carry out inspections of their buildings, including common parts, external walls, projections and signboards, once every 10 years. To assist owners in complying with the statutory requirements, the Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) launch the Mandatory Building Inspection Subsidy Scheme to provide financial assistance to eligible owners.

This leaflet sets out the general information of the subsidy scheme for reference only. Applicants should refer to the Application Notes for details. HKHS and URA reserve the right to amend the eligibility criteria and/ or details of the subsidy.

Eligibility

- ✓ Private residential or composite (commercial & residential) buildings aged 30 or above excluding buildings not exceeding 3 storeys; and
- ✓ Buildings not in single ownership; and
- ✓ Of an average Rateable Value per residential unit not exceeding \$120,000 p.a. for properties in the urban areas (including Shatin, Kwai Tsing and Tsuen Wan); or \$92,000 p.a. for properties in the New Territories; and
- ✓ Received "MBIS Pre-notification Letters" or "MBIS Notices" issued by the Buildings Department.



Application Requirements

Buildings with Owners' Corporation (OC)

- Application for subsidy resolved in Management Committee Meeting or OC General Meeting; and
- Authorised committee member(s) to sign the relevant documents.

Buildings without OC

- Application resolved in Owners' Meeting; and
- Authorised representative(s) to sign the relevant documents
(The resolution and authorization shall obtain consensus from 100% owners or in accordance with relevant Deed of Mutual Covenant).

Applicant is required to employ the Registered Inspector for the Prescribed Inspection according to the Buildings Ordinance and application form must be submitted before the employment of Registered Inspector.



Subsidy Amount

The subsidy cap is determined according to the total number of units covered by each MBIS Notice for common parts issued by the Buildings Department to the OC or co-owners.

20 units or below	up to \$ 25,000
21 to 49 units	up to \$ 35,000
50 to 200 units	up to \$ 60,000
201 units or above	up to \$ 100,000



Use of Subsidy

- ✓ Confines to the expenses on the **first Prescribed Inspection conducted by a Registered Inspector** according to relevant statutory requirements and the Code of Practice for MBIS & Mandatory Window Inspection Scheme (MWIS)
- ✓ Must be used for **inspection of common parts** first under the MBIS
- ✓ If owners receive Pre-notification Letters or Notices on the MBIS and MWIS at the same time and employ the same Registered Inspector, any remaining subsidy may be used for inspection of windows in common parts under the MWIS.

Areas NOT covered by the Subsidy

- ✗ Other expenses such as the Detailed Investigation, Prescribed Repair and window inspection & repair in individual private units
- ✗ Application for subsidy solely for inspection of MWIS items or individual items in non-common parts alone are not eligible



How to Apply

Application forms for the MBISS can be obtained from any one of the Property Management Advisory Centres of HKHS or Service Centres of URA. The forms can also be downloaded from the website of HKHS (www.hkhs.com) and URA (www.ura.org.hk).

* For buildings requiring the Prescribed Repair after the inspection, eligible owners can apply for the Integrated Building Maintenance Assistance Scheme with the HKHS or URA. For details and application, please call **3188 1188** for information.

Summary for Integrated Building Maintenance Assistance Scheme
(Information for reference only, please refer to Application Notes for details)

		Subsidy for Owners' Corporations (OC)		Loan and Grant for Individual Owners		Government funded and administrated by:	
		Owners' Corporation Formation Subsidy	Common Area Repair Works Subsidy	Common Area Repair Works Interest-free Loan	Home Renovation Interest-free Loan	Building Safety Loan Scheme	HK Housing Society Building Maintenance Grant Scheme for Elderly Owners
Building Eligibility	Private residential/composite building	Private residential/composite building	<ul style="list-style-type: none"> Private residential / composite buildings aged 20 years old or above; Fulfill the requirement of Rateable Value Limit for the domestic unit 	<ul style="list-style-type: none"> Private residential/composite building 	<ul style="list-style-type: none"> Private residential/composite/commercial/industrial building 	<ul style="list-style-type: none"> Domestic unit in Private residential/composite building 	<ul style="list-style-type: none"> Domestic unit in Private residential/composite building
Application Criteria	-	<ul style="list-style-type: none"> Application resolved in Management Committee meeting 	<ul style="list-style-type: none"> Application resolved in an OC general meeting; Approval-in-Principle granted to the OC; Domestic unit solely or jointly owned by individual 	<ul style="list-style-type: none"> Only property in Hong Kong; Domestic unit solely or jointly owned by individual 	-	<ul style="list-style-type: none"> Owner-occupiers at age 60 or above meeting the eligibility criteria 	-
Subsidy/Loans/Grant Amount	Maximum subsidy at \$3,000	<ul style="list-style-type: none"> Maximum subsidy at 20% of approved works cost or \$3,000 / unit, whichever is the lower, capped at \$1.2 M / OC (Smaller buildings with less than 50 units will enjoy higher subsidy, please refer to the Application Notes) 50% AP / consultant fee subsidy up to \$20,000 50% Public Liability Insurance / Third party risks insurance premium subsidy up to \$6,000 p.a. for 3 consecutive years 	<ul style="list-style-type: none"> Interest free loan up to \$100,000 / domestic unit Repayment up to 60 months 	<ul style="list-style-type: none"> Interest free loan up to \$50,000 / domestic unit Repayment up to 60 months 	<ul style="list-style-type: none"> Low interest loan up to \$1 M/unit Repayment up to 36 months 	<ul style="list-style-type: none"> Maximum \$40,000 per owner per unit (within 5 years) 	-
Special Grant & Relieve	-	Eligible owner can apply for maximum \$10,000 grant	Eligible owner can apply for maximum \$10,000 grant	Eligible owner can apply for maximum \$10,000 grant	Eligible owner can apply for Interest-free loan & up to 72 months extended repayment period	-	-

Monitoring of Safety of Structures in Power Stations

11. **DR LAU WONG-FAT** (in Chinese): *President, a coal conveyor belt at Castle Peak Power Station of CLP Power Hong Kong Limited (CLP), together with its metal frames, collapsed in July this year. In respect of this incident, will the Government inform this Council:*

- (a) *whether it knows the total number of similar metal frames inside the aforesaid power station and their designed service life;*
- (b) *of the government department responsible for monitoring the structural safety of those structures, and whether any inspection has been carried out recently;*
- (c) *of the cause(s) of the incident; and*
- (d) *of the number of similar structures in Hong Kong at present and the procedure adopted by the authorities for monitoring those structures?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, on 25 July this year, a section of one of the coal conveyor belts in the Castle Peak Power Station A of CLP in Tuen Mun came off and fell to the ground. The incident caused no injury and CLP's electricity service was not affected. After the incident, the Electrical and Mechanical Services Department (EMSD) and the Labour Department (LD) respectively conducted an on-site inspection on 26 July to check on possible concerns over electricity service and occupational safety.

As the metal supporting frames and external casing of the coal conveyor belt are structures, they are subject to the control of the Buildings Ordinance (the Ordinance), the Buildings Department (BD), being the department enforcing the Ordinance, also conducted an on-site inspection on 31 July.

My reply to the four-part question is as follows:

- (a) The Castle Peak Power Plant in Tuen Mun comprises two power stations, namely, Power Station A and Power Station B. The coal

conveyor belt in the incident, located in Power Station A, was enclosed in metal casing and supported by five metal frames. One of the metal frames was partly damaged and collapsed in the incident. There are a total of nine sections of similar outdoor elevated coal conveyor belts in the two power stations. The metal supporting frames and external casing of the conveyor belt concerned are regarded as structures, and the materials used in any structures shall be of a suitable nature and quality for the purpose for which they are used. However, it is not appropriate to generalize the service lifespan of a structure, as it is affected by different factors, such as regular inspection and maintenance.

- (b) As mentioned above, the metal supporting frames and external casing of the conveyor belt are structures subject to the control of the Ordinance. Under normal circumstances, the BD will conduct on-site inspections and carry out appropriate follow-up actions upon receipt of reports or referrals on the safety of structures. After receiving a referral of this incident, BD staff inspected the structures concerned on 31 July and learned on 9 August that the metal frames damaged in the incident had been removed.
- (c) According to our understanding, CLP set up a task force immediately after the incident to identify its causes, restore the facilities as soon as possible and make recommendations to prevent recurrence of similar incidents. CLP has submitted an investigation report to the EMSD and the LD, and has adopted a number of measures recommended in the report, including carrying out a comprehensive inspection and risk assessment of similar structures in the power plant, adopting an enhanced structural design for new coal conveyor belt structure, and improving the operating procedures for handling of wet coal. The report has also been referred to the BD, which is following up the matter with CLP.

CLP has identified several causes of the incident, with the main cause being the exceptionally heavy rainstorm brought by Typhoon Vicente which substantially raised the moisture content of coal beyond the normal level. As the environmental coal that CLP currently uses has a small particle size, it will become slurry after

absorbing water, making the handling of wet coal difficult. Despite the abnormally wet coal, the operation of coal transport system had to continue to maintain power generation. This however caused a high coal spillage in the coal conveyor belt. Coupled with some design weaknesses in the coal conveyor belt structure, a section of the conveyor belt structure came off and fell to the ground. CLP considered that the incident was caused by a number of factors and excluded plant ageing as one of the reasons for the incident.

- (d) According to information provided by CLP and the Hongkong Electric Company Limited, there are a total of 26 similar sections of outdoor elevated coal conveyor belts in power stations across the territory. Regarding the metal supporting frames and external casings of such conveyor belts, as in the case of other structures subject to the control of the Ordinance, it is the responsibility of the owner to build such structures in accordance with the requirements of the Ordinance and carry out regular inspection and timely maintenance to ensure their safety. Upon receipt of any report or referral on structures, the BD will take follow-up action in accordance with the Ordinance.

Provision of School Bus Services

12. **MR LEUNG YIU-CHUNG** (in Chinese): *President, some parents of school children have told me that the serious shortage of school bus services has led to soaring fares, thus increasing their burden. In this connection, will the Government inform this Council:*

- (a) *how the shortfall in school bus services could be alleviated, such as whether the licence fee for school buses will be waived to attract more operators to provide such services; and*
- (b) *whether the imbalance of school bus services is under regular review and long-term planning has been made; if so, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the current situation concerning the provision of school bus service is as follows:

There are three types of vehicles for the carriage of school children: (i) non-franchised public buses (public NFBs) with student service endorsement (a total of 3 384 in number); (ii) school private buses operated by schools or school sponsoring bodies direct (64 in number); and (iii) school private light buses (SPLBs) which are commonly known as "nanny vans" (1 448 in number). The total number of the three types of vehicles is around 4 900.

Operators or schools may in response to demand apply for increasing or adjusting the number of student service vehicles or of student service endorsement. All they need to do is to submit an application to the Transport Department (TD) for approval. Vehicles confirmed to be in compliance with the vehicle safety requirements can then provide service. In other words, the Government acts in concert with the supply and demand situation of the free market.

The number of vehicles that can provide student service is largely stable. In fact, the number of SPLBs has increased from 1 259 as at end 2011 to 1 448 in September this year. During the same period, school private buses have increased from 60 to 64.

For public NFBs, an operator must present a contract to prove that he/she has been engaged to provide school bus service so as to obtain the student service endorsement. In the past, the number of vehicles approved to provide student service would base on the number stated in the contract. To provide greater business convenience, the TD has implemented since 27 July this year a new measure to allow an operator already in possession of the student service endorsement to use all vehicles in his/her fleet to carry school children after application. With this, an operator can flexibly deploy his/her fleet to meet service demand. Since the implementation of the new measure, over 170 vehicles have been granted the student service endorsement through it.

The above shows that the current regime has already provided sufficient flexibility to cope with market supply and demand and meet service needs. Nevertheless, to keep up with the times, the TD will continue to keep in view changes in the number of various types of public NFBs, school private buses and

SPLBs as well as their utilization situation. The TD will also continue to maintain close liaison with the trade through regular meetings.

As for the vehicle licence fee, the fee is set according to the vehicle class rather than the service that a vehicle provides. Indeed, the vehicle licence fee level has remained the same since 1991. In terms of vehicles that can be used to carry school children, the licence fee ranges from \$900 to \$5,300 per annum and that only accounts for an insignificant portion of the operating cost. The TD has over the years maintained close contact with operators that provide student service, and is not aware of any situation under which the trade could not provide student service because of payment of licence fee. The Education Bureau points out that children from low-income families may in any case apply for the Student Travel Subsidy.

Measures to Improve Competitiveness of Hong Kong

13. **MR ABRAHAM SHEK:** *President, according to the Global Competitiveness Report 2012-2013 of the World Economic Forum (the Report), Hong Kong's position (ranked ninth) in the overall rankings of the Global Competitiveness Index among 144 countries/economies was up two places from last year. Yet, Hong Kong is still the second placed Asian economy behind Singapore which ranks No. 2 worldwide. In the Report, it is recommended that Hong Kong should continue to improve in two important areas, namely higher education and innovation in order to maintain its competitiveness. In this connection, will the Government inform this Council:*

- (a) *given that Hong Kong's participation rate in education remains below levels found in other advanced economies, whether the Government will further increase the number of publicly funded undergraduate places in University Grants Committee (UGC)-funded institutions, and make reference to Singapore's experience in providing favourable remuneration packages and other incentives to attract renowned academics to stay and work in Hong Kong;*
- (b) *given that the Report has pointed out that Hong Kong's innovative capacity remains constrained by the limited availability of scientists*

and engineers, whether the Government will consider continuing the measures already introduced and introducing new measures to foster talents, particularly in the areas of science and engineering; and

- (c) *as the Report has revealed that the five most problematic factors for doing business in Hong Kong are inflation, insufficient capacity to innovate, inefficient government bureaucracy, inadequately educated workforce and access to financing, whether the Government has introduced or will introduce targeted measures to address these problems; if it has introduced or will introduce measures, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT:

President, my reply to the three parts of the question is as follows:

- (a) Education, in particular post-secondary education, is key to enhancing the quality and competitiveness of our population as well as promoting social mobility. At present, our annual recurrent expenditure on education is around \$60 billion or more than one fifth of the total recurrent expenditure of the Government, and about a quarter of the recurrent education expenditure is allocated to post-secondary education.

We invest heavily in the publicly-funded post-secondary education. We have recently increased the number of first-year-first-degree places funded by the UGC to 15 000 per annum. We are also doubling the number of senior year undergraduate intake places to 4 000 per annum during the 2012-2013 to 2014-2015 triennium. By the 2014-2015 academic year, the annual recurrent grants for UGC-funded institutions will increase by \$3 billion to about \$14 billion. Coupled with the parallel development of the self-financing post-secondary education sector, it is estimated that by 2015, over one third of the relevant age cohort will have the opportunity to pursue degree-level education. Including sub-degree places, over two thirds of our young people in the relevant age group will have access to post-secondary education.

On attracting non-local academics, since the deregulation in 2003, UGC-funded institutions are free to decide the remuneration packages of their own staff, including non-local staff, to facilitate their competition for global talents. Many of our institutions have achieved excellent rankings in the indicator "International Faculty" under the Quacquarelli Symonds World University Rankings 2012-2013.

- (b) The Government spares no efforts in nurturing local technology and engineering talent. We have six local universities engaging themselves actively in scientific R&D activities, and three of which were ranked within top 50 in the aforementioned global ranking. In the 2011-2012 academic year, around 27 000 students were enrolled in UGC-funded programmes in science, engineering and technology disciplines, representing about 36% of total enrolment and the corresponding supply of new blood to serve the industry needs.

The Government has also implemented a wide range of measures to encourage more university graduates to pursue a career in the science and technology field and attracting talents from outside Hong Kong. The measures include:

(i) *Hong Kong PhD Fellowship Scheme*

In 2009, the Research Grants Council (RGC) launched the Hong Kong PhD Fellowship Scheme to attract the best and brightest students from around the world to pursue PhD studies in Hong Kong. A total of 4 253 applications from 117 countries/regions were received for the 2012-2013 academic year, and 165 elite candidates from 32 countries/regions were eventually offered PhD fellowships in Hong Kong.

(ii) *Innovation and Technology Scholarship Award Scheme*

In 2011, the Innovation and Technology Commission (ITC) launched the Innovation and Technology Scholarship Award Scheme. It provides scholarship to local high-achieving

science and technology university students for their participation in overseas attachment, internship and mentorship programmes to gain wider exposure to science and technology. The Scheme will continue this year.

(iii) *Internship Programme*

The Internship Programme (introduced since 2004) provides funding support for science and technology graduates to work on R&D projects funded by the Innovation and Technology Fund (ITF) of ITC. Young graduates would thus gain a head start in acquiring the relevant experience for building a career in science and technology. Over 1 100 internship positions were provided since the inception of the Programme.

(iv) *Early Career Scheme*

The RGC has recently introduced the Early Career Scheme to attract, support and nurture new junior faculty members. The Scheme supports qualified researchers to undertake independent research work and develop educational activities.

(v) *Incubation Programme by Hong Kong Science Park (HKSP)*

The Incubation Programme of the HKSP provides a spawning ground for young technopreneurs by offering affordable accommodation, shared-use facilities and equipment as well as business related assistance to support their innovation activities. So far, over 360 companies have benefited from the Programme.

(vi) *Instilling a Vibrant Innovation Culture*

ITC organizes and supports various activities on a regular basis to promote public interest in science and technology, in particular for the younger generation. These include support for participation in local and overseas student science and technology competitions, exhibitions of inventions by local students and enterprises, and so on. To cultivate a stronger

innovation and technology culture in the society, we have since 2010 expanded our annual Innovation Festival into InnoTech Month, a month-long program encompassing a wide array of activities including InnoCarnival, roadshows, advertorials, and so on. The number of participants to this flagship event increased steadily and reaching a record high of over 200 000 visits last year.

(vii) Attracting Talents to Hong Kong

We have in place various existing talent admission schemes, including the General Employment Policy, Admission Scheme for Mainland Talents and Professionals, Quality Migrant Admission Scheme and Immigration Arrangements for Non-local Graduates, to attract professionals and talents (including those in science and engineering) from around the world to come to Hong Kong.

Between 2001 and 2010, the number of R&D personnel in Hong Kong has grown from 11 041 to 24 100 (measured in full-time equivalent), representing an annual average growth rate of around 9%.

- (c) While we always welcome suggestions about the future development of Hong Kong and will continue to improve in the key factors that determine global competitiveness, we would like to offer the following observations/explanations to the problems mentioned in the Report.

Inflation

The acceleration in inflation rate during most of 2011 was not unique to Hong Kong but was witnessed in many Asian economies with vibrant activity growth. Moreover, consumer price inflation has receded visibly upon entering 2012. In August 2012, underlying inflation eased notably to 3.7%, from the peak of 6.4% in the fourth quarter of 2011.

Being a small and open economy, Hong Kong has limited control over inflation. Yet, we have adopted a multi-pronged approach to reduce inflation risks and mitigate the impact of inflation on people's livelihood. In the short term, the Government has been striving to ease the domestically generated price pressure by forestalling property market exuberance, preventing excessive credit growth, pursuing a prudent fiscal policy, while providing one-off, well-targeted relief measures to help the lower-income groups. In the medium to long term, the Government will continue to invest heavily in infrastructure, thus increasing the capacity and efficiency of our overall economy, as well as alleviating inflationary pressures arising from the supply side.

Capacity to innovate

Our capacity to innovate is supported by our core strengths such as excellent connectivity with the Mainland and the rest of the world, world-class universities, robust IP protection, and so on. With a clear direction for R&D development in the coming years as provided under the National 12th Five-Year Plan, Hong Kong is provided with good opportunities to further develop our innovation and R&D capabilities. We do however recognize there may be challenges. For instance, Hong Kong is a service-driven economy, and its manufacturing sector contributed to less than 2% of the Gross Domestic Product in 2010. Furthermore, Hong Kong does not have national defence expenditure which stimulates R&D activity as in many other economies.

To make good use of our strengths as well as to address our challenges, the Government has made continued efforts through various new measures to promote the development of innovation and technology. On the hardware side, the development of Phase 3 of HKSP has commenced in full gear for phased completion between 2014 and 2016 for accommodating 150 additional technology companies and creating 4 000 R&D jobs. On the software side, the ITF has been enhanced to support various realization/commercialization activities for local R&D results including prototype production and the conduct of trials by the

public sector. The cash rebate to be provided to investors of R&D projects under our Cash Rebate Scheme has been increased from 10% to 30% to provide greater incentives for conducting R&D. To seize the opportunities brought about by a rapidly growing market in the Mainland, we have been closely liaising with the Mainland authorities and building more collaborative platforms, for example, Partner State Key Laboratories in Hong Kong; the National High-tech (Partner) Industrialization Base for Green Technology in HKSP; the Hong Kong branch of Chinese National Engineering Research Centre in the Applied Science and Technology Research Institute; and so on.

Government Bureaucracy

Hong Kong has been recognized by the World Bank's global ranking in 2011 as the second best place for our ease of doing business and our ranking has been up three places from that five years ago (2006). Since 2006, the Government has implemented various business facilitation measures on the advice of the Business Facilitation Advisory Committee and its Task Forces and will continue to do so under programmes such as the "Be the Smart Regulator" Programme with a view to further enhancing Hong Kong's overall business environment and long-term competitiveness. The ITC has also been regularly reviewing the scope, *modus operandi*, and so on, of the ITF to ensure it meets present day needs (for example, need for closer collaboration with the Mainland, need to facilitate realization/commercialization, and so on).

Educated workforce

We note in the Report that the gross tertiary education enrolment rate is included as an indicator. As a result, economies with a four-year normative undergraduate curriculum are measured more favourably than those with a three-year one. With the implementation of the new academic structure and extension of the normative length of our undergraduate curriculum from three to four years starting from the 2012-2013 academic year, we expect that our performance in this indicator will improve considerably.

Access to financing

The business sector in Hong Kong has convenient access to financing such as by getting credit from banks, or by issuing corporate debts or bonds. Various guaranteed financing schemes are also available to meet the needs of small and medium sized enterprises (SME). These include, for example, the SME Loan Guarantee Scheme operated by the Trade and Industry Department, as well as SME Financing Guarantee Scheme and the Microfinance Scheme by the Hong Kong Mortgage Corporation. In addition, the Hong Kong Monetary Authority and the banking industry are working to improve access to credit by borrowers by enabling the development of a comprehensive database for commercial credit data via the Commercial Credit Reference Agency.

Measures to Facilitate Reduction in Electricity Tariffs

14. **DR KENNETH CHAN** (in Chinese): *President, as the electricity tariffs charged by The Hongkong Electric Company, Limited (HKE) have remained higher than those charged by the CLP Power Hong Kong Limited (CLP) for years, with a difference amounting to 30%, the burden of electricity tariffs on the residents and small and medium enterprises (SMEs) on Hong Kong Island is higher than that on the residents and SMEs in other districts. Next year, the Government will carry out an interim review of the Scheme of Control Agreements (SCAs) signed with the two power companies. In this connection, will the Government inform this Council whether it will:*

- (a) *commence discussions with the two power companies to request them to revise the mechanism for calculating electricity tariffs, so as to encourage their customers to reduce electricity consumption, enhance energy efficiency and reduce expenditure on electricity tariffs at the same time; if it will, of the details; if not, the reasons for that;*
- (b) *consider reviewing the current level of permitted rate of return that the two power companies are entitled to and the methods of calculating such rate when carrying out the interim review of SCAs,*

so as to reduce the permitted return of the two power companies and alleviate the tariff increase pressure; if it will, of the details; if not, the reasons for that; and at the same time, whether the Government will consider establishing a stronger link between the emission performance of the two power companies and their permitted rate of return, so as to raise the existing requirements on the emission performance of the two power companies; if not, of the reasons for that;

- (c) consider studying specific measures immediately with a view to narrowing the difference between the electricity tariffs of HKE and CLP and take the initiative to discuss with the two power companies on such matter; if it will, of the specific details of the efforts to be made in this respect; if not, the reasons for that;*
- (d) consider commencing policy studies immediately on opening up the electricity market, so as to prepare for the introduction of more participants into the electricity market upon the expiry of the current SCAs, and materialize the segregation of the generation sector from the network sector; if it will, of the details; if not, the reasons for that; and*
- (e) consider adjusting the mechanism for calculating the permitted return when carrying out the interim review of SCAs, so as to provide more incentives for the two power companies to use more renewable energy (RE) sources and waste-to-energy technology in electricity generation; if it will, of the details?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, the SCAs stipulate clearly that the two power companies and the Government shall have the right during 2013 to request modification of any part of the current SCAs, and mutual agreement is needed before implementing any proposed modification. The Government is making preparation for a mid-term review of the SCAs with the two power companies respectively in early 2013 in accordance with the SCAs. We have no fixed views on any modification proposals, and will listen to the views of Members of the Panel on Economic Development of the Legislative Council before the mid-term review formally commences.

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

- (a) The Administration has received the 2013 tariff adjustment proposals from the two power companies and is conducting tariff reviews with them in accordance with the SCAs. We will perform the gate-keeping duties with our best endeavour to ensure a right balance among the objectives of electricity supply in Hong Kong, that is, reliability, safety, environmental-friendliness and reasonable prices, in order to safeguard the interests of the public. We have also requested the two power companies to study how to promote energy conservation and reduce electricity demand through the change in electricity tariff structure, and to consult stakeholders and forge consensus in the community before formulating their proposals. We will continue to explore ways to further promote energy conservation and enhance energy efficiency.
- (b) In the current SCAs signed by the Government with the two power companies in 2008, the permitted rate of return of the two power companies was lowered significantly from 13.5% to 15% on Average Net Fixed Assets (ANFA) to 9.99%. As a consequence, the two power companies revised downwards their Basic Tariff rates in 2009 by 10% and nearly 20% respectively, equivalent to an annual saving of over \$5 billion in electricity charges otherwise borne by the public. On emission performance, while emissions of power plants are already regulated by the Air Pollution Control Ordinance, the permitted rate of returns of the power companies is also linked to their emission performance under the current SCAs. The Government or the two power companies may initiate discussion on any proposal to review the SCA in accordance with the arrangements stipulated in the SCAs. However, implementation of any modification within the tenure of the SCA requires mutual agreement.
- (c) The two power companies charge different electricity tariff levels due to differences in electricity supply area, customer size and mix, mode of operation, operating cost and sales volume. The tariff level in each year is affected by many factors, including sales forecast, operating cost, fuel prices, capital investments, balances in

the Fuel Clause Recovery Account and Tariff Stabilisation Fund, and so on. The Government will continue to perform its gate-keeping role and conduct tariff reviews with two power companies in accordance with the SCAs.

- (d) The current SCAs signed between the Government and the two power companies in 2008 will expire in 2018. As stipulated under the SCAs, the Government will review with the two power companies the electricity supply regulatory framework before 2016. We are now conducting preparatory work for the review, including studying and analysing possible models for market liberalization and changes to the regulatory framework, such as segregation of electricity generation from the power grids and strengthening interconnection between the power grids.
- (e) To encourage the two power companies to develop RE generation facilities, the SCAs stipulate a higher rate of return for investment in RE facilities (at 11% on their ANFA). One of the power companies has already installed photovoltaic systems at its power plants, which generates 620 000 kWh electricity annually. Both power companies are also studying the feasibility of developing offshore wind farms. Furthermore, the Government promotes turning waste to energy. The sludge treatment facility under construction, for instance, will be equipped with facilities to turn thermal energy generated from incineration into electricity. Apart from meeting the electricity demand of the treatment facility, the surplus electricity will be uploaded to the power grid.

Measures to Crack down on Parallel Trade Activities in North District

15. **MR CHAN HAK-KAN** (in Chinese): *President, parallel trade activities have become increasingly frequent in recent years in the North District, and the situation in Sheung Shui MTR Station and its vicinity is most acute. Such activities impede residents' access to the MTR station, worsen the environmental hygiene of nearby areas, and jack up commodity prices in the district. It has been reported that, despite the Government's announcement on 18 September this year of launching a number of combating measures, parallel trade syndicates*

have simply changed their modus operandi, and their various impacts on the district persist. In this connection, will the Government inform this Council:

- (a) whether it has grasped information on the number of people engaged in parallel trade activities at present; of the proportions of Hong Kong people and Mainlanders among them; the number of people prosecuted and convicted in the past three years for engaging in parallel trade activities, the details of such cases and the types and total values of goods thus confiscated;*
- (b) of the laws currently invoked by the law-enforcement agencies in Hong Kong at present to combat parallel trade activities and the people engaging in such activities; the details of intelligence exchanges between the two places and their joint operations, including whether the Hong Kong Government knows which laws are invoked by the law-enforcement agencies on the Mainland to combat such activities and people;*
- (c) given that some parallel trade activities have recently been shifted to districts such as Fan Ling and Tai Po, and so on, how the law-enforcement agencies adjust their strategy in combating such activities; whether they will increase manpower shortly and step up its efforts to combat parallel trade activities; if they will, of the details; if not, the reasons for that and how they deploy manpower;*
- (d) in the past three years, whether the MTR Corporation Limited (MTRCL) had refused passengers' entry to the paid areas or boarding MTR trains because they were carrying excessive quantity of items or oversized items; if it had, of the relevant figures, broken down by railway line; if not, the reasons for that; how the MTRCL ties in with the Government's combating efforts;*
- (e) given that some parallel trade syndicates have rented and used residential units as warehouses and for distribution of goods, how the law-enforcement agencies gather relevant intelligence and combat such activities;*

- (f) *how the interdepartmental working group led by the Chief Secretary for Administration evaluates the effectiveness of the various combating measures so far; and*
- (g) *whether it will consider requesting the Mainland authorities to impose restrictions on Mainlanders who make multiple trips between the Mainland and Hong Kong within the same day, so as to reduce their opportunities for engaging in parallel trade activities; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, this question involves different policy areas. After consulting bureau concerned, our reply to the various parts of the question is as follows:

- (a) and (b)

Under the Import and Export Ordinance (Cap. 60), it is an offence to import or export any unmanifested cargo. That said, cargo does not include items carried, and imported or exported by passengers on board a vessel, aircraft or vehicle. In other words, the Customs and Excise Department (C&ED) will only enforce against prohibited or controlled items a passenger carries.

However, pursuant to the Immigration Ordinance (Cap. 115), any person who enters Hong Kong as a visitor and contravenes a condition of stay in respect of him, including taking any employment, whether paid or unpaid, or establishing or joining in any business, without approval by the Director of Immigration, shall be guilty of an offence and shall be liable on conviction to a fine at \$50,000 and to imprisonment for two years. The Immigration Ordinance also stipulates that any person who is the employer of an employee who is not lawfully employable commits an offence and is liable to a fine of \$350,000 and to imprisonment for three years. Mainland visitors who contravene conditions of stay by involving in parallel trading activities may be prosecuted and refused future entry by the Immigration Department (ImmD). If Mainland visitors are prosecuted and convicted of offences in Hong Kong, upon the

ImmD's referral, the exit and entry administration offices of the Mainland will cancel their exit endorsements.

From 2010 to early October 2012, the ImmD and other law-enforcement agencies arrested 407 Mainland visitors who were suspected of contravening conditions of stay by involving in parallel trading activities. Forty eight of them were convicted and sentenced to imprisonment of four weeks to two months. Goods seized in the operations mainly included foods, daily accessories and electronic devices, such as bird's nests, red wines, seafoods, tablets, mobile phones, and so on. The ImmD does not conduct valuation of the goods.

Moreover, if parallel traders cause any environmental hygiene problems, the Food and Environmental Hygiene Department (FEHD) will issue fixed penalty notices under the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) to persons littering and spitting on the street. The FEHD will also issue "Notice to Remove Obstruction" under the Public Health and Municipal Services Ordinance (Cap. 132) in respect of articles obstructing scavenging operations on the street, requiring the owners to remove the articles within a specified period, failing which the FEHD may seize the articles without further notice. From January 2010 to September 2012, the FEHD issued 826 Fixed Penalty Notices and 390 "Notices to Remove Obstruction", and conducted 1 444 seizure operations in the areas concerned. The FEHD also prosecuted three persons for not removing, within the specified period, articles causing obstruction in public place.

Depending on the circumstances, police officers will arrest the offender for "Obstruction of Public Places" under the Summary Offences Ordinance (Cap. 228).

The Government is aware that parallel trading activities have taken place at the industrial and residential buildings in Sheung Shui area. Inspections have been stepped up. The Fire Services Department (FSD), primarily by virtue of the Fire Services Ordinance (Cap. 95), will take appropriate law-enforcement actions against irregularities

such as obstruction to means of escape or fire service installations. In a joint operation with other relevant government departments to combat parallel-trade activities, the FSD issued six Fire Hazard Abatement Notices and three warning letters. The District Lands Offices of the Lands Department (LandsD) will take enforcement actions against cases that are in breach of lease conditions which include issue of warning notice or even registration of the notice at the Land Registry.

We believe that parallel traders include Mainland visitors as well as Hong Kong residents. The ImmD does not have the number of parallel traders who are Hong Kong residents. Our law-enforcement agencies will continue to exchange intelligence with our Mainland counterparts, conduct joint analysis, and launch simultaneous operations as necessary to combat the cross-boundary courier syndicates.

- (c) The Government is aware that the *modus operandi* of parallel trading activities has been changing. Some of the activities that involve dividing up and distributing goods near the Sheung Shui Station have now taken place at industrial and residential buildings, or even outside Sheung Shui area. Our law-enforcement agencies will work closely to gather and share intelligence, and continue to adopt the strategy of cracking down from the source to conduct intelligence-based enforcement actions from time to time at different locations. They will also adjust the combat strategy and manpower deployment plan as appropriate in light of changing circumstances. Enforcement actions of the relevant departments, such as the ImmD and the police, have been extended to areas outside Sheung Shui and Fan Ling, and to private residential flats where parallel goods are suspected to be stored, packaged and distributed. The LandsD and the FSD have stepped up inspections of buildings which are suspected black spots of parallel trading activities. Immediate actions will be taken against irregularities or any breach of lease conditions. The FEHD will closely monitor the situation and take appropriate actions.

- (d) In accordance with the Conditions of Carriage of Luggage issued by the MTRCL, passengers may carry luggage with total dimensions (that is, length, width and height) not exceeding 170 cm, and the length of any one side not exceeding 130 cm. If the luggage fails to comply with such limits, station staff will serve verbal warnings, or written warnings if necessary, to the passenger. Prosecution will be initiated in more serious cases. The MTRCL's past experiences in enforcing the luggage limits show that most passengers were co-operative. The MTRCL does not maintain record on the number of cases in which passengers were refrained from passing through the ticket gates or travelling on the MTR due to carriage of unfitted luggage.

To maintain order in stations, the MTRCL recently implemented a series of new measures at individual East Rail Line stations. Such measures include the putting up of large banners at Sheung Shui Station to remind passengers of the luggage limits, and that passengers carrying bulky luggage should not use the escalators; the erection of barriers at Entrance C of Sheung Shui Station for passengers who enter the Station using wide ticket gates, so as to maintain more orderly queuing and avoid blocking of other passengers entering the Station, and so on.

As some passengers carry very heavy luggage which presents hazard and nuisance to other passengers, the MTRCL launched a three-month trial scheme for imposing a maximum weight limit of 32 kg on passenger luggage starting from 9 October 2012. Electronic ground scales are installed at Sheung Shui, Fan Ling, Lo Wu and Lok Ma Chau stations. MTR staff will proactively check the weight of passenger luggage before passengers enter the stations.

In addition, the MTRCL will strengthen the manpower of its By-laws Inspection Unit (BIU) from the existing 29 members to 39 members. The number of contract security staff supporting the work of BIU will also increase from 74 to 92. The BIU will continue to assist in the management of passenger flow and the enforcement of Mass Transit Railway By-laws along the East Rail Line, in particular at the cross-boundary stations.

- (e) Please see our response to part (c) of the question.
- (f) The Chief Secretary for Administration chaired an interdepartmental meeting on 18 September 2012 and announced that the Government would carry out six measures to crack down on parallel trading activities. For details, please refer to Annex.

Law-enforcement agencies have stepped up enforcement actions and have been conducting joint operations. From 19 September to 12 October 2012, the ImmD and the police mounted several large-scale operations named Windsand in Sheung Shui, Fan Ling and Fo Tan districts to combat against Mainland visitors who were suspected of contravening conditions of stay in Hong Kong by involving in parallel trading activities. Two hundred and eighty four Mainland visitors who were suspected of contravening conditions of stay were arrested in the operations. Thirty one of them were prosecuted, with 18 convicted and sentenced to imprisonment of two months. Other 246 visitors who had not been prosecuted were repatriated to the Mainland.

The C&ED has already strengthened intelligence collection at various land boundary control points and in the vicinity of the MTR East Rail Line stations. In addition, the C&ED and the relevant Mainland law-enforcement agencies will continue to provide each other with on-scene notifications and intelligence exchange through the established mechanism. The FEHD, the LandsD, the police and the FSD have already stepped up enforcement actions against parallel trading activities.

With the co-ordination of the Transport and Housing Bureau, the MTRCL will commit full support for the Government's law-enforcement work. The MTRCL will promptly increase manpower to strictly enforce the legal limit on the size of luggage at the gates. If the size of luggage exceeds the legal limit, the MTRCL will take enforcement action according to the law.

Law-enforcement agencies' joint operations have been effective. Our efforts will continue, and departments concerned will continue to combat organized parallel trading activities.

- (g) Regarding the suggestion of limiting Mainland visitors from entering Hong Kong more than once in a day, we must carefully consider its feasibility, the impact on normal Mainland visitors, overall immigration policy and Hong Kong's image as the Asia's World City, and the effectiveness to combat parallel trading activities.

The Chief Executive has announced that the SAR Government will establish a consultation mechanism with the Mainland authorities to closely monitor the implementation situation of Individual Visit Scheme and reflect the Hong Kong's capacity in various aspects, to ensure the healthy development of the Hong Kong tourism industry and minimize the impact of the lives of Hong Kong residents. We believe that the consultation mechanism will help develop the Individual Visit Scheme in an orderly manner.

Annex

Press Releases

Main points of remarks by CS at media session

The Chief Secretary for Administration, Mrs Carrie LAM, after attending a public event, spoke at a media session tonight (18 September) on the enhanced enforcement actions to be taken against parallel trade in North District. Following is an English translation of the main points of Mrs LAM's remarks:

The Hong Kong Police Force (HKPF) will step up enforcement action against obstruction of public places, public nuisance and matters affecting public safety caused by parallel traders. It will also assist the MTR Corporation Limited (MTRCL) with enforcement within MTR stations.

Hong Kong's Customs and Excise Department will increase manpower and resources at the Lo Wu and Lok Ma Chau rail-based boundary control points to ensure regular travellers crossing the boundary would not be obstructed by parallel traders. Plainclothes officers will also be deployed to gather intelligence, which would be passed to relevant authorities in Hong Kong and Shenzhen for their respective law enforcement work.

The Immigration Department will carry out inspections on parallel traders, including those who divide up, distribute and carry goods, in full force in the North District area. Any two-way permit holders found to be engaged in such commercial activities will be prosecuted by the Immigration Department for the offence of breach of conditions of stay. For convicted parallel traders from the Mainland, the Immigration Department will request the entry and exit authorities of the Mainland to cancel their visit endorsement for entering Hong Kong. In regard to those who are reasonably suspected by the Immigration Department of engaging in parallel trade activities, the department will not rule out the possibility of refusing permission for these people to land in future.

The Food and Environmental Hygiene Department will increase manpower to tackle environmental hygiene problems and other nuisances to the public caused by the parallel trade activities, as well as clear away the disposed items, to keep the North District area tidy.

Some parallel trade activities that involve dividing up and distributing goods take place at the industrial buildings in the Sheung Shui area. The Lands Department and the Fire Services Department will step up their inspections at the industrial buildings for any breaches of regulations. For example, they will check if fire safety requirements and lease conditions are met. The departments will take immediate enforcement action if non-compliance with fire safety requirements and lease conditions is found.

Finally, in addition to the work of government departments, MTRCL will commit full support, with the co-ordination of the Transport and Housing Bureau, for the Government's law enforcement work. MTRCL will promptly increase manpower to strictly enforce the legal limit on the size of luggage at the gates. If the size of luggage exceeds the legal limit, MTRCL will take enforcement action according to law. The increased manpower will focus on Sheung Shui Station, but the possibility of redeploying to other stations will not be ruled out. In the course of enforcement, the HKPF will also make every effort to provide assistance to them when necessary.

Land Reserve and Land Supply

16. **MR WU CHI-WAI** (in Chinese): *President, in reply to a question from a Member of this Council in July this year, the Government indicated that*

2 153.7 hectares and 777.7 hectares of vacant Government land have been designated respectively for "residential" and "government, institution or community (G/IC)" uses. It has been reported that the Secretary for Development has indicated in September this year that excluding the 1 200 hectares of land zoned "Village Type Development" reserved for development of New Territories small houses, as well as 420 hectares of land covering slopes and roads which are not suitable for development, there are only 480 hectares of residential sites; if the 167 hectares of residential sites which may be provided in the North East New Territories New Development Areas are further excluded, only 313 hectares will remain. Officials of the Development Bureau subsequently explained that the 1 200 hectares of "Village Type Development" sites will not be used solely for small house development. In addition, in reply to a Member's question in 2010, the Government also indicated that "as at 31 May 2010, there are approximately close to 268 hectares of potential supply of private residential sites". In this connection, will the Government inform this Council:

- (a) of the definition of "vacant residential land" when the term was mentioned in the Government's replies to Members' questions and public remarks, and whether the definition covers land which, for the time being, cannot be put to immediate use because certain works projects (for example, the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Shatin to Central Link) are being carried out, as well as land which can be used for residential development pending site formation works; given that the Government has planned to use the Anderson Road Quarry which is currently designated for "Other Specified Uses" for residential development, and construct public rental housing (PRH) at North West Kowloon Reclamation Site 6 currently designated as a "Comprehensive Development Area", whether land lots under these two categories of uses have already been listed as "vacant residential land"; if not, of the number of such land lots for which long-term housing planning is being conducted, as well as their exact locations, project titles and total area;*
- (b) regarding the vacant Government land available for residential development, of the respective hectares of land lots which (i) have been included in the List of Sites for Sale by Application; (ii) have already been allocated to the Hong Kong Housing Authority (HA)*

- for PRH development; (iii) are on lease under short-term tenancies; (iv) are currently under post-site formation study on whether they should be put on the market for sale or allocated to the HA; (v) have not yet been planned for any development despite the completion of site formation works; (vi) have never been covered by any site formation works or planning; and (vii) are currently under long-term planning;*
- (c) *among the land lots in part (b), of the respective hectares of land for which all advance works and procedures may be completed for residential development within one year, one to three years, four to six years and in more than six years' time, with a breakdown by District Council district;*
- (d) *given that the Chief Executive announced earlier that 36 G/IC sites would be rezoned for residential use, of the number of such sites which are currently vacant and their sizes; among the 777.7 hectares of vacant G/IC sites, of the sizes of sites suitable for constructing residential buildings or youth hostels, with a breakdown by District Council district;*
- (e) *among the aforesaid 313 hectares of land, of the respective hectares of land available for PRH and private residential development; and how such figures compare with the relevant figures provided in the reply to a Member's question in 2010;*
- (f) *given that in reply to a Member on 12 March 2012, the Government indicated that "there are about 3 147 hectares of land zoned 'Village Type Development' ('V') The planning intention of the 'V' zone is to reserve land for village house development", why such figure differs from the latest relevant figures provided by the Development Bureau; of the Government's present estimation on the hectare of "Village Type Development" sites which needs to be reserved for small house development, and the assumptions and criteria for making such an estimation; whether the Government has conducted any studies on rezoning some such sites for residential use; and*
- (g) *given the variations in the land reserve figures provided by the Government recently, whether the Government has considered*

providing to this Council and the public a detailed account of the relevant figures and information on land planning in various districts?

SECRETARY FOR DEVELOPMENT (in Chinese): President, the areas of "vacant land" mentioned in our reply to a Member's question on 4 July this year refer to the areas of unleased or unallocated Government land under different land use zonings on statutory town plans (including Outline Zoning Plans and Development Permission Area Plans) (statutory plans). The figures, based on statistics as at the end of June 2012, are simply obtained by subtracting the leased or allocated areas under respective land use zonings from the total areas covered by such zones on the statutory plans.

In view of public concerns on those figures, the Development Bureau and the Lands Department (LandsD) have re-examined and analysed the relevant land information, and set out a number of land types that are considered not suitable for development, not yet available for development, or with low development potential. They are (1) roads/passageways, (2) man-made slopes, (3) land allocated under the Simplified Temporary Land Allocation (STLA) procedures, and (4) fragmented sites (sites less than 0.05 hectares in area). Information on the land area analysis and the map showing the site boundaries were uploaded onto the website of the Development Bureau on 17 October this year for public inspection. A summary of the further analysis is at Annex.

According to the statutory plans of Hong Kong, there are a total of 2 153.7 hectares of unleased or unallocated Government land which are zoned "Residential", "Commercial/Residential" or "Village Type Development" (including 952.5 hectares of "Residential" and "Commercial/Residential" sites, and 1 201.2 hectares of "Village Type Development" sites). Excluding roads/passageways, man-made slopes, land allocated under the STLA procedures and fragmented sites, there remain 391.5 hectares of "Residential" and "Commercial/Residential" sites. Excluding roads/passageways, man-made slopes and land allocated under the STLA procedures, there remain 932.9 hectares of "Village Type Development" sites.

It must be pointed out that amongst the above 391.5 hectares of unleased or unallocated land under "Residential" and "Commercial/Residential" zonings, there remain a number of sites with irregular shapes (for example, empty space

between buildings, back lanes and narrow strips of land alongside existing developments, highways or other amenities) and they may not be suitable for housing development. Besides, these 391.5 hectares of land, save for those already included in the Application List for land sale, may not necessarily be land immediately available for development as some will require technical studies to ascertain their development feasibility. Indeed, some of those lands have already been included in various such studies.

The suitability of individual sites for development depends on a series of factors, such as the adequacy of related infrastructural facilities, compatibility with neighbouring land uses (for example, whether the site is too close to existing or planned buildings), and so on. Generally speaking, for land with potential for development, the Administration will review and assess its development feasibility under the established mechanism. Furthermore, when a plot of land is ready for development, the Administration will make appropriate arrangements, such as allocating it for public housing development, including it in the Application List for land sale, or allocating it for other uses.

For the above reasons, we are not able to compile statistics on how much land among the 391.5 hectares, save for those already included in the Application List for land sale, can be made available for housing development. I would also like to point out that these 391.5 hectares of Government land is only one of the sources of housing land supply. Other housing land supply sources include public housing redevelopments, redevelopment projects of the Urban Renewal Authority, topside developments of the Mass Transit Railway Corporation, private property redevelopments, and so on.

In addition, the Government is adopting a multi-pronged approach to actively expand land resources and build up a land reserve, with a view to meeting the land demand for housing and other developments. The Administration has put forward six measures for increasing land supply, namely releasing industrial land, exploring the option of reclamation on an appropriate scale outside Victoria Harbour, rock caverns development, looking into the use of "green belt areas", examining the G/IC sites and examining the agricultural land in North District/Yuen Long currently used mainly for industrial purposes or temporary storage, or which is deserted. The Planning Department is also conducting a number of planning and engineering studies for new development areas, as well as land use studies and reviews. Excluding land that may be produced or released under the initiatives of reclamation on an appropriate scale

outside Victoria Harbour and rock caverns development, the above initiatives cover over 2 500 hectares of land, *viz*:

- North East New Territories New Development Areas (involving about 787 hectares of land)
- Hung Shui Kiu New Development Area (involving about 790 hectares of land)
- Tung Chung New Town Extension (involving about 287 hectares of land)
- A number of quarries sites (involving about 168 hectares of land)
- Kam Tin West Rail Kam Sheung Road Station/Pat Heung Maintenance Depot and adjoining areas (involving about 138 hectares of land)
- Review of the agricultural land in North District/Yuen Long currently used mainly for industrial purposes or temporary storage, or which is deserted (involving about 257 hectares of land)
- Review of industrial land (involving about 60 hectares of land)
- Review of "green belt areas" (involving about 57 hectares of land)
- Review of G/IC sites (involving about 27 hectares of land)

My reply to Mr WU's question is as follows:

- (a) On the definition of "vacant land" mentioned in the Administration's reply to a Member's question on 4 July, please refer to the first paragraph above. Those figures were compiled on the basis of information on land use zonings as at the end of June 2012, which did not include land which was unzoned or for which zoning was being studied. Neither do the figures include land currently zoned "Other Specified Uses" or "Comprehensive Development Area", and land allocated for temporary use as public works sites. As mentioned above, identification of suitable land for housing development is an ongoing task. The Administration will seek to

identify sites potentially suitable for development, assess their development feasibility, and where appropriate, changing the land use zoning through statutory procedures. As the relevant works are still ongoing, at this juncture, we do not have any statistical information about the rezoning of land under "Other Specified Uses" or "Comprehensive Development Area".

(b) and (c)

As described above, not all the land under "Residential" or "Commercial/Residential" zoning are suitable for development. Therefore, "vacant land" area under those zonings is not equivalent to the area of land immediately available for housing or other development purposes. Within the 391.5 hectares of "vacant land" that remains upon deduction of land types such as roads/passageways, man-made slopes, land allocated under the STLA procedures and fragmented sites, 19 sites have been added to the 2012-2013 Application List for land sale (offering approximately 18.9 hectares of land for sale). As for sites that have been handed over to the HA for planned public housing development and sites that are being leased out by way of short-term tenancies, they are counted as leased or allocated land and thus not "vacant land". Apart from the sites which have been included in the Application List as mentioned above, the Administration will continue to identify land suitable for housing development. When there are sites ready for development, they will be allocated for public housing development or added to the Application List. At present, we do not have any statistics of the land mentioned in items (iv) to (vi) of part (b) of the question. The land under long-term planning has been set out in the seventh paragraph above.

(d) Of the 36 G/IC and government sites designated for residential development, 16 (involving about 9.1 hectares of land) are unleased or unallocated Government land. As always, the Administration will review the uses of G/IC and government sites from time to time. If suitable sites are identified for residential development, we will, in accordance with established procedures, change their zoning through statutory procedures for residential purposes. At present, we do not have any statistics on sites that are suitable for residential or youth hostel development.

- (e) The figure provided by the Transport and Housing Bureau in 2010 comprised both government and private sites available for housing development. Thus, it is inappropriate to compare it directly with the Development Bureau's statistics on the total area of government-owned "vacant land". Out of the 391.5 hectares of "vacant residential land" mentioned above, apart from those included in the Application List, the Government will continue to look for sites suitable for housing development and will allocate them for the construction of public housing or add them to the Application List once they are ready for development. As mentioned above, before making further systematic and detailed assessment and verification, we are unable to provide statistics on the area of land within the 391.5 hectares that are suitable, or are being prepared, for residential development.
- (f) The figure provided by the Administration in the reply to a Member on 12 March 2012 was the total land area zoned "Village Type Development" on all statutory plans at that time. What the Annex has set out is the areas of unleased or unallocated land zoned "Village Type Development" on all statutory plans as at late June 2012. The main planning intention of the "Village Type Development" zone in the indigenous villages in the New Territories on existing statutory plans is for small house development by indigenous villagers. The demand for small house development will change because of factors such as birth and growth of indigenous villagers. Besides, whether or not an indigenous villager will apply for a small house grant is a matter of personal decision based on his own circumstances and wishes. Not all eligible indigenous villagers aged 18 years or above will submit an application. It is thus impossible to accurately estimate the land requirement for small house development. Given the prevailing small house policy, the Government needs to reserve a certain amount of land for small house development.
- (g) As mentioned in the second paragraph above, in view of public concerns on the size of "vacant land", we have uploaded the further consolidated and analysed land information to the website of the Development Bureau for public inspection. A summary of such information is set out at Annex.

Annex

Unleased or Unallocated Government Land (in hectares)
(Based on the data from the LandsD's Land Information System as at June 2012)

(1)	Residential ⁽¹⁾						Commercial ⁽²⁾	Industrial ⁽³⁾	G/IC ⁽⁴⁾	Open Space ⁽⁵⁾	Total		
	Residential (Group A)	Residential (Group B)	Residential (Group C)	Residential (Group D)	Residential (Group E)	Commercial/Residential (Group A) to (Group E) and Commercial/Residential						Village Type Development	
	371.8	209.3	182.4	158.6	11.0	19.4	952.5	1 201.2					
	2 153.7							24.6	777.5	742.6	3 996.7		
(2)	Types of land which are considered not suitable for development, not yet available for development, or with low development potential												
	Residential (Group A)	Residential (Group B)	Residential (Group C)	Residential (Group D)	Residential (Group E)	Commercial/Residential	Residential (Group A) to (Group E) and Commercial/Residential	Village Type Development	Commercial ⁽²⁾	Industrial ⁽³⁾	G/IC ⁽⁴⁾	Open Space ⁽⁵⁾	Total
Road/Passageways	171.1	45.8	33.7	17.4	3.9	14.5	286.4	137.3	10.4	86.8	169.0	101.5	791.4
Man-made slopes	55.5	49.2	25.1	11.1	0.5	0.1	141.5	106.9	0.9	28.4	136.2	112.9	526.8
STLA ⁽⁷⁾	29.4	3.6	0.7	2.8	0.9	0.1	37.5	24.1	0.1	1.1	30.9	29.3	123.0
Sites which are <0.05 hectares	50.0	15.8	19.3	6.5	1.9	2.1	95.6	Not Applicable ⁽⁶⁾	7.5	14.3	57	33.4	207.8
(3)	Unleased or unallocated Government land after deducting the types of land above												
Remaining land area (= (1)-(2))	65.8	94.9	103.6	120.8	3.8	2.6	391.5	932.9	5.7	167.7	384.4	465.5	2 347.7

Remarks:

- (1) "Residential" includes land zoned from "Residential (Group A)" to "Residential (Group E)", "Commercial/Residential" and "Village Type Development".
- (2) "Commercial" includes land zoned "Commercial".
- (3) "Industrial" includes land zoned "Industrial", "Industrial (Group D)" and "Open Storage".
- (4) G/IC includes land zoned G/IC.

- (5) "Open Space" includes land zoned "Open Space".
- (6) We have not deducted the sites smaller than 0.05 hectares under the "Village Type Development" zoning.
- (7) Land allocated under the STLA procedures is generally for temporary work sites of concerned departments.

General Planning Intention of the Land Use Zonings:

Residential (Group A)	This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
Residential (Group B)	This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board (TPB).
Residential (Group C)	This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB.
Residential (Group D)	This zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the TPB.
Residential (Group E)	This zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the TPB. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.
Commercial/Residential	This zone is intended primarily for commercial and/or residential development. Commercial, residential and mixed commercial/residential uses are always permitted.
Village Type Development	The planning intention of this zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the TPB.
Commercial	Central Business District/Major Commercial Areas: This zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). These areas are usually major employment nodes.
Industrial	Local Commercial Areas: This zone is intended primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centre(s) serving the immediate neighbourhood.
Industrial (Group D)	This zone is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are also always permitted in this zone.
Open Storage	This zone is intended primarily for industrial uses that cannot be accommodated in conventional flat-floored factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.
	This zone is intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

G/IC	This zone is intended primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
Open Space	This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

Note:

The above only illustrates the planning intention for zonings in a general term, while the planning intention for the same zoning may vary from one plan to another. Please refer to the Notes of the relevant town plan for the exact planning intention for the zone.

Discontinuation of Broadcasting Services by Digital Broadcasting Corporation Hong Kong Limited

17. **MR FREDERICK FUNG** (in Chinese): *President, less than one month after their official launching, all the seven digital audio channels of Digital Broadcasting Corporation Hong Kong Limited (DBC) had discontinued their broadcasting services earlier. In this connection, will the Government inform this Council:*

- (a) *of the latest development of the aforesaid discontinuation of broadcasting services as well as the sequence of events leading to the incident; whether it has assessed the impact of the discontinuation on the public;*
- (b) *whether the authorities have conducted any communication with DBC on the possible discontinuation and carried out any mediations, and so on, so as to avoid the discontinuation of broadcasting services which will deprive the public of the choice of listening to audio broadcasting programmes of high sound quality and originality; if they have not, of the reasons for that, whether they have assessed if their failure to respond is contrary to the policy direction of the authorities in promoting and publicizing the development of digital broadcasting, and is not fair to small enterprises which have imported digital radio sets as well as members of the public who have bought digital radio sets in response to the Government's appeal; and*
- (c) *whether it has assessed the impact of the discontinuation of broadcasting services on the future development of digital broadcasting in Hong Kong; if it has, of the results, including whether the remaining two digital audio broadcasting (DAB) corporations, which have not yet launched their services officially, will be affected; whether the authorities will consider intervening proactively at this stage in the discontinuation of broadcasting services by DBC's digital audio channels and carrying out mediation, and so on, so as to assist them in resuming broadcasting expeditiously, thereby enabling the public to continue to have more choices in listening to audio broadcasting programmes of*

originality, and facilitating the sustainable development of digital broadcasting in Hong Kong?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, in March 2011, the Chief Executive in Council granted DBC, Metro Broadcast Corporation Limited (Metro) and Phoenix U Radio Limited (Phoenix U) sound broadcasting licences to provide DAB services. The three commercial broadcasters, together with Radio Television Hong Kong (RTHK), provide a total of 18 DAB channels in phases. As an independent statutory regulatory body, the Communications Authority (CA) is responsible for monitoring the licensees' compliance with the requirements of the relevant legislation and licence conditions.

The sound broadcasting licences of the three commercial operators require them to formally launch their service within 18 months after the licence grant date (that is, by 21 September 2012). In the licence of DBC, the company is required to provide seven 24-hour programme channels (including a "Talk Radio" Channel, an Ethnic Minorities Channel and two Music Channels, and three other channels which can be a News and Market Update Channel, Leisure Life Channel, Community Channel or Music Channel) at its formal launch. DBC soft launched its services in August 2011 and had formally launched its services by the deadline as required by the licence. Meanwhile, the other three DAB operators (that is, Metro, Phoenix U and RTHK) have also formally launched a total of seven programme channels, and this number will progressively increase to 11.

The Office of the Communications Authority (OFCA) received a written notification in the afternoon of 10 October from DBC on matters relating to its cessation of operation as from 8 pm that day. Since other relevant information was not provided in DBC's written notification, the OFCA wrote to DBC immediately that evening to restate the licence requirements and request DBC to provide detailed information. In the afternoon of 12 October, the OFCA received a written notification from DBC that it would resume broadcasting on 15 October. The OFCA had written to DBC on the same day to seek more details on its resumption of broadcasting and remind DBC of its obligations to comply with the licence conditions and the Telecommunications Ordinance (Cap. 106). After receiving the reply from DBC and gaining more details of the incident, the OFCA will take appropriate follow-up actions in accordance with

licence conditions and the Telecommunications Ordinance. According to the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) and the relevant licence, the CA may impose penalties, such as financial penalty or suspension of licence, if any breach in licence conditions is established.

Since we became aware of the disagreement among the shareholders of DBC, we had followed up closely on developments, maintained contact with its management, and reminded the company to comply with licence conditions. The Commerce and Economic Development Bureau had also twice written to DBC for clarification on media reports, and met with DBC management upon request for more than once. However, we reiterate that individual licensee has the responsibility to handle its internal affairs properly. It is inappropriate for the Administration to interfere with the internal operation of media organizations, nor to play the role of commercial mediator to resolve disagreements on capital injection among the shareholders of a private company. We have time and again appealed that the shareholders of DBC should take into account the expectations and interests of the audience and to resolve their disagreement in a pragmatic manner. Relevant parties can lodge complaints relating to broadcasting services to the independent CA through established mechanism for investigation and follow-up.

We reiterate that it has all along been the Government's policy to support the development of DAB and to strive to enhance the service standard of DAB. This is a clear policy which remains unchanged notwithstanding the recent incidents. Since the grant of the DAB licences, the Government has implemented a series of supporting measures to promote the development of DAB, including the development of infrastructure (for example, allocating over \$46 million to install re-broadcasting system for DAB in 11 Government tunnels, allowing the increase in the transmission power after frequency co-ordination with the Mainland authorities, and so on) and organizing promotional and publicity activities.

DAB is a new broadcasting service. The recent disagreement among shareholders of DBC has resulted in operational problems in the company and affected the development of DAB. But RTHK and the other two commercial broadcasters are currently providing DAB service according to their plan or licence requirements. We hope that the audience will give time and space for this new service to continue to develop.

Land for Residential Development

18. **MR GARY FAN** (in Chinese): *President, it has been reported that as mentioned by the Secretary for Development openly in September this year, the Government has 2 100 hectares of vacant land for residential use at present, of which 1 200 hectares zoned "Village Type Development" can be used for low-density residential development, including New Territories small houses; and excluding that portion of land and the area covering slopes and roads which are not suitable for development as well as the 167 hectares of residential sites in North East New Territories, less than 400 hectares of land is available for residential development throughout Hong Kong. In this connection, will the Government inform this Council:*

- (a) *of the area of the aforesaid "Village Type Development" sites which have been reserved for building small houses, as well as the area of land granted in the past five years and the estimated area of land to be granted in the next five years for building small houses, broken down by District Council district;*
- (b) *after excluding the land reserved for building small houses, whether the Government will consider changing the use of the remaining "Village Type Development" sites for public housing development; if it will not, of the reasons for that; and*
- (c) *of the Government's justifications for not first utilizing the vacant Government land currently available for residential development but instead conducting the North East New Territories New Development Areas Planning and Engineering Study, which can supply only 167 hectares of residential sites?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, my reply to Mr Gary FAN's question is as follows:

- (a) Land under the "Village Type Development" zoning on statutory plans scatter across the territory and is mainly located in recognized

indigenous villages in the New Territories. In general, these sites are not suitable for large-scale development because of their sporadic locations and infrastructural constraints. Of the 1 201.2 hectares of unleased and unallocated Government land in the "Village Type Development" zone, after excluding roads/passageways, man-made slopes and land allocated under the Simplified Temporary Land Allocation (STLA) procedures, there remain 932.9 hectares of land. Their distribution by districts is at Annex.

Between January 2007 and the end of September this year, the Lands Department (LandsD) approved a total of 6 336 small house applications. Parameters such as topography, geographical environment, individual lot size and distribution of these small house developments vary from case to case. Some of them also involve private land. As the compilation of statistics on the total area of land allocated for small house development in the past five years will be labour and time intensive, we regret that we are unable to provide such information.

The LandsD currently has in hand over 10 000 small house applications. The demand for small house development will change with factors such as birth and growth of indigenous villagers. Besides, it is up to the indigenous villagers to decide whether to apply for small house development having regard to their personal circumstances and wishes. Not all eligible indigenous villagers aged 18 years or above will submit an application. The Government does not have information on the future demand for building small houses and is thus unable to provide an overall projection.

(b) and (c)

Under the prevailing small house policy, the Government needs to reserve land for small house development. The main planning intention of the "Village Type Development" zone on existing statutory plans which lies within indigenous villages in the New

Territories is for small house development. As mentioned above, these sites are generally not suitable for large-scale development.

As regards land for public housing development, the Planning Department (PlanD) and the Housing Department liaise closely on the issue and will continue to identify suitable sites for public housing development. Of the 952.5 hectares of unleased or unallocated Government land which are currently zoned "Residential" or "Commercial/Residential", after deducting roads/passageways, man-made slopes, land allocated under the STLA procedures and fragmented sites (sites less than 0.05 hectares in area), there remain 391.5 hectares of land. To meet Hong Kong people's demand for housing and other social and economic developments, the Government needs to continue to expand land resources and increase land supply, which include proceeding with the planning of North East New Territories New Development Areas.

On this front, the Government is adopting a multi-pronged approach to actively expand land resources and build up a land reserve. To increase land supply, the Government has taken six measures, including releasing industrial land; exploring the option of reclamation on an appropriate scale outside Victoria Harbour; rock caverns development; looking into the use of "green belt areas"; examining "Government, Institution or Community" sites and examining agricultural land in North District/Yuen Long currently used mainly for industrial purposes or temporary storage, or which is deserted. The PlanD is also conducting a number of planning and engineering studies on new development areas, as well as land use studies and reviews. These initiatives cover more than 2 500 hectares of land (not including any land under the initiatives of reclamation on an appropriate scale outside Victoria Harbour and rock caverns development).

Annex

Unleased or Unallocated Government Land Zoned "Village Type Development"
 (After deducting roads/passageways, man-made slopes, and land allocated
 under the STLA procedures)
 (Based on the data from the LandsD's Land Information System as at
 June 2012)

<i>District Council</i>	<i>Land Area (Hectares)</i>
Central and Western	0
Wan Chai	0
Eastern	0
Southern	3.0
Yau Tsim Mong	0
Sham Shui Po	0
Kowloon City	0
Wong Tai Sin	0.2
Kwun Tong	6.3
Kwai Tsing	8.5
Tsuen Wan	29.2
Tuen Mun	57.6
Yuen Long	228.4
North	127.7
Tai Po	121.1
Sha Tin	102.1
Sai Kung	142.8
Islands	106.0
Total Area:	932.9

Protection of Rights of Women with Disabilities

19. **MS EMILY LAU** (in Chinese): *President, Article 6 of the United Nations Convention on the Rights of Persons with Disabilities stipulates that "States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal*

enjoyment by them of all human rights and fundamental freedoms". In this connection, will the executive authorities inform this Council:

- (a) whether the authorities have assessed if women with disabilities are subject to multiple discrimination, and if there is a need to formulate policies and services targeting at their special needs; if an assessment has been made, whether it is based on a negative assessment result that the Government has stated in its initial report submitted to the Committee on the Rights of Persons with Disabilities of the United Nations (the Committee) that "[w]omen with disabilities receive rehabilitation services and assistance provided under RPP [the Hong Kong Rehabilitation Programme Plan] on an equal basis as other persons with disabilities"; whether the authorities have assessed, with the aid of the Gender Mainstreaming Checklist (the Checklist), if RPP has taken into account the different needs and perspectives of both genders; if so, of the outcome; if not, the reasons for that;*
- (b) given that some service organizations providing support for women who were victims of sexual violence have found that the proportion of mentally retarded and mentally ill women subjected to sexual abuse is higher than that of other women, whether the authorities will collect information on sexual abuse of such women, study hidden cases and enhance measures to protect these women from sexual violence; and*
- (c) given that government officials indicated at the Committee's meeting to consider the report submitted by Hong Kong that consideration would be given to appointing a woman with disabilities to be a member of the Women's Commission (WoC), when the authorities will make the relevant decision and what criteria they will adopt for selecting this person?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to Ms Emily LAU's question is as follows:

- (a) The Hong Kong Special Administrative Region Government is committed to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promoting respect for their inherent dignity. It has been our policy objective to help persons with disabilities develop their capabilities as well as to build a barrier-free living environment with a view to enabling persons with disabilities to participate in full and enjoy equal opportunities both in terms of their social life and personal growth. These are also the spirit and core values enshrined in the United Nations Convention on the Rights of Persons with Disabilities.

On the other hand, gender mainstreaming aims to ensure that gender needs and perspectives are taken into account by the Government in the formulation of legislation, policies or programmes so that women and men have equal access to and benefit from society's resources and opportunities, thus achieving gender equality in the long run. As such, we seek to make sure that women with disabilities receive rehabilitation services and assistance provided under the RPP on an equal basis as other persons with disabilities. The Checklist was applied when we formulated initiatives in relation to providing community support service on mental health, and community rehabilitation day services, as well as supporting persons with disabilities to adopt information and communications technologies.

The Checklist has been applied to the Central Fund for Personal Computers (the Fund), which is operated by the Social Welfare Department (SWD) with a view to assisting persons with disabilities in securing employment. Apart from ensuring equal treatment in the vetting process for all applicants with disabilities regardless of gender, the SWD has strengthened promotion of the Fund, including more effective dissemination of information to the target groups, including women with disabilities. With these efforts, the ratio of successful female applicants with disabilities increased from 26.3% in 2003 to 40% in 2011.

- (b) At present, the Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases of the SWD collects

figures on newly reported sexual violence cases involving mentally incapacitated victims. The SWD also endeavours to understand the potential risks of sexual abuse faced by persons with intellectual disabilities or mental illness through various channels, including communication and exchanges with service users, front-line service units and related professionals, with a view to identifying hidden cases and providing assistance effectively.

Non-governmental organizations (NGOs) subvented by the SWD have in general the responsibility to ensure that service users are free from verbal, physical and sexual abuse during the period when they are receiving service. NGOs providing rehabilitation services offer appropriate guidance, including sex education, to service users with intellectual disabilities or mental illness according to their needs. The Clinical Psychological Service Branch of the SWD produced a sex education package in 2010 for distribution to rehabilitation agencies to assist their front-line professionals (for example, social workers, psychologists and counsellors, and so on) in providing sex education to adults with intellectual disabilities, with a view to protecting these persons from sexual abuse.

Moreover, the SWD has drawn up the "Guidelines for Handling Mentally Handicapped/Mentally Ill Adult Abuse Cases" for reference by the rehabilitation agencies and casework units in handling relevant cases. The SWD has also drawn up the "Procedural Guidelines for Handling Adult Sexual Violence Cases" to provide guidelines on how to offer assistance to mentally incapacitated victims.

- (c) Members of the WoC come from different sectors. They have diverse backgrounds, and are equipped with different expertise and experience to advise the Government on the advancement of women's interests and well-being. In considering appointment to the WoC, the Administration will, in accordance with the functions and work of the Commission, consider the ability, expertise, experience, integrity and commitment to public service of the candidates and apply the principle of meritocracy.

The WoC has been meeting with local women's groups (including concern groups on rights of women with disabilities) and related NGOs on a regular basis, and participating in regional and international conferences from time to time, with a view to understanding the needs of women (including women with disabilities) and to keeping abreast of the latest development of related issues. To enable the WoC to further listen to the views of people with disabilities on ways to enhance women's development, the Administration is actively considering the appointment of a woman with disabilities to the WoC based on the principles mentioned above. We will announce the decision in accordance with applicable procedures.

Development of Hong Kong as a Fund Management Centre in Asia

20. **MR KENNETH LEUNG:** *President, the Government has introduced measures such as the abolition of estate duty and offshore fund tax exemption in an attempt to facilitate Hong Kong to develop into the premier fund management centre in Asia. It has been reported that this fund management centre role has been challenged by Singapore recently as Singapore has a more accommodating legal and tax regime to cater not only for fund managers but also for funds which seek to establish and to domicile in Singapore. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of investment advisers and asset managers who were licensed or registered, between 2007 and 2011, for Type 4 and Type 9 regulated activities in Hong Kong under the Securities and Futures Ordinance (Cap. 571), and the respective numbers of such investment advisers and asset managers who have given up their licences or registration;*
- (b) *whether the Government has any legislative time frame to amend the Companies Ordinance (Cap. 32) to facilitate the establishment of Open-ended Investment Companies (OEICs);*
- (c) *whether the Government has any plan to introduce new legislation to establish other forms of collective investment vehicles (for example,*

limited liability partnership) apart from OEICs; if not, of the reasons for that;

- (d) whether the Government has any plan to introduce profits tax exemption for onshore funds; if not, of the reasons for that; and*
- (e) whether the Inland Revenue Department (IRD) will be prepared to make further clarification of paragraph 33 of the Departmental Interpretation and Practice Notes (DIPNs) No. 43 on whether investments in bond funds and similar products all within the definition of "specified transaction" and are exempted from profits tax?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY:

President, it is one of our policy priorities to further develop Hong Kong into a major asset management centre in the region. Alongside our fundamental strengths as an international financial centre, including a stable currency with free flow of capital, a rich pool of talents, and a low and simple tax regime, and so on, we have been exploring various initiatives to further promote asset management business in Hong Kong.

With this, I would like to reply to the five-part question as follows:

- (a) During the five-year period of 2007 to 2011, 682 corporations have been licensed by the SFC to conduct Type 4 (Advising on Securities) and/or Type 9 (Asset Management) regulated activities under the Securities and Futures Ordinance. As at end-September 2012, 97 of these requested that the Securities and Futures Commission (SFC) revoked their Type 4 and/or Type 9 licences and they no longer remained licensed by the SFC. There are numerous reasons underlying these requests, including the difficult conditions that have prevailed in the global economy, group restructuring or consolidation resulting in the licensed activities of these formerly licensed corporations being transferred to other group companies, and their business activities were no longer required to be licensed under the Securities and Futures Ordinance.

(b) and (c)

The fund industry has proposed to introduce a legislative framework facilitating the establishment of investment fund vehicles, including OEIC and Limited Partnership in Hong Kong. This may attract more funds to domicile in Hong Kong for the further development of the asset management industry and the financial industry as a whole. Some market participants have, on the other hand, pointed out that the attractiveness of a fund domicile also depends on other factors, and that the availability of more investment fund vehicles may not necessarily bring in more funds. We are studying the proposal and engaging the fund industry to identify measures best suited for our market circumstances.

- (d) At present, profits tax exemptions are available for offshore funds and we are prepared to study proposals to enhance such tax exemptions in the light of market development. As regards onshore funds, we need to examine carefully the overall interests of Hong Kong, taking into account the relevant factors including Hong Kong's competitiveness as an asset management centre and implications for government revenue, before we consider any plan to introduce profits tax exemption for those funds.
- (e) "Specified transactions" are defined in the Inland Revenue Ordinance (Cap. 112) (IRO) to cover typical transactions carried out by offshore funds in Hong Kong qualifying for profits tax exemption. Specifically, Schedule 16 to the IRO contains a list of "specified transactions" which include six categories of transactions, namely, a transaction in securities; a transaction in futures contracts; a transaction in foreign exchange contracts; a transaction consisting in the making of a deposit other than by way of a money-lending business; a transaction in foreign currencies; and a transaction in exchange-traded commodities. In particular, "securities" means, among others, bonds and funds. The DIPNs, on the other hand, serve to provide the interpretation and practices of the IRD in the implementation of individual provisions of the law, including the IRO, administered by the IRD. The DIPNs have no legal binding force. Considering the above, the Administration does not consider it necessary to make further clarification in the DIPNs.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. There are a total of four Members' motions for this meeting.

First Member's motion: Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2012.

I now call upon Mr Andrew LEUNG to speak and move the motion.

PROPOSED RESOLUTION UNDER SECTION 34(4) OF THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR ANDREW LEUNG (in Cantonese): President, as decided at the House Committee on 12 October 2012, a Subcommittee was formed to study the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2012.

Members also agreed that I would propose to move a motion, in my capacity as Chairman of the House Committee, to extend the scrutiny period of the Order to 7 November 2012, so to allow the Subcommittee sufficient time for deliberation.

President, the content of the motion has been set out on the Agenda. I urge Members to support the motion.

Mr Andrew LEUNG moved the following motion:

"RESOLVED that in relation to the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2012, published in the Gazette as Legal Notice No. 109 of 2012, and laid on the table of the Legislative Council on 11 July 2012, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) and deemed to be extended

under section 34(3) of that Ordinance, be extended under section 34(4) of that Ordinance to the meeting of 7 November 2012."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Andrew LEUNG be passed.

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

MS CYD HO (in Cantonese): Yes, President, I wish to speak, but the indicator light did not blink after I pressed the "Request to speak" button.

President, as the request to extend the effective date of the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2012 was put forward by me, I would like to put on record the reasons for requesting an extension.

In fact, this is a very simple resolution in terms of legal principles, which merely hands over the management of the West Kowloon Waterfront Promenade from the Leisure and Cultural Services Department (LCSD) to the West Kowloon Cultural District Authority (WKCDA). However, in the course of such power transfer, we must clarify the changes in the cultural policies of the WKCDA and the LCSD. As Members may be aware, the LCSD has inherited a set of outdated regulations from the former Municipal Councils and this set of regulations has imposed many restrictions on the use of public spaces by members of the public. For example, people are not allowed to lie on the grass of the park, which means that people are prohibited from bathing in the sun in public spaces. Furthermore, they are not allowed to sing and play musical instruments in parks unless a licence has been granted, and the application procedure for licence is nonetheless very complicated. These restrictions have run counter to the SAR Government's aim of promoting free public use of the land set aside in the WKCD for cultural activities and the development of indigenous cultural policies.

We have asked the WKCD Authority time and again if it would adopt the outdated, inappropriate and restrictive laws inherited from the former Municipal Councils in governing this piece of cultural land. The new Chief Executive Officer of the WKCD Authority replied in the negative, explaining that the WKCD Authority will, as far as practicable, give full liberty to members of the public and give them more freedom and room to let their creativity flow. As such, President, we need to set up a Subcommittee to study the legal framework that the WKCD Authority will put in place to exercise its management right after the takeover. Will it manage under the West Kowloon Cultural District Authority Ordinance, or introduce new elements to the Ordinance so as to enable members of the public to use this public space at will rather than imposing the outdated laws and restrictions inherited from the former Municipal Councils? Whichever way is adopted, what will be the way forward for our legal framework in the future?

Therefore, President, I hope that the Subcommittee formed will seek clarification from these two departments within the shortest time and give a satisfactory response to the community and people who care about the development of cultural policies after the scrutiny.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Mr Andrew LEUNG, do you wish to speak again?

(Mr Andrew LEUNG shook his head to indicate that he did not wish to speak again)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Andrew LEUNG 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 respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

PRESIDENT (in Cantonese): The second and third Members' motions. These are two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of motions each may speak, including reply, for up to 15 minutes, and have another five minutes to speak on the amendments; the movers of amendments each may speak for up to 10 minutes; and other Members each may speak for up to seven minutes. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

Second Member's motion: Urging the Government to withdraw the curriculum guide of Moral and National Education subject and requesting the Secretary for Education, Mr Eddie NG, to step down.

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

I now call upon Mr IP Kin-yuen to speak and move the motion.

URGING THE GOVERNMENT TO WITHDRAW THE CURRICULUM GUIDE OF MORAL AND NATIONAL EDUCATION SUBJECT AND REQUESTING THE SECRETARY FOR EDUCATION, MR EDDIE NG, TO STEP DOWN

MR IP KIN-YUEN (in Cantonese): President, as a newcomer to the Legislative Council, I am very honoured and happy to propose the first motion of this legislative term. Members may recall that due to filibuster, the very last motion

of the previous term of the Legislative Council was moved by my mentor and friend, Mr CHEUNG Man-kwong, who represented the education sector, and the motion was about defending academic freedom and institutional autonomy. Being the former and the incumbent Members representing the education sector, Mr CHEUNG Man-kwong and I both belong to the Hong Kong Professional Teachers' Union (HKPTU). It is a fortunate coincidence that I have taken the baton to promote our work in this Council. I will certainly work hard to do better in the hope of safeguarding the interests and well-beings of Hong Kong people and the education sector.

While I said earlier that I am very honoured and happy to propose the first motion of this legislative term, the community and the education sector may not be rejoiced by the content of the motion which I am going to elaborate. Over the past few months, Hong Kong has been ripped apart by the Government's intention to forcibly introduce the Moral and National Education (MNE) subject disregarding public opinion. The row has resulted in confrontation between the Government and the public, and given rise to a series of rigorous actions. Hong Kong people are therefore in grief and sorrow, and the culprit is the SAR Government.

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

Two years ago when Donald TSANG proposed in his Policy Address to introduce a standalone MNE subject in primary and secondary schools in the 2013-2014 academic year, the HKPTU had aired repeated opposition as a framework for Moral and Civic Education has already been established, which also covers national education. What is more, if we look around the world, we will find that although many countries stress national education, none of them has treated it as a standalone subject and mandatorily introduced it in primary and secondary schools. Members may imagine that if Japan introduces "National Education" as an independent subject, other countries will definitely interpret it as a revival of militarism.

Members may also notice that China and Singapore also stress national education, but it is not taught as an independent subject. The subject title "MNE" does not only sound restrictive, but also fails to broaden students' vision

as a citizen. So, why does the Government insist on using the subject title "MNE" and mandatorily requiring all primary and secondary schools in Hong Kong to introduce the subject? This fully reflects the will of the Chief Executive to intervene in the teaching profession and undermine its independence.

Deputy President, I must reiterate that Hong Kong students should receive national education. Who will oppose the idea of understanding and caring about China? We merely oppose the brainwashing education. We hope that national education would and should be based on thorough understanding, as well as respect the personal experience and sentiment of individual students, thereby developing their independent thinking, with a view to broadening their vision as a world citizen and instilling in them an affection for their homeland. This is the civic or national education that we pursue. We do not want biased, mandatory or the so-called brainwashing political indoctrination. We consider that a genuine patriot loves his country not merely because it is strong, economically prosperous or offers actual benefits. Our care for the country will not diminish even if it is poor or having shortcomings; we want to promote the country in defending core values such as integrity, human rights, freedom, democracy and rule of law. Nonetheless, as we can see, the progress is not satisfactory at all. We learn that some officials responsible for curriculum development in the Education Bureau rebuked our teachers in the consultative meetings, saying that the so-called universal values were western values, which were tools to put pressure on China.

Members may recall that Permanent Secretary Mrs Cherry TSE once said that, "The so-called 4 June incident was just gravels in history." Worse still, in response to issues relating to the MNE subject, an official from the Liaison Office of the Central People's Government in the HKSAR even said, "Some say that the implementation of MNE should not be subject to the instructions of the Central Government, how then can this be regarded as national education?" All these gave us a strong impression that the launching of the MNE subject is, after all, a political mission.

On 17 September, I announced in a press conference that I would apply to the Legislative Council to propose a motion on behalf of people who oppose the MNE subject, and it contains three main points: First, to urge the Government to withdraw the curriculum guide; second, to urge Mr Eddie NG to learn a lesson from this and step down; and third, to urge Mr LEUNG Chun-ying to express

regret for his mishandling of the incident. During this period of time, the HKPTU and I had received many supportive responses, and before I formally proposed this motion, Ms Anna WU had invalidated the curriculum guide, followed by LEUNG Chun-ying's announcement to shelve the curriculum guide. The sequence of events reflected that some successes have been attained through our hard work, even before the motion has been proposal. Of course, the main impetus comes from the unswerving efforts and perseverance of the people who had been gathering outside this Council. Today, it is apparent that our focus will shift to the second part of the motion, that is, the responsibility borne by the Government in the course and what can be done to ensure that similar proposals will be properly handled in the future.

Deputy President, regarding the serious blunders on the part of public officers in the incident, I think the Secretary for Education, Mr Eddie NG should be the ringleader. Let me summarize his seven sins. The first sin, a layman leading the professionals. As Members may be aware, the Secretary is neither familiar with the education sector nor well-versed in education issues and policies. He fails to understand issues concerning the MNE subject or the crux of the matter involved. For those who have met and discussed with the Secretary on this topic, be they members of the public, teachers, students or parents, they all find that the Secretary "has not done his homework". The issue is so important that the Secretary is often caught in a quandary.

The second sin is precisely being caught in a quandary. On the sixth day after Mr Eddie NG took office, he made a very good response when people asked him for his comments on *The China Model: National Conditions Teaching Manual* (Teaching Manual). He said, "..... I do not intend to have such brainwashing effect and I personally resent this idea; I also consider that the Teaching Manual is rather biased in its content." This is his best performance since he took office. However, his attitude and practice subsequently changed amidst serious criticisms from key members of pro-China bodies. Three days later, Mr Eddie NG revised his remarks, saying that an overall assessment of the Teaching Manual should not be made on the basis of page 10 alone. He then went on to say that a review could be conducted after the introduction of the subject. The fact that he has been caught in a quandary and wavered in his stance is attributable to his lack of understanding of the implications of education policies.

The third sin is his secret visit to Beijing, which is a betrayal of our autonomy. Within a fortnight of his resumption of office as the Secretary for Education, he put aside the thorny issue relating to the introduction of the MNE subject and paid a secret visit to Beijing. This has not only seriously undermined people's right to know, but has also departed from the policy objectives of being open and transparent which the SAR Government has stressed all along. Did he visit the Minister of the State Ministry of Education in Beijing for the purpose of taking instruction from him? We have strong reason to suspect that he has violated the principles of "one country, two systems" and "Hong Kong people ruling Hong Kong", and he has also neglected education autonomy as enshrined in the Basic Law.

The fourth sin is selectively listening to supporters' views while disregarding public opinion. Mr Eddie NG once made a very stunning remark in a radio programme. He said, "Only tens of thousands of people participated in the demonstration, while the silent majority supported national education". Members of the public were taken aback by his remark, thinking that he was defiling public opinion. People were infuriated. Worse still, Mr Eddie NG has, on the other hand, received many other organizations and individuals in the hope of using them to balance public opinion. While he has every right to receive different organizations, he should also hold conversations with the opponents openly and frankly. His negligence of public opinion has infuriated members of the public.

The fifth sin is his evasive attitude and lack of commitment. Mr Eddie NG has a lame image in the row over the MNE subject. He did not show up very often, but if he did, he would choose to hide behind other public officers. We hope that our Secretary for Education would display greater commitment, competence and credibility in the face of the general public.

The sixth sin is his incompetence in negotiation and imperfect judgment. The Secretary's political stratagem was called into question. I was present throughout the entire process of negotiation and protests, and we had seen Ms Anna WU and other public officers actively participating in the mediation. However, we rarely saw Mr Eddie NG. Due to his imperfect judgment, opportunities of settlement had been missed time and again throughout the entire negotiation process.

The seventh sin is mandatorily introducing the subject on the pretext of school-based management, which has put schools in a very difficult position. The Government reiterated the autonomy of schools on the one hand, but highlighted that such autonomy only confined to the decision pertaining to the introduction of the subject one year, two years or three years later. As such, the schools have to implement government policies on the one hand, but stand the pressure from parents and the alumni, thereby putting the schools in a quagmire.

Deputy President, having said that, our Secretary — being a layman to lead the professionals; taking a wavering stance; being caught in a quandary; visiting Beijing in secret; betraying autonomy; neglecting public opinion; being evasive; lacking the commitment; failing to mediate and making imperfect judgment; mandatorily introducing the subject on the pretext of school-based management, thereby putting the schools in a quagmire — is he the desirable Secretary under the Political Accountability System? Mr Eddie NG should bear the political responsibility, take the blame and step down.

As for Mr LEUNG Chun-ying, his image has given rise to much concern as people often suspect that he is a representative of the Central Authorities or even an underground member of the Communist Party. He must clearly and decisively tackle the issue. With regard to the internal co-ordination of the government team, it appears that he is again incompetent. It seems that in the course of negotiation, many conflicts have arisen between the Education Bureau and other departments and the popularity rating of Mr LEUNG Chun-ying will continue to drop. Under this circumstance, I hope that LEUNG Chun-ying will stop saying that he is playing a messy chess game. He must seriously review and improve his governance.

Finally, I want to say that the incident is not only a very good demonstration of the awareness of people's power, it also shows how the Government has been caught in a dilemma. While there is much to be delighted and worried, I hope that after this discussion (*The buzzer sounded*) we will have a better future. Thank you.

Mr IP Kin-yuen moved the following motion: (Translation)

"That, given the Government's introduction of the Moral and National Education subject in primary and secondary schools, despite the public's

strong queries about the objective of the subject being political indoctrination and brainwashing education, the Government still adamantly refuses to withdraw the curriculum guide of the Moral and National Education subject, this Council strongly condemns the Government for disregarding public opinion, and urges the Government to immediately withdraw the curriculum guide of the Moral and National Education subject; the Secretary for Education, Mr Eddie NG, has seriously mishandled the incident, including repeatedly refusing to have open dialogue with teachers, parents and students opposing the introduction of the Moral and National Education subject while selectively listening to supporters' views only, and saying that the silent majority not participating in the parades are in support of national education, and the number of protesters is not important; Eddie NG's acts and remarks in the incident have caused intense public discontent and indignation, leading to the continuous deterioration of the incident and confrontation between the Government and the public; in addition, a survey conducted by the Public Opinion Programme of the University of Hong Kong has shown that the net support rating of Eddie NG has dropped to minus 32%, which is the worst among the 12 Directors of Bureaux; Eddie NG lacks the commitment, credibility and competence that accountability officials should have; in this connection, this Council urges Eddie NG to bear political responsibility for the incident, take the blame and step down; in addition, given that the Chief Executive, Mr LEUNG Chun-ying, has mishandled the incident, failed to pro-actively respond to public opinion and triggered public resentment, this Council expresses regret at Mr LEUNG Chun-ying."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr IP Kin-yuen be passed.

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

DEPUTY PRESIDENT (in Cantonese): As one of the Members Mr LEUNG Kwok-hung is unable to attend the meeting, I will first call upon Dr Kenneth CHAN to speak, to be followed by Mr Frederick FUNG; but they may not move the amendments at this stage.

DR KENNETH CHAN (in Cantonese): Deputy President, in the past summer, the slogan that we heard most in the streets as well as outside the Central Government Offices and the Legislative Council Building is "Act of Conscience, Save Our Kids". If our Government really has the conscience and public officers — especially Secretary Eddie NG — genuinely wish to protect the children of Hong Kong, who are our next generation, Members need not propose this motion today to reprimand the Government and call on the Secretary to step down. Though the curriculum guide has now been shelved, in reviewing the whole process with regard to the Secretary's handling of the issue as well as the overall performance of the Government, I can only say that the Government has aroused increasing concern, dissatisfaction and resentment in the few months after it took office. During the consultation exercise conducted last year, hundreds of people (mostly students) staged protests to express their concern and dissatisfaction. Yet, at an advanced stage, hundreds of thousands of people had come out each night to get even with you, but you were nowhere to be seen. Therefore, today, we have to debate on this motion, hoping that the Secretary will reflect deeply and give us a clear account.

Secretary Eddie NG, I wonder if you still remember that as early as 3 July 2012, former Member Miss Tanya CHAN and I wrote a letter to you, and I am still waiting for your reply. From my discussions with friends (mainly from the academia) on different occasions, I learnt that their impression of you is pretty negative. In their view, you do not have any belief, depth of thought and vision. Perhaps I should add one more thing, which is precisely the concern raised by the Chief Secretary for Administration earlier, and that is, you lack the competence of enforcement. The only asset you have is probably your strong backing. But is this sufficient for you to become a competent Secretary for Education? Being a greenhorn, are you capable of overseeing education affairs?

Today, my amendment is to reiterate the significance of core values to Hong Kong. To safeguard our core values and further strengthen the importance

of the core values that we currently have, we must properly perform our gate-keeping role in education. However, the brainwashing national education subject has posed a threat to these core values. Instead of introducing the national education subject, friends from the education sector have, on various occasions, said that in order for our children, our next generation and Hong Kong people to gain a better understanding of China, the Chinese History subject should be enhanced. During the colonial era, Chinese History was taught in schools. Many teachers, school principals and parents have queried why the Chinese History subject has become an optional subject during the reign of the SAR Government after the reunification. While learning the past of a country is very important, it is equally important to look into the mistakes made by leaders in various dynasties and in contemporary China. The purpose of learning the lessons from history is to prevent the recurrence of the serious mistake of handing over the leadership to a small group of blindfolded people, which might lead to disastrous blunders.

In the case of Hong Kong, we consider that apart from providing resources to improve the teaching and research work of the Chinese History subject, civic education is also essential in safeguarding the core values. Actually, the teaching of civic education in Hong Kong will certainly achieve certain effects in the long run. According to the findings of the International Civic and Citizenship Education Study conducted in 2009, Hong Kong students were ranked number five among the 38 participating countries or regions in terms of knowledge and performance in civic education and qualities. This proves that certain effects have been achieved. Our young people should be prepared to take up the responsibility of a citizen by learning their rights, and taking concrete actions to become the future masters of Hong Kong, which will be ruled by Hong Kong people under democracy. Nonetheless, our work in civic education has yet to be done. According to an updated research and study released in recent days — For instance, in the book entitled *Citizenship Education Made in Hong Kong* written by two scholars from the Hong Kong Institute of Education, it is mentioned that a lot of work has to be done in a more serious manner, particularly in consideration of the fact that we often talk with no actions taken. Worse still, our education lacks the action guide and direction, thus we might have missed the two aspects of critical thinking and the promotion of social reform. Therefore, apart from the teaching of the Chinese History subject, more efforts, resources and time should be devoted to civic education so as to enable our next generation to fulfil the important mission of being good citizens.

The Government has provided some \$500,000 for schools to launch the Moral and National Education (MNE) Curriculum. And yet, as the curriculum guide has been shelved, we are anxious to know if the resources provided can be redeployed by schools at their wish, say to redeploy the resources to the Chinese History subject and civic education but not the MNE subject alone. Members may have heard about religious school sponsoring bodies ordering their schools not to use that sum of money. If, in pushing through a certain policy, the Government forced schools to reluctantly accept the relevant resources, but it ended up that the resources remained unused, should the Government bear the major responsibility? I also notice that the resources were often destined for the pro-China camp or leftist groups. I learnt from the newspaper that while the amount of resources provided in 2006-2007 was \$5 million, it jumped year-on-year to \$35.3 million in 2007-2008, and even reached \$95.7 million in 2011-2012. It was a huge increase of 18 times within six years. It can be said that the Government is eager to implement the national education subject at all costs. It has even published a weird manual called *The China Model* which I am holding.

It is of paramount importance that Hong Kong should put civic education into practice with concrete actions. During the 15 years after the reunification, the authorities had forcibly proposed the enactment of legislation to implement Article 23 of the Basic Law in 2003, and attempted to implement the brainwashing national education in recent years. All these have undermined and threatened our core values. Regardless of whether a soft or hard approach has been adopted, we, as gate-keepers, must say "no" to these government practices. I therefore hope that Members will actively express their views on today's motion. They should do so for those Hong Kong people who have gone on a painful hunger strike in the past few months. These people have risked their lives to accuse the Government and Secretary Eddie NG for the unsatisfactory performance. They claimed that Eddie NG is not fit to be the Secretary for Education. Secretary Eddie NG, it is now too late to mend the fold. At present, the greatest concern of parents, teachers, students and the education sector is that "it is easy to dodge a scheme implemented publicly, but hard to guard against actions conducted in the dark". They worry that the brainwashing element may be filtrated into different subjects in disguise, in an attempt to turn our next generation "red".

This morning, the Chief Executive mentioned about Hong Kong's high mountains and deep sea. Perhaps I should add on by referring to the vast sky.

Secretary, the sky is really big if you can take one step back. Please step down. Thank you, Deputy President.

MR FREDERICK FUNG (in Cantonese): Deputy President, I think no politicians would have expected the great sensation caused by the Moral and National Education (MNE) subject in the past few months. First of all, the SAR Government, with all sorts of political resources and real power in hand, has acted in hindsight and failed to take the right move. Its actions had stirred up even more trouble and torn the society further apart.

The pro-establishment camp was no better. Not only did they have no sight of direction, they even have their "butts directing the brain". They kept repeating the annoying cliché that it was "perfectly justified" to introduce the MNE subject and paid no heed to the people's worries. Their loyalty to the Communist Party has made them lose their sense of right and wrong.

Of course, as a member of the democratic camp, I cannot deny that we have lagged very much behind the rapid development of the MNE movement. With the magnificent scale and strong momentum of the movement; the vivacity, tolerance, diversity and solidarity of the civic society; the strong charisma of the young people, as well as their wisdom in making contacts with officials and their sense of propriety, this movement had gained fruitful success. We, the democratic camp, including myself, should learn humbly from this movement as it has become the model for our future campaigns in promoting democracy. We must give a good thought to it.

Deputy President, parents usually have grave concern about the education of their children and how they will be molded. But what had driven them to take to the streets with the old and the young under the burning sun, to demand for the shelving or even withdrawal of the MNE subject? In early July, the serious bias revealed in *The China Model: National Conditions Teaching Manual* published by the National Education Services Centre was obviously the last straw.

In that manual, the Communist regime in China is portrayed as a highly civilized government which came to power with the tide of China's development, and it has evolved to become a progressive, altruistic and highly united ruling

party. On the contrary, the changeover of political parties in Western countries is depicted as arousing serious partisan fights and causing suffering of the people. Hence, the political system of China is comparatively superior! How can such political propaganda and advocacy, which sing praises to the ruling class and biased in views, be incorporated in the school curriculum with government subsidies? How can such exposition and biased views be rigidly promoted as facts and included in a manual for teachers' reference?

What is more shocking to the community is that the Education Bureau has issued a questionnaire to assess the level of patriotism of primary and secondary students based on their emotional responses. From the above, it is evident that the process of introducing national education is riddled with flaws and biases. The subject has not been developed in line with the curriculum guide and in essence, there is an element of political indoctrination which induces students to love the country blindly, without leaving room for them to think from a wider perspective.

Unfortunately, the Government failed to make things right immediately by shelving the MNE subject and reviewing afresh the overall approach to introduce national education. On the contrary, it has acted against people's wish and turned a blind eye to tens of thousands of protesters. Worse still, it mobilized conservatives and pro-establishment supporters to rival the protesters, with an attempt to exacerbate social conflicts. It has also tried to put the blame on the people, accusing them for not reading the guidelines carefully; hence implying that they have been misled. The Government further said that its governing authority would vanish if it backed down, and that the effectiveness in governance would be undermined if the Government overturned its decision after consultation.

What was more, the Government had made a fuss by setting up the Committee on the Initiation of Moral and National Education Subject to consider opposing views. However, the Government had stated from the outset that the Committee would not back off. It simply tried to adopt conventional means to absorb or suppress the strength and impetus of the opposition party through the procedure and size of a committee.

LEUNG Chun-ying and his fans have also played with language "hypocrisy", making statements like "between withdrawing and going ahead with

the MNE subject, we now see many possibilities of handling the situation", "we are willing to have dialogue with those who oppose to the introduction of the MNE subject, but there cannot be the premise that the subject must or must not be withdrawn" and "there is no question of 'withdrawal' since the MNE subject will not be introduced mandatorily in this September". These statements may appear right but they are actually wrong; they are just craps, stating that no concessions will be made. This kind of empty statements are just too numerous to mention.

And yet, I have not mentioned that the Secretary not only showed no concern for the aspirations of students and parents going on a hunger strike, but also distorted the fact by claiming that the silent majority who had not joined the demonstration were in support of national education.

Hong Kong people are clever and smart. We are all aware of how good LEUNG Chun-ying is in telling lies. No matter how he has played with words, such as using double-negative, hypothetical acknowledgement and positive negation, or putting on a show by showing concern to students in the civic square, the public would hardly be convinced. The more he tries to beat around the bush, evade questions and overact, the more it reflects that he has a guilty conscience. The public will become more convinced that he is insincere and have greater doubt of him. How come he does not understand such a simple logic?

Furthermore, the Government had, by fair means or foul, introduced the MNE subject. It had even manipulated the tearful Chief Secretary Carrie LAM and made good use of her remaining popularity. LEUNG Chun-ying, why do you have to go for broke? For the sake of election? Or accomplishing one of the four major missions given by the Central Government? Or do you, LEUNG Chun-ying, believe from the bottom of your heart that this type of brainwashing national education is "perfectly justified"?

On the day before the Legislative Council Election, the Government finally decided to drop the deadline for implementing the MNE subject in three years. However, on the very same day, LEUNG Chun-ying blamed the former Government for leaving him with this trouble and said that he had nothing to do with it. If he could just gloss over the issue and put his blame on others, why did he behave in such an obstinate, ruthless, determined and uncompromising manner some time earlier?

The contradictions involved are beyond us. Deputy President, the only possible explanation is that Chief Executive LEUNG Chun-ying does not fully understand Hong Kong's situation; he does not attach importance to the core values of Hong Kong people; and he does not appreciate the importance of the freedom of thought and academic freedom. We must keep ourselves away from the manipulation of thought in Mainland China. We hope that our children can have independent thinking and moral integrity. We want them to live in a free society which respects human rights. We do not want them to become economic animals which will only come to terms with reality. We do not want "one country" to become absolute, with "two systems" fading out. Chief Executive LEUNG Chun-ying, do you understand?

The repeated interference and exertion of pressure by the Central Government, as well as the rude intervention of local administration by the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, have caused great anxieties to our society. In *People's Daily* and *Global Times*, the mouthpieces of the Central Government, there were a number of articles supporting the Government to introduce the MNE subject. The authors also criticized those who oppose MNE in Hong Kong as "being 'brainwashed' by the British colony era and Western ideology".

In fact, this view clearly reveals the long-term prejudice of Beijing and the leftists against Hong Kong as they believe that Hong Kong people have been badly influenced by the colonial government. While the sovereignty of Hong Kong has been returned, Hong Kong people still do not identify with the Mainland. Therefore, national education is a means to rectify this so-called mistake. Regrettably, they choose to turn a blind eye to the keenly-felt pain of Hong Kong people for catastrophes that happened in the Mainland and our generous donations; as well as our heartfelt pain and condemnation for the violation of human rights in the incidents of LIU Xiaobo and LI Wangyang. These are rightly our sentiments to our country and our sense of patriotism. We, Hong Kong people, show our patriotism through upholding our core values. LEUNG Chun-ying, are you aware of that? LEUNG Chun-ying, do you understand? Our government officials, do you understand?

Unfortunately, Chief Executive LEUNG Chun-ying chooses to follow the will of Beijing and the leftists. He tries to make "one country" absolute and obscure "two systems", giving up the core values that we treasure. Therefore,

we must speak up and stop this move. After this incident, our civic society has developed to a point of maturity. We cannot resign ourselves to death. Our officials cannot possibly misunderstand or ignore our demand, more so for our Chief Executive. Chief Executive, will you draw on this lesson or will you prefer to remain unchanged?

Deputy President, I so submit to support the original motion and its amendments.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I will first give an overall response to the motion moved by Mr IP Kin-yuen, as well as the amendments proposed by Dr Kenneth CHAN and Mr Frederick FUNG.

Regarding the background to the introduction of the Moral and National Education (MNE) subject, one will note that this subject is nothing new. In the report titled "Learning to Learn — The Way Forward in Curriculum" issued by the Curriculum Development Council (CDC) in 2001, it has specified that "understand their national identity and be committed to contributing to the nation and society" as one of the seven goals for students to achieve. Essential elements of moral and national education are incorporated into the respective key learning areas, subjects and related learning experiences to train talents for Hong Kong.

The third-term Chief Executive, in delivering the Policy Address 2010-2011 in October 2010, stated that the CDC would be invited to review the curriculum framework for moral and civic education at primary and secondary levels. To further strengthen national education, the MNE subject would be introduced to cultivate students' moral character and national identity in a systematic and sustainable manner.

In order to prepare the Curriculum Guide and conduct relevant consultations, the CDC set up the Moral and National Education Ad Hoc Committee (the Ad Hoc Committee) in November 2010, with scholars, principals of primary and secondary schools, teachers and members of non-governmental organizations as its members to discuss the curriculum and other relevant arrangements of this subject.

After the Consultation Draft of the Moral and National Education Curriculum Guide (Primary 1 to Secondary 6) was published in May 2011, the Ad Hoc Committee and the Education Bureau jointly launched a four-month consultation on the curriculum. They sought feedbacks on the Consultation Draft widely from different sectors of the society through various channels and received more than 1 000 submissions. The Legislative Council Panel on Education had also discussed the curriculum guide and held a public hearing which lasted for two whole days.

The revised curriculum guide had incorporated the major views of different sectors. The major revisions include: emphasizing that the introduction of this subject was not for the purpose of brainwashing or political indoctrination; giving a further highlight to the connection between universal values and this subject; explaining that this subject would not overlap with other learning areas/subjects or learning experiences/activities; reiterating that this subject would not just mention the bright side or avoid sensitive issues; stating that pluralistic evaluation would have an important role in the assessment of this subject; so on and so forth. The curriculum guide had been revised significantly, with the relevant chapters almost being rewritten to provide more specific and appropriate suggested guidelines and examples on teaching, as well as further explaining how controversial issues should be taught.

Given the public's concern about the introduction of the MNE subject, some actions had been taken in the period between June and August 2012. Despite the fact that the final draft of the curriculum guide was published in mid-April and implemented in mid-May, the Government continued to listen to the views of different sectors after issuing a relevant circular to all schools. In view of the public's concerns and worries over the MNE subject, the Government announced on 29 July that it would expeditiously set up the Committee on the Initiation of Moral and National Education Subject to be chaired by Ms Anna WU and with wide participation to advise the Government on the introduction of the MNE subject.

Regarding policy amendment, the Government made a statement on 8 September 2012 to amend the relevant policy after considering the community's views, concerns and worries on the MNE subject. Under the amended policy, school sponsoring bodies and schools can decide on their own whether to implement the MNE subject on the basis of their professional judgment and

philosophy, whether it should be launched as a standalone course and, if they choose to implement the subject, determine the format and timetable for its implementation. The deadline for implementing the subject was removed at the same time. Here, I must emphasize in particular that I am not talking about national education as a whole but only the MNE subject itself.

The Committee on the Initiation of Moral and National Education Subject held a number of meetings in September and October. It supported the Government in making a significant amendment to the Policy on the MNE Subject on 8 September. On 8 October, it made a collective decision formally and recommended the Government to formally shelve the curriculum guide of the MNE subject. The Government accepted this recommendation on the same day. The Education Bureau also responded immediately by stating that it would no longer request schools to adopt the curriculum guide and would not use it as the basis for school inspection. Since the curriculum guide has been shelved, there is no need to review or make changes to it.

If school sponsoring bodies and schools autonomously decide to introduce the MNE subject based on their professional judgment, the Government and the community should respect and have confidence in them. Schools may freely adopt any teaching guides and relevant teaching resources that their professional judgment deems appropriate. Hence, the Government will not prescribe any rules on how this should be done, nor will the Government provide any mandatory or official curriculum guide in respect of the MNE subject.

It is the unanimous view of the Committee on the Initiation of Moral and National Education Subject that moral, national and civic education is an important facet of school education, and that whole-person development should include knowledge about one's country, understanding of one's national identity and awareness of such core values as inclusiveness and diversity in the wider society. Therefore, it is only natural that students be taught moral, national and civic education.

Just now, Hong Kong's comprehensive history education was mentioned. In Hong Kong, the subjects of Chinese History and World History have long been offered in secondary schools. These two subjects complement each other in helping students establish their dual identity as both a national and a citizen of the world. Offering two history subjects does not only facilitate students to learn

from the past and gain insight into present events, it also plays a role in our cultural inheritance since learning history allows students to know about the origins of values which we hold dear (such as democracy and freedom), understand the development of society and develop their independent thinking and analytical ability. The Education Bureau has attached great importance to all these advantages.

History education in local schools has been greatly improved after the reunification. Before the reunification, most of the secondary schools in Hong Kong, with the exception of the former prevocational school, would offer World History and Chinese History to their junior secondary students as two independent subjects. As for senior secondary students, these two history subjects were only electives and students might choose whether to take them or not. After the reunification, in order to provide primary and secondary students with a wide and balanced curriculum, the authorities have introduced the element of Chinese History into General Studies for primary schools and made Chinese History a compulsory subject for all junior secondary students, with Chinese being the medium of instruction. Compared with the situation before the reunification, that is, prevocational schools did not offer the subject of Chinese History to their students, our present position is that all junior secondary students in the 450 secondary schools across the territory will have to study Chinese History which covers history from ancient times all the way to 2000 A.D. The time spent on teaching these two history subjects also nearly doubles that in other countries or places. Moreover, schools are allowed to adopt different teaching approaches according to their own situation and the needs of their students. For senior secondary students, these two history subjects are still electives as they were before the reunification.

Next, I would like to talk about civic education, an important issue which has just been mentioned. The Education Bureau has all along been paying heed to civic education. In 2001, the introduction of moral and civic education was accorded as one of the four key tasks under the Curriculum Reform to foster the whole-person development of students. In 2008, the Education Bureau revised the curriculum and introduced the Revised Moral and Civic Education Curriculum Framework to cope with the changes of society and the needs of students. Civic education is not new to schools. All the relevant subjects in primary and secondary schools have included the element of civic education, and this element has also been incorporated in different learning experiences and

activities. As a matter of fact, the objective of introducing civic education is the same as that of introducing national education in Hong Kong, that is, to cultivate the analytical ability of students so that they will be able to think critically and make rational decisions. Therefore, these two subjects are not mutually exclusive.

Here, I would like to point out that the research on civic education conducted by the Hong Kong Institution of Education as mentioned by Dr Kenneth CHAN is part of a research sponsored by the Education Bureau. As for the sum of \$530,000 mentioned earlier, it can be used for the curriculum of civic education.

In conclusion, I have just talked about the development of moral education, national education, civic education and history subjects. The Education Bureau is well aware that inclusiveness and diversity are among the core values of Hong Kong, and that we should respect different views given by different organizations and people in society. We are willing to listen to the views of Members, and I will further give a consolidated response after listening to other Members' speeches. Deputy President, I so submit.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Deputy President, I will give my response after listening to the speeches of other Members.

MR JAMES TIEN (in Cantonese): Deputy President, parents in Hong Kong experienced quite a different summer this year. On burning hot days, they took to the streets with their children to oppose the introduction of a biased national education curriculum. They opposed brainwashing education and joined rallies outside the Central Government Offices with their children on various occasions. All they demanded was that the Government would listen to the people and did not victimize the next generation.

However, to be fair, I do not think there is any reason for us, being Chinese, to refuse national education. After all, it enables us to have better insights into our country's state of affairs, the local conditions and customs, as well as the political, economical and social situations of our Motherland. Such knowledge is particularly important at present since China has become the second

largest economy in the world. As at the end of September, its foreign exchange reserve amounted to US\$3.3 trillion. Furthermore, while the global economy is facing the risk of further downturn, the World Bank has anticipated that China can maintain an economic growth of 7% to 8%, which definitely outperforms the European and American countries, which are heavily in debt or even at the rim of recession.

While there is a worldwide trend of "China fever" where people are eager to learn Putonghua and enhance their knowledge about China, so as to facilitate their exploration of career opportunities in China, Hong Kong, being part of China, has no reason to act against this trend. There is no reason for us not to learn more about our own country and capitalize on our advantage of being so close to the Mainland. It is just unreasonable to voluntarily give up our right and chance to know more about our country.

Of course, we must not be biased when we try to get a better understanding of our country. Also, national education should not be brainwashing as this is against Hong Kong's core values. Neither the Liberal Party nor I myself will support this kind of national education.

Deputy President, in July this year, *The China Model: National Conditions Teaching Manual*, which was prepared with government subsidies, was found to be tilted towards singing praises. In the Manual which contains 28 pages, only half a page is about issues which call for serious thoughts, such as the poisonous milk power incident. There is no mention about the 4 June incident. At one time, even Secretary NG thought that the content was biased.

It had been further revealed that the curriculum guide of national education demanded students to have triggered affection which would then be assessed. The worry about brainwashing education had hence been greatly intensified in the community. In the ensuing period of less than three months, fear ran amok. The Secretary for Education, the Chief Secretary for Administration and even the Chief Executive in the accountability team had to come forward to address this issue personally, in an attempt to resolve the disputes.

Unfortunately, the Government always missed the timely opportunities to solve the problems. It made some minor adjustments without focusing on the crux of the issue. For instance, after the emergence of various problems, the

Government failed to take the advice of the Liberal Party by decisively postponing the introduction of the Moral and National Education (MNE) subject, conduct another comprehensive public consultation and re-introduce the subject after a consensus has been reached. The Government gave people an impression that it wanted to mandatorily introduce the subject in September. Its strong act had consequently caused strong reaction from the people.

It was not until 8 October, following the Chief Executive's announcement made earlier to withdraw the introduction of national education subject in three years, with the guarantee that national education would not be introduced as an independent subject during his term of office, that the curriculum guide was shelved by the Chief Executive, and the matter had been settled. Both the parents and teachers could finally be relieved.

In review, the present predicament is largely due to the tactless approach of new Government in handling this incident. The Secretary for Education, being the official in charge, can hardly absolve himself of the blame. However, undeniably, they have strived to resolve the conflicts with unceasing efforts. I believe the SAR Government has already learned a lesson from this incident. I hope they have learned to respect people's views and will not press ahead with unpopular policies out of the insistence of senior officials. Recently, the Civil Alliance Against National Education has also remarked that, with the actions taken by the SAR Government, their demand for withdrawing the subject is pretty much satisfied.

In this case, is it necessary for us to keep on politicizing this issue? Is it necessary for us to "decapitate" someone and force the Secretary to resign? As for the argument that he has got the lowest popularity rating in a public opinion poll, our view is that there will always be a Secretary who comes last in a poll. If every time we have to ask the Secretary at the bottom of the list to resign, we will soon have no Secretaries in Hong Kong.

Therefore, the conclusion of the Liberal Party is that we should give the Secretary one more chance. Lastly, we maintain our view that national education, if introduced properly, will benefit both the Mainland and Hong Kong, as well as each and every single student.

Deputy President, I so submit. Thank you.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, moral and national education (MNE) is not something created by the Hong Kong SAR Government. It has been implemented in the Mainland and foreign countries. For example, in the United Kingdom, the Citizenship Foundation was set up in 1989 to develop young people's citizenship skills and their knowledge and understanding of law, democracy and public life. In 1990, the education authority of the United Kingdom incorporated citizenship into the national curriculum. In 2002, the study of citizenship was even made compulsory after it had been listed as a statutory foundation subject of secondary schools.

As for the examples in our country, I have recently read a book entitled *Old Textbooks New Perspective*, which is mainly about primary school textbooks in times of the Republic of China. Attached with the book is a handbook of model citizens (Volume 8) published by the World Book Co., Ltd. in 1933 for the use of primary students. On the cover of this handbook was a wish and it reads: "I am willing to observe the requirement of being a Chinese citizen, to build up a strong physique with impeccable morals, and to be a good Chinese citizen, ready to serve the community and the country." It rightly reflects the purpose of the then national education.

Dr Kenneth CHAN has stated in his amendment that "the cultivation of independent thinking of the next generation and building up of their universal values are of utmost importance to safeguarding Hong Kong's core values". I concurred with him on this point, but I do not think this principle is in conflict with the introduction of the MNE subject. As a matter of fact, one of the objectives mentioned in the curriculum guide of the Moral and National Education is that "Apart from fostering in students' aspirations and commitment to making contributions in the domains of family, society, the country and the world, the subject emphasises the development of students' independent thinking and autonomy so that they are able to distinguish right from wrong, and make informed decisions in a caring and reasonable manner.". However, it is essential to conduct sufficient consultations and discussions, so that the community can first reach a consensus on the major contents and the way of implementing MNE before its introduction. On the other hand, if we rashly conclude that the current SAR Government has introduced the MNE subject in haste or if we even query that the Government intends to brainwash students, such views are not substantiated by facts, and the SAR Government, in particular the Civil Service, is not fairly treated.

Mr Donald TSANG, the Chief Executive of the last SAR Government, proposed to introduce the MNE subject in his Policy Address 2010-2011, with the objective of enabling students to acquire desirable moral and national qualities. I think most people will not object to this objective; and in fact, there was no strong opposition in the community at that time. The Government then launched a series of initiatives, including setting up the Moral and National Education Ad Hoc Committee, collecting views from stakeholders, and publishing the consultation draft of the curriculum guide in May 2011 to seek views on the curriculum. The revised curriculum guide was subsequently published in April this year. The Education Bureau had informed schools of the relevant arrangements and supporting measures, and had provided support grants to schools in August. From the above, it is evident that the authorities had spent much time and many resources to push this project forward and did not act in haste. Unfortunately, despite all these arrangements, there were still criticisms on some specific contents, such as the biased views in some teaching materials. Therefore, I think the SAR Government must reflect on the whole incident, listen to the opposition views humbly, so as to learn a lesson.

However, I think it is unfair to say that the current SAR Government has completely disregarded public opinion in handling this incident, and that the relevant official should step down. In fact, in view of the heated controversies caused by MNE, the SAR Government has tried to take various appropriate measures to avoid a serious division of our community. One of the measures taken was the establishment of the Committee on the Initiation of Moral and National Education Subject, chaired by Ms Anna WU, with an aim to look into the issue without setting any premise. The SAR Government later accepted the recommendation of the Committee and formally shelved the curriculum guide. In my view, the essence of national education is to enable students to learn about historical facts and truths, so as to develop their independent thinking and analytical abilities. As regards whether students will develop a sense of national sentiment, this is a spontaneous judgment which cannot be indoctrinated.

In view of this, I think Hong Kong should introduce a comprehensive curriculum for the teaching of Chinese History. When I was in secondary school, we were required to take Chinese History from Form One to Form Five. In Form One, the teaching of history started from the times of the Three Sovereigns and Five Emperors. When we were in higher forms, we had to study modern history, which was more complicated as more historical materials were

available. It is hence very logical and scientific to teach history in a chronological order, and this curriculum should have been adopted. Many of my friends and I wonder why this comparatively logical Chinese History curriculum is not adopted nowadays.

In conclusion, I hope our community can rebuild mutual trust after the end of this row. Deputy President, I so submit.

DR HELENA WONG (in Cantonese): Deputy President, in the last summer holiday, the SAR Government and Secretary Eddie NG pressed ahead with the introduction of the Moral and National Education (MNE) subject and its curriculum guide without paying heed to public opinion, hence infuriated the entire community. The Government only backed down hastily and unwillingly when 90 000 people took to the streets and teachers, students, parents and some other members of the public went on a hunger strike. In this entire incident, disregarding whether the professionals are led by a layman as Mr IP Kin-yuen has suggested, we find that Secretary Eddie NG is incapable of handling the situation. Eventually, a committee had to be established to smooth out the disputes; the Chief Secretary for Administration and the Chief Executive also had to clear up the mess for him. Should he not be apologetic?

My second point is that, with the provision of an annual government grant of \$530,000 to each primary and secondary school for the introduction of the MNE subject, the Government can hardly dispel the doubt that it is trying to use public money to induce schools to carry out this brainwashing project. So far, I have not heard any clear explanation on this point.

Thirdly, as the highest official in the Education Bureau, Secretary Eddie NG's open remarks on the incident have appalled many people. For example, he said that as only 90 000 parents had taken to the streets, parents who did not join the demonstration were actually the silent majority in support of the introduction of the MNE subject. How could such an anti-intellectual and illogical remark be given by the Secretary for Education? It is really a shame to the education sector. His remarks have tarnished the image of accountability officials and the credibility of the SAR Government. This point alone is justified to ask him to step down.

Fourthly, it is the duty of the Legislative Council to monitor the use of public resources by the Government. Yet, the Government has really failed to indicate to the public that public resources have been distributed fairly without any political inclination. It is noted that the Government has tilted towards the Hong Kong Federation of Education Workers (HKFEW), a pro-China organization, in subsidizing different organizations to introduce the MNE subject.

In 2004, the Government leased the school premises of the former Tai Po Government Primary School to the National Education Centre under the HKFEW at just a nominal rent. The lack of a reasonable tendering mechanism had in fact violated the spirit of fair competition. Later, in 2008, the same trick applied again. The National Education Services Centre under the HKFEW got another vacant school premises in Tsing Yi from the Government after making a minor change to its name. Were these leases approved by the Education Bureau? What was more, in each of the past four years, the Bureau granted this Centre with a subsidy of HK\$8.3 million. While a tender had been called this time, the tendering exercise was not transparent, without specifying the requirements and specific criteria. Subsequently, the school premises and some other resources were again handed to the HKFEW.

When the Secretary and the Government replied to an oral question earlier, they said that they had doubts about small class teaching and did not recognize its value. As they have been "reducing classes and closing schools" for years, many school premises are hence vacant, causing a waste of resources. Yet, over the years, they have slightly changed the use of these vacant school premises and handed them over to the "Brainwashing National Education Centre" set up by the leftists on highly favourable terms, or a gift in disguise. By doing so, they have made a bigger mistake.

Deputy President, after listening to the Secretary, I cannot feel his slightest sense of regret for all these matters. Therefore, I support the motion of Mr IP Kin-yuen and request the Secretary to take the blame and step down. I am also in support of all the relevant amendments. Thank you, Deputy President.

MRS REGINA IP (in Cantonese): I speak to declare that the New People's Party (NPP) opposed this motion and all its amendments, and I will explain the reasons for our opposition. Firstly, if we look at the motion of Mr IP Kin-yuen, we will

find that one of the focuses is that this Council "strongly condemns the Government for disregarding public opinion, and urges the Government to immediately withdraw the curriculum guide of the Moral and National Education subject". On the point of withdrawing the curriculum guide of the Moral and National Education (MNE), I think Mr IP will also agree that this curriculum guide is already outdated. This is because the Government had listened to the concerns raised by many members of the public in the past few months and announced on 8 September that it would drop the deadline for implementing the MNE subject in three years. As stated by the Secretary, schools can now decide on their own whether or not to introduce this subject. In addition, the Chief Executive had previously accepted the recommendation of the Committee on the Initiation of Moral and National Education Subject and announced that the widely criticized curriculum guide was no longer valid. In other words, the months of turbulence in summer had prompted the Government to listen to public views and respond to the aspirations of the people by withdrawing all measures that are controversial. Therefore, there is no need to pass a motion urging the Government to withdraw the curriculum guide as the Guide is no longer valid as declared by the Government.

Secondly, after the publication of the curriculum guide by the Government, the NPP, as well as the Savantas Policy Institute found by me, have over the year conducted very detailed studies on the introduction of national education or civic education in many other places in the world. We find that many countries around the world have introduced national education, the differences only lie in the names or approaches adopted. The objectives of national education include promoting the recognition of national identity, enhancing the understanding of the country's history, or promoting national unity and social harmony. I believe these objectives are in line with those of the SAR Government.

Yet, we have learnt from overseas experiences that Hong Kong is not the only place which has heated debates on national education. In some Western democratic countries, such as the United Kingdom and Canada, national education is also a contentious issue. Recently, I have visited the British Council and I would like to thank them for their explanation. As a matter of fact, national education is also controversial in the United Kingdom, depending on whether the government pushing through it is a left-wing or right-wing government. For a left-wing government, the national qualities it advocates may

include environmental protection, human rights and the identity of being a member of a global citizen or a member of the European Union. For a right-wing government, such as the coalition government now led by the Conservative Party, it holds that the emphasis of national education should be English history instead of the United Kingdom history. Lately, Michael GOVE, the Education Secretary of the United Kingdom, has announced a series of education reform to remove the subject of Citizenship, which has been introduced for 20 years, and place a stronger emphasis on English history.

In Canada, national education has different interpretations in different times. Take Canadian citizenship as an example. In fact, the Canadian Citizenship Act was not introduced until 1947. Before that, the concept of Anglo-Saxon prevailed and only white men were regarded as citizens. However, as Canada has become a more pluralistic, multiracial and multicultural society, the concept of Canadian citizenship now emphasizes on tolerance and diversity.

From the above, it is well evident that the introduction of national education in all countries is rather sensitive, and will likely trigger all kinds of political bombs. Therefore, in the case of Hong Kong, we can understand the difficult position of Secretary Eddie NG when he was required to deal with this thorny issue soon after he came to office. If we have to point our finger at someone, the fact is that this highly controversial curriculum guide was approved by the Secretary of the former government in April this year. Besides, *The China Model*, the teaching material subject to strong criticism, was also approved by the former government.

What is more, if someone should be held accountable, I think the dedicated officers in the Education Bureau should not be spared. While many people say that Secretary NG is a layman leading the professionals, why do Curriculum Development Officers, who are professionals, not act as gatekeepers? Did they think that their work was done after they had provided funds to the National Education Services Centre which in turn contracted out the job to the Advanced Institute for Contemporary China Studies, and they did not need to check if the contents were biased or not? Therefore, in my view, if someone is to be held accountable, that "someone" should not be a single person. I am not saying that we should hold civil servants accountable; but to be fair, for issues that have

aroused controversies, many people must be involved behind the scene. Many tasks are taken on by a team, but not by a Secretary alone.

Therefore, the NPP does not agree to request Secretary Eddie NG to step down for the controversies caused by national education. After all, when the controversies over national education broke out between July and September, it happened to be the election period, and Secretary Eddie NG has only taken up the post for one or two months. It would be unrealistic to expect a Secretary, who has just taken up the post for one or two months, to identify and defuse all potential political bombs. We cannot expect our Secretaries of Departments and Directors of Bureaux to be political supermen. Therefore, I do not think Secretary Eddie NG has to bear the political responsibility and step down. Likewise, I do not think we should condemn the Chief Executive because, in the last few months, the Government has already made concessions repeatedly and scrapped the curriculum guide (*The buzzer sounded*)

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

MR TONY TSE (in Cantonese): Deputy President, in recent months, the introduction of the Moral and National Education (MNE) subject has become the focus of public discussion. Following the Chief Executive's announcement on shelving the Curriculum Guide of the MNE subject early last week, many people thought that the controversies caused by this incident would come to an end since some members of the opposition camp had also said that they accepted the decision of the Government. Unexpectedly, there are still people raising their opposition as they are unhappy that the Government has not withdrawn the subject. They continue to stand firm and insist on voicing their opposition. However, will this kind of opposition really do any good to this incident?

The motion moved by Mr IP Kin-yuen today comprises two main parts: first, to urge the Government to withdraw the curriculum guide; second, to request Secretary Eddie NG to step down. First of all, regarding the part "urging the Government to withdraw the curriculum guide of Moral and National Education subject", I do not see there is any pressing need at this stage to withdraw the curriculum guide. As I have just said, last Tuesday, the Chief Executive already announced that the Government had accepted the

recommendation of the Committee on the Initiation of Moral and National Education Subject and would formally shelve the curriculum guide of the MNE subject. He also stated that the Government would not request schools to adopt the curriculum guide and that the Education Bureau would not use it as the basis for school inspection. School sponsoring bodies and schools could decide on their own whether to introduce, when to introduce and how to introduce the MNE subject. Given that the Government has already allowed schools to have more freedom and flexibility in the introduction of the MNE subject, and that many people and organizations have said that they accept the Government's decision on shelving the curriculum guide, I will not give my support to the first part of the motion.

As for the second part of the motion, that is, "requesting the Secretary for Education, Mr Eddie NG, to step down", personally, I have great reservations. In fact, I think the Government has done much in handling this incident. It has also made certain adjustments in response to the incident. I believe the Government has learnt a good lesson. Although some people consider that Secretary NG has not handled this incident properly and there is room for improvement, I think it is unfair to draw a conclusion to his performance right now because, after all, he has just come to office for three and a half months.

Deputy President, I support introducing MNE to cultivate and enhance the moral integrity of young people. With suitable teaching materials and arrangements, our young generation can learn about the past and have a more thorough understanding of our country and Hong Kong. It is just like taking the History subject, students can learn from history and avoid making the same mistakes. Therefore, the teaching materials of the MNE subject must be comprehensive, so as to help our young people make objective analysis and develop their power of independent thinking and judgment. If, without the backing of suitable teaching materials and adequate arrangements, the MNE subject is introduced hastily, we will have counter-effects.

Deputy President, I so submit.

DR CHIANG LAI-WAN (in Cantonese): Deputy President, as we all know, Hong Kong's government officials have always been highly professional and dedicated to serving Hong Kong people. However, in recent years, I share with many people in Hong Kong in wondering what has actually happened to Hong

Kong? How come our development has become stagnant in the past decade or so? How come so many policies which are conducive to promoting people's livelihood and facilitating economic development have failed to be implemented or failed to be implemented effectively? What actually are the problems?

Today, I finally realize that when government officials intend to implement any new policies and if such policies fail to get the approval of some members of the opposition camp, there will be an array of attacks, and the official concerned will be asked to step down. As such, some officials are really hesitant about introducing new policies. The introduction of national education is a case in point. What is more weird in this incident is that during the consultation stage of national education, some Members of certain political parties, who voiced their support at that time, have now opposed national education and urged the Secretary to step down.

I have carefully reviewed the previous Council papers on national education and noted that, in the Chief Executive's Question and Answer Session on 19 May 2011, CHEUNG Man-kwong of the Democratic Party stated that "the Education Bureau has indeed provided many teaching kits on the achievements of the country, such as the Beijing Olympics and the economic progress of the country." He said that he totally supported all these, and he also supported the implementation of national education.

In the Chief Executive's Question and Answer Session on 16 October 2008, Tanya CHAN of the Civic Party also said that she agreed that national identity was indispensable. She agreed that young people of Hong Kong should gain a better understanding of the actual situation, state of national affairs and development of the Mainland, and receive comprehensive national education.

However, when the Education Bureau was going to introduce national education, all these people, who had declared aloud their support to the introduction of national education by the Education Bureau, seemed to suffer from amnesia. They seemed to have forgotten their previous support. Instead, they opposed national education and rejected the introduction of this subject. When the Secretary for Education agreed not to introduce national education as an independent subject, they then said that no trial period should be imposed. When the trial period was cancelled, they then demanded to scrap the guide. Fine then, the guide was dropped and then they demanded to withdraw the

subject. Shelving the subject was still unacceptable to them, and they even went further to demand the Secretary for Education to step down. We really have to "thank" these Members of the opposition camp for the slow development of Hong Kong over the past decade or so.

I have been pondering these two days, what mistakes Secretary Eddie NG has actually made in this incident? Suppose a colleague of my company has proposed a new plan or a new policy, and we generally considered that his proposal was good and acceptable. However, when the proposal was to be implemented, we found that there were problems upon close examination and decided not to proceed with the plan. It is acceptable not to implement the proposal, but should we fire that employee? Are we now acting in an autocratic, unreasonable and high-handed manner?

Mr IP, as you are the representative of the education sector, and this is the first time you move a motion in the capacity as a Member, I originally thought that you would fight for a better teaching environment for your electors or seek to improve the education quality for our next generation. Yet, it turns out that you are not fighting for any of these things. Instead, you want Eddie NG to step down. Do you think the problem will be solved after Eddie NG has stepped down and replaced by another person, say, Eddie WONG, Eddie CHEUNG, or even you, IP Kin-yuen? No. What your electors really care about is what you can do for them in fighting for more favourable teaching conditions. This is what you should do as the representative of the education sector.

There are more than a hundred thousand or even two hundred thousand teachers in Hong Kong. I believe they will definitely agree that there are many issues in the education sector that are more important than the one you raise in your motion today.

I am not a close friend of Secretary Eddie NG, and therefore I do not have to defend him. I just say what should be said in a calm and objective manner.

Secretary Eddie NG, although some Members of the opposition camp have asked you to step down, or have exerted pressure on you, hence affecting your mood at work or you may even think of quitting. I hope you, as well as other Secretaries, would bear in mind that millions of Hong Kong people are expecting the Secretaries and the newly-formed governing team to formulate policies for the

benefit of the people, as well as to develop better policies to promote economic growth, so as to build up a better Hong Kong in the days to come (*The buzzer sounded*)

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

DR CHIANG LAI-WAN (in Cantonese): I have finished my speech.

MR LEUNG CHE-CHEUNG (in Cantonese): Deputy President, the Government has earlier accepted the recommendation of the Committee on the Initiation of Moral and National Education Subject and (MNE) formally shelved the curriculum guide of the Moral and National Education subject. The Government has also explained why it did not withdraw the MNE subject. According to the Government, since it no longer required schools to introduce this subject mandatorily and has not stipulated on how this subject should be initiated or introduced, it should not ban or interfere with schools which intend to introduce this subject. To put it simply, the Government neither requires schools to introduce this subject, nor bans it from doing so; schools have full autonomy to make the decision. Schools can select any teaching guides and teaching materials they consider appropriate, and the Government will not have any established curriculum guide. Deputy President, in my view, as the curriculum guide has already been shelved, there is indeed no need to withdraw the subject.

Deputy President, when I chatted with members of the education sector during the past few months, they often poured out their grievances when we talked about national education. In their view, students will definitely raise objection when they have to study one more subject, no matter what the subject is or whether or not they have to sit for examination for that subject. However, if teachers are allowed to develop their own teaching materials for the MNE subject, what is wrong for them to teach matters such as the Cultural Revolution, the Tangshan Earthquake, and the 4 June incident in class? That is not brainwashing. Also, it is not something which must be opposed to or cannot be discussed.

Earlier, the Hong Kong Professional Teachers' Union (HKPTU) asked teachers to sign a "conscience charter" for opposing the introduction of the MNE subject, and names of teachers who had signed this charter were later disclosed. Can we say that teachers who had not signed this charter do not have a clear conscience? I do not think we should judge teachers by a mere signature. The HKPTU, being one of the teachers' associations, has disclosed the names of teachers signing the charter for the sake of gaining more political stake. I am really astonished by this act. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) holds that it is necessary to introduce the MNE subject, and the issues in question is not whether the MNE subject should be introduced but how the subject should be taught. China has become increasingly important in the international political, economic and military arenas. We, being Chinese nationals, should understand our national state of affairs, study the opportunities and development of our country, enhance our national qualities and train up talents to bring our country a better future. This is the right way forward for a healthy society and country.

In the incident of national education, some schools have all along adopted a clear stance and maintained that national education should be introduced. These schools have also put their words into action and will introduce national education in the new school year. Take the Fresh Fish Traders' School as an example. In a television interview a few days ago, Mr LEUNG, the headmaster, said that national education was not an "evil" subject and students should learn more about their country. Yet, the curriculum should not only cover the bright side of the country to give students a sense of pride, it should also reveal the problems of our country, so as to give students a sense of mission in changing the country when they grow up. Mr LEUNG further said that he would not adopt teaching materials generally considered to be biased and his school would develop its own teaching materials. I hope his remark can give some insight to those who have been requesting for the withdrawal of the MNE subject.

During the process of introducing the MNE subject, the Government has drawn on many experiences and has listened to different views, which I believe will be conducive to Secretary Eddie NG and the SAR Government in implementing the relevant policies. I do not support this motion and its amendments.

Deputy President, I so submit.

MR MARTIN LIAO (in Cantonese): Deputy President, the curriculum guide of the Moral and National Education (MNE) subject has in reality only existed in name now. As the Chief Executive has already formally announced shelving the curriculum guide, there is no need for us to entangle in the issue concerning the curriculum guide anymore.

Regarding Secretary Eddie NG, it is true that sometimes his performance was not satisfactory in promoting the relevant policy and in handling the relevant issues. He had also made indiscreet remark in responding to people's aspirations. For example, his "theory of silent majority" was not supported by objective data, as there was indeed no way for us to know the stances or views of those who remained silent on this issue. Secretary Eddie NG's unsatisfactory performance might be related to the fact that he was new to the office.

However, the Secretary's handling of this incident has nothing to do with his personal integrity. What is more, the MNE subject is not created or devised by him. In considering the formulation of this policy, I would say that, generally speaking, the demands in this motion seem to be in lack of tolerance and are not fair.

As for the part about the Chief Executive, the motion states that the Chief Executive "has mishandled the incident, failed to pro-actively respond to public opinion and triggered public resentment". This motion was proposed on 3 October; yet on 8 September, the Chief Executive already announced dropping the deadline for implementing the MNE subject in three years and leaving the decision of whether to implement the MNE subject completely to school sponsoring bodies and schools. The Chief Executive also said that he would not promote the introduction of national education as an independent subject during the five years in his term. Subsequently, on 8 October, the Chief Executive announced shelving the curriculum guide of the MNE subject. All these adjustments exactly met the aspirations of some people voiced in connection with the incident. I hope that the SAR Government can learn a lesson from this incident and continue to listen to the people with an open mind in the future. Thank you, Deputy President.

MR LEE CHEUK-YAN (in Cantonese): Deputy President, first of all, I would like to pay tribute to students, teachers and representatives of civil groups who

had joined the hunger strike in the movement against the Moral and National Education (MNE) subject. I would also like to thank the general public for joining the rallies time and again. I think they have expressed the strong views of Hong Kong people. In this incident, I want to ask a question of a deeper level, that is, why did the proposed introduction of the MNE subject get on the nerve of so many people? What is the implication? I hope LEUNG Chun-ying would understand, I hope Carrie LAM would understand, and in particular, I hope Eddie NG would understand, the nerve that they have hit is related to a fundamental issue that Hong Kong people care about. It is an issue that concerns our next generation and about whether the values of Hong Kong can be preserved.

What are the values of Hong Kong? What do we treasure most? What we treasure most is the room for independent thinking and freedom of speech. Hong Kong does not have much democracy; as you can see, functional constituencies still exist in this Council. Yet, I am not going to talk about these issues today. But what do we have? At least, we have room for independent thinking. And what are our worries? We worry that the MNE subject may undermine our room for independent thinking. We worry whether our next generation can still have room for independent thinking and whether they will be brainwashed.

Brainwashing is an issue which hit our nerve. Why? This is because we have really seen this happen before. For example, in the Mainland, how many times has the Chinese Communist Party brainwashed its people since 1949? Honestly speaking, I think the Chinese people are really amazing as their mind still function after being brainwashed for so many years. However, many of them have indeed lost their mind as they no longer dare to tell the truth. Now people find that they can speak the truth in the Internet as they do not have to expose their real names, but they still dare not speak the truth in society. This is the result of brainwashing. As the Mainland has brainwashed its people for many years, many incidents had happened in the past, such as those that happened in times of Red Guards. Then, in 1980s, when we saw hopes for more freedom of speech, there came the 4 June Massacre in 1989, causing China to retrogress, and brainwashing education continued. As a result, people of the new generation in Mainland China know nothing about what had happened in the 4 June incident.

This is our worry. Will Hong Kong be like that one day? Will the regime brainwash our children through education and control our thoughts? This concern is most worrying for us. I think this incident well reflects such worry. As a matter of fact, we have still been plagued with this concern because today, when LEUNG Chun-ying came here to give a speech, he acted as if he were the national leader and gave Hong Kong people a dressing-down. He said that we have to rely on our mother country for everything, our politics has to be controlled by them, and our economy is dependent on them. He was again brainwashing us. Therefore, the entire debate on the MNE subject indeed goes back to the question of whether we can uphold and defend Hong Kong's core values.

Fortunately, our parents had come forward, so did our students and teachers, and the Government was forced to back down. However, the Government retreated disgracefully. Up till now, it is still unwilling to withdraw the MNE subject and the curriculum guide. Is it simply for the sake of saving face? At first, the Government insisted for some time that the curriculum guide no longer existed, later it shelved the curriculum guide but was not willing to withdraw it, and even the MNE subject was not withdrawn. Later, the government raised some false arguments, saying that if the subject was withdrawn, did it mean that schools would be prohibited from teaching this subject. Our concern is that the curriculum would be broken up into small parts and incorporated into different subjects. As a matter of fact, some schools still teach this subject. In the past, those pro-China or pro-Communist schools had also introduced this kind of brainwashing subject, and they will continue to brainwash their students in the future. How can they be prohibited from doing so? In the light of this, why should this subject not be withdrawn?

Lastly, of course, I have to respond to the issue of whether Eddie NG should step down. He has a bad Chinese name, NG Hak-kim, which sounds like "no good" in Cantonese. In this incident, we can really see that he is no good at all. Just now, Mr IP Kin-yuen said that he was a layman leading the professionals. If we put aside this point, his biggest problem is that he, being an accountability Secretary, does not have any political sense or the breadth of mind to bear political responsibility. In the incident, he holed up and became invisible. We may as well call him "the invisible Secretary". What is the use of an invisible Secretary to the people? The bomb in this incident was not defused by him, but by Anna WU. Anna WU was pushed to stand in the front

stage, attending all meetings for Eddie NG, while he hid behind Carrie LAM, LEUNG Chun-ying and Anna WU. He was completely invisible in the incident. In this case, how can he convince others? He is a layman, he is ineffective in handling political issues, and he is not a professional in the education field. What are his merits then? How can he convince others to let him stay in this post? If he continues to stay in this post, people will consider him as an unprofessional and incompetent Secretary without any political sense. He even dares to say that this incident has gone beyond the purview of education. He can said so if he is a civil servant; he can said so if he is a civil servant in the education profession. However, he is an accountability Secretary. How can he say that this incident is a political issue which has gone beyond the purview of education? He is obliged to handle political issues. Therefore, he must take the blame and step down to live up to the expectation of Hong Kong people.

Thank you, Deputy President.

MS STARRY LEE (in Cantonese): Deputy President, today, I speak to oppose this motion on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). Looking back, the controversy in the introduction of the Moral and National Education (MNE) subject was actually triggered by *The China Model: National Conditions Teaching Manual (The China Model)*. There has been widespread criticism in the community about *The China Model*, stating that some of its contents are incomprehensive and giving exaggerated praise to the Chinese Communist Party. This issue had also become a single and important issue in the Legislative Council Election. Many people asked me about the DAB's stance on the issue of national education in a number of forums and on the streets. Regarding the remark that national education is tantamount to brainwashing education, I feel distressed and frustrated at such an accurate description. I understand that people are worried and they object to brainwashing education, but what is brainwashing? In a narrow sense, "brainwashing" means changing one's values, belief, judgment, thinking or even behaviour in a high-handed way, mostly for achieving some kind of political, economic or religious purposes. Yet, it is obvious to all that the current arrangement for introducing the MNE subject, if adopted, can by no means achieve the brainwashing effect.

I will first talk about the arrangement for introducing the MNE subject. Firstly, schools are now allowed to decide on their own whether or not to implement the MNE subject based on their philosophy and objectives, as well as whether to introduce it as an independent subject or in other forms. They even have a say on the implementation time frame. Meanwhile, teachers can decide by themselves the issues to be taught based on their professional judgment. I have great confidence in the decisions of schools and teachers. I believe they will not take any high-handed measures. In addition, Hong Kong is a place with free flow of information, it is simply not possible to brainwash anyone with some of the contents of a single subject.

Secondly, *The China Model*, which is often subject to public criticism, is indeed only one of the many reference materials. It is neither a textbook specified by the Government nor the specified teaching material. Therefore, it is also inaccurate to describe *The China Model* as a brainwashing tool.

However, in the course of the incident, I am well aware that members of the public have different worries if the Government introduces the MNE subject according to its original plan. They mainly worry that the Mainland's approach in introducing national education will be transplanted to Hong Kong if the MNE subject is to be introduced. They also disagree with some of the points in the MNE curriculum guide, especially the part on observing the sentiments of students. Besides, some people are unhappy with certain remarks made by Secretary Eddie NG on the radio. In the course of the incident, many people and many of my friends have sent me letters, emails and messages. I have read them all and I very well understand their views and feelings. I understand and agree that it is not desirable to press ahead with any plans which have caused grave concerns among the people, in particular, with regard to the introduction of national education.

Recently, the Government has made a series of adjustments regarding the introduction of the MNE subject with an aim to allay people's concerns and respond to their aspirations. I think the controversy will come to an end after the Government has made adjustments to the curriculum arrangement. However, we must consolidate the experience and give a new thought to the introduction of national education.

On the issue of national education, I am deeply worried that the community may "give up eating for the fear of choking", and I do not want to see this happen. It is actually helpful for students to learn about their country and its development. Recently, a number of people who share my views have published articles on newspapers. Here, I cite and share with you the views of Mr Francis LUI Ting-ming on national education. In his article, he said, "If one thinks deeply, he will realize that abandoning the MNE subject will cause Hong Kong to suffer greatly in its future economic and social development. Being an economy without any natural resources, Hong Kong can hardly survive on its own. Its development can only be sustained if it has a role to play in bridging the Mainland with other parts of the world. In labour market, the one who knows best about China and the world will stand a better chance in career development. At present, all internationally renowned universities seek to enhance their courses on China Studies; it reflects the need of society. Some people may think that we can have some understanding of China by paying more attention to the relevant news; this is not wrong, but far from enough. I have met many people who have not been to the Mainland for two or three decades, yet they can talk volubly about China. When some Hong Kong students go to the Mainland for exchanges, they have a sense of superiority, believing that they know China better than Mainland students. Little do they realize that in the eyes of many Mainlanders, Hong Kong people are silly and know nothing about the situation in China. Therefore, if students can learn about the real China in a systematic way in schools, it will enhance Hong Kong's competitiveness. Under the New Senior Secondary Curriculum, most students do not have a chance to study Chinese History, which is a big mistake in the education reform If we do not even have national education, how can our young people compete with others in the future?" The public should give a serious thought to viewpoints similar to the one mentioned above. I also hope that the Education Bureau and the public will later have a rational discussion on how national education should be introduced so that our young generation can learn about the affairs and development of our country.

While this issue should be further discussed, right now, because of the time constraint, I have to turn to talk about the performance of the Education Bureau. Just now, I have clearly stated that we oppose this motion today. We are also against the three amendments. Earlier on, the Government had already responded to the people's demand by shelving the curriculum guide. Therefore, it is unrealistic to request for the withdrawal of the curriculum guide. What is

more, the accusation against the Chief Executive in the motion is not true. As regarding whether Secretary NG should step down, his resignation will not reduce the adverse impact of this incident on our society. In view of the above, we cannot and will not support this motion.

However, the Education Bureau and its officials really have to consolidate the experience. They should pay special attention to the fact that their response had intensified social conflicts when there was a widespread discussion on the concerns over national education. I hope that they can consolidate the experience and the lesson properly, and draw a conclusion to prepare for the challenges ahead.

MR CHARLES PETER MOK (in Cantonese): Deputy President, I would also like to pay tribute here to all members of the public including parents, teachers, and particularly secondary students, who have participated in various processions and gatherings. What they have done have touched the hearts of many Hong Kong people and revealed to us the truth of the matter.

Regarding the motion on Moral and National Education (MNE) subject under discussion today, I think the first question we must ask is, concerning the subject matters to be taught under the MNE subject, whose "moral education" and "national education" are we talking about?

As a matter of fact, in the course of introducing the subject, the Government has never really explained why a student's moral and conduct should be aligned with his love for the country. I think parents and students also find this point most difficult to understand. If a student does not view the nation and society from the same perspective or angle as the Government, does it mean he has low moral standard and poor conduct? If he is not touched when the national flag is displayed or hoisted, does it mean he is an unruly student?

We often say that children, like pieces of blank paper, must learn how to identify with various social groups. Therefore, I strongly support the implementation of civic education so that children can learn to become members of social groups, as well as the responsibilities, obligations and rights they have to take. Unfortunately, by introducing the so-called MNE subject, the Government

merely wants to instil a blind sense of national pride to children unilaterally by boosting the achievements and strengths of China.

China as a nation is far from perfect, and it must strive to develop through self-reflection and criticisms. The so-called national education subject has completely deprived students of the opportunities to think critically. That is what we mean by brainwashing education. Brainwashing education not only hampers the development of children, but also harms the society and impedes its development.

With 100 000 parents and students taking to the streets, tens of thousands of people occupying the Central Government Offices, as well as online social networking media inundated with photos of people dressed in black making a stop gesture with their hands, the Government finally announced to invalidate the subject and shelve the curriculum guide. Schools would be given the discretion to decide on the way forward. But the problem still exists because parents and students do not have any choice in the matter. Parents have no idea how the subject would be taught in school, and they do not know whether their children should attend the classes or not. Given the lack of clear information, there is no way parents can make a choice of what their children should learn. Do they need to attend the classes with their children? Moreover, not all parents have the resources to send their children to another school simply because of this issue.

In addition, even though the Government has shelved the curriculum guide or even abolished the MNE subject, parents are still worried because the brainwashing teaching materials with flattery and exaggerated praise of national identity have already penetrated into different subjects and disguised in different forms. The question is whether the Government has truly shelved or abolished the MNE subject which is strongly opposed by public opinion, or is it merely waiting to "reincarnate" the subject by pursuing political indoctrination and brainwashing under the name of other subjects? An obvious example is the electronic School Administration Management System now implemented. Under this system, information recorded does not only restrict to the academic results and extra-curricular activities of students, but also include whether they have taken part in patriotic exchange programmes in the Mainland, whether they have joined activities to learn about the State; even teachers' comments on how patriotic the students are, how moved they are when they see the national flag, are also recorded. What is the purpose of keeping such records? Will such records

be maintained throughout the development of students? Will such records of patriotism affect their chance of further education and employment?

Regarding these questions, the Government's attitude is evasive, without making a clear stance. The more evasive the Government is, the more worried students and their parents are. They can do nothing but to ensure that a good record is kept. In order to keep a good record, our next generation must learn to say things against their will, which completely distorts their true nature.

Some people say that as Hong Kong people are very smart and the children are very bright, the worry that children will be brainwashed is uncalled for. But just think, if such records of patriotic activities are like a knife over the heads of our children throughout their lives, there is no way they can escape from being brainwashed, indoctrinated or "purified". Isn't that very sad? On the one hand, we teach our children to be upright and speak the truth, but on the other hand, we ask our children to tell lies for the sake of survival. If we, as adults, fail to protect them, but instead put them in such a predicament, should we not feel ashamed?

All along, we hope that our education serves to cultivate children's creativity and imagination, rather than stuffing them with brainwashing materials or only allowing them to say things that their teachers like to hear. My message is very simple. If we want to develop Hong Kong as a knowledge-based society, we must have talents who meet the needs of a new knowledge-based economy and society, and our next generation must have independent and critical thinking. Hong Kong people, and even more so, our children, should not be required to face the MNE subject.

Deputy President, last but not least, I hope my words will be heard by all accountability officials. As the accountability official responsible for education policies, Secretary Eddie NG has not only failed to provide good education for our next generation with a clear conscience, but he has also tried to push through such detrimental brainwashing education. Moreover, his attitude has been evasive all along and he has failed to face the people, the parents or even the students. As Hong Kong citizens, we consider that the situation is utterly disgraceful. Hence, I support Mr IP's original motion as well as the amendments which urge Secretary Eddie NG to bear political responsibility, take the blame

and step down, as well as express regret at Mr LEUNG Chun-ying for mishandling the incident.

Deputy President, I so submit.

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, today we debate on national education. I heard many Honourable colleagues stating support for national education, but regrettably, they even pronounce the Chinese word "gwok3" (a country, a nation) wrongly by saying "gok3" (a horn). Just now, I heard that both Ms Starry LEE and Dr CHIANG Lai-wan had mispronounced this word. Although you are both staunch patriots, you have never pronounced the word correctly. To love one's country should not be pronounced as to love one's "horn". A few Members of the democratic camp have also mispronounced the word. Members should be careful, or else they will set a bad example for young people and lead them astray.

One can say that the Moral and National Education (MNE) subject is a magic mirror reflecting the evils of LEUNG Chun-ying's Hong Kong communist regime. Departing from the established procedure, the Education Bureau hastily seeks to commence the so-called "three-year initiation period" from September this year by adopting the mode of introducing the subject first to be followed by a review. Had it not for the timely exposure made by various groups and the media that the official curriculum guide as well as the handbook entitled *The China Model* are filled with various contents of patriotism and brainwashing materials, the catastrophic effects of turning education in Hong Kong red after the three-year initiation period will be beyond imagination.

It is most ironic that various issues relating to the teaching of humanities subjects in Hong Kong (including Chinese Language, Chinese History and Liberal Studies) such as resource allocation, support and contents, have long been criticized by the education sector. In particular, under the New Senior Secondary Curriculum which has only been implemented for one year or so, the number of students taking the Chinese History subject — the one subject which truly embodies the meaning of "national identity" — has already dropped below 10 000. Compared with an average number of over 20 000 students taking the subject under the old curriculum, a tide of drop-outs has emerged. However, since 2008, the Government has provided an annual subsidy of more than

\$10 million to the National Education Services Centre for the publication of national education materials that praise the Chinese communist regime as a "progressive, selfless and united" ruling group. The contents are so ridiculous that even Secretary Eddie NG had admitted at one point that the teaching materials were biased. But he subsequently denied that those were official teaching materials. It is blatantly clear that the introduction of the subject is a *bona fide* political task. Once the truth was revealed, he was immediately caught in a quandary and his stance was contradictory and confusing. Yet, he still hoped vainly that the subject could be pushed through by ignoring public opinion so that he could accomplish the task given by the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (LOCPG).

From a theoretical perspective, LEUNG Chun-ying, his Secretaries of Departments and Directors of Bureaux, as well as the officials of the LOCPG all sang the same tune, and they pointed out repeatedly that national education was "perfectly justified". In fact, insofar as the so-called "perfectly justified" national education is concerned, Singapore is the only country that has introduced a similar subject. Earlier, some Members have said that it is not the case, and the subject is taught in many places, albeit under difference names and in various forms. In that case, it means that there are no other places in which the subject is taught, and Members should not say so for the sake of comparison or illustration. In most countries with freedom and democracy, the contents of civic education actually taught in classes are related to universal values which incorporate history, culture and state of affairs. They are diametrically different from concepts of national education, patriotism and affective education emphasized by the curriculum guide. Had it not been the series of processions, on-street booths, hunger strike and the occupation of the Central Government Offices which enlighten Hong Kong people to force the Government's withdrawal of the three-year initiation period initially and then, the shelving of the curriculum guide, this "perfectly unjustified" communist education might have already become a foregone conclusion.

From a practical perspective, notwithstanding the shelving of the curriculum guide, all primary and secondary schools can retain the support grant of \$530,000 already disbursed. As reflected by many people in the education sector, the grant can be used to facilitate the promotion and publicity of patriotism. Undoubtedly, government schools will introduce the subject

"readily". Even for many subsidized secondary schools which may not introduce the subject, they will organize patriotic exchange programmes "readily". It is laughable that on the one hand, the Government claims that it should "leave education matters to the education sector", but on the other, it exerts extensive intervention, first in respect of course contents, and then financial support in a biased manner. It proves that the Education Bureau does not focus on improving education quality and promoting universal values, but turning blatantly education policy into political conspiracy. Denying repeatedly is of no avail: the more it tries to cover up, the more the conspiracy is exposed. Hence, the Government must bow to public opinion, withdraw the MNE subject and adopt general civic education as the cornerstone of education development. The Government should not mislead and confuse the public by introducing unrestrained patriotism education under the guise of school-based autonomy, such that it becomes the hidden rule of the education, causing far-reaching calamity.

The natural conclusion to the above criticisms is that Secretary Eddie NG must take the blame and step down, which is truly "perfectly justified" and is a natural course to take to ease public indignation. The so-called accountability system for senior officials introduced by TUNG Chee-hwa in 2002 was actually a "protection system for senior officials". Under an undemocratic system of executive hegemony without any basis of public opinion, LEUNG Chun-ying shirks his responsibility to the fullest extent; coupled with the shameless style of Eddie NG, it is absolutely a case of "a fish rotting from the head down".

Secretary Eddie NG seeks to introduce the MNE subject on the pretext of "understanding our country and learning about the national situation". As the Secretary for Education, he has no awareness of the heavy responsibility of education development. Secretary Eddie NG not only engages in political toadyism himself, but also seeks to substitute universal values with *The China Model* to the detriment of our next generation.

Secretary Eddie NG cannot duly perform his responsibility. During the anti-national education campaign, he had time and again hidden behind the Chief Executive, LEUNG Chun-ying, and the Chief Secretary for Administration, Mrs Carrie LAM. With neither personal judgment nor commitment, he willingly acts as a puppet and strives to cover up the truth about turning Hong Kong red. Even though he has the power, he has not acted responsibly for our next generation. The Education Bureau has all along provided hefty subsidies to

pro-communist scholars to develop teaching materials which promote the so-called *The China Model*.

Secretary Eddie NG must face the truth and the people. He should not cling to his high position and handsome salaries. In the words of Confucius, "If the people have no faith in their rulers, there is no standing for the state."¹ According to Mr XU Fuguan's interpretation of this teaching by Confucius, the rulers should rather starve to death than lose the faith of the people. From now on, Secretary Eddie NG can no longer deceive the people and his popularity will go all the way down even though Secretary Paul CHAN may be the one with the lowest popularity rating according to the latest public opinion survey conducted by the University of Hong Kong. In this connection, we must congratulate Secretary Eddie NG. Actually, we must thank the group of kind secondary students of the Scholarism for reminding Hong Kong people that we must strive against turning Hong Kong red. The only thing lacking now is Secretary Eddie NG's act for accepting his responsibility. Step down, Eddie NG!

I so submit.

DR KWOK KA-KI (in Cantonese): Deputy President, since the introduction of national education, we can all see clearly that this is brainwashing education without any support from parents, teachers and even students. It is hardly surprising because as we all know, since LEUNG Chun-ying assumed office, he is expected to complete certain political missions — the four major missions. Perhaps there are more on the list now because he must also "liberate" North East New Territories, extend the scope of the Individual Visit Scheme, so on and so forth. However, national education is definitely regarded as his first mission. Soon after assuming office, he formally introduced the national education subject.

While we debate on this motion today in the Council, we all know that the subject is no longer a matter of concern now. Notwithstanding the many excuses given by the Government that the subject has not been withdrawn, the Government has actually bowed to public opinion and rightly made certain moves.

¹ <<http://ctext.org/analects/yan-yuan>>

(THE PRESIDENT resumed the Chair)

However, this achievement of today is not the working of this Council, because later at 6 pm, we will see many students, persons in the education sector and parents coming here. They understand what is meant by brainwashing education, and what is meant by turning education red. We should be proud of these students, parents and persons in the education sector. Had it not been for them, I think LEUNG Chun-ying and Eddie NG, who have accepted the political mission from Beijing, should have already commenced the relevant work today.

Regarding the so-called three-year initiation period, we all know that is a lie because under the original plan, there is neither room for negotiation nor a choice after three years. The subject must be introduced. What is meant by "national"? "National" means that every citizen in the nation shall have the same and equal rights and obligations. In our Motherland, what rights do the nationals have? Under the one-party dictatorship, what rights do they have in choosing the representatives, the Government or State leaders who represent the people?

Today, in this legislative assembly of Hong Kong, half of the Members are returned from functional constituencies and they have not got the approval from the public. Our Government, including the Secretary or LEUNG Chun-ying, is not formed by the mandate of public opinion; instead, it is formed by small-circle elections. To put it bluntly, it is a game of chess set up by the Western District.

Under these circumstances, this Government is actually neither qualified nor authorized to introduce the Moral and National Education (MNE) subject. Nonetheless, if the subject is to be introduced, it should be a subject of formal national education that teaches the people of Hong Kong or even Chinese nationals how to be a citizen and a national. Firstly, the state, the ruling regime and the party must respect each citizen.

In our Motherland, our great Motherland, history has been distorted: there was no massacre on 4 June, only a small number of people died in the Square, and LI Wangyang committed suicide. All Chinese people are disheartened by so many distorted facts and incidents. Should we, as citizens of Hong Kong, as Chinese people and as members in the education sector, tell our great Motherland

in no uncertain terms what is right and what is wrong? Should we give them the opportunity to have a formal Chinese History subject? Unlike the proposed national education curriculum, we should let them know clearly both the good and the bad. The stillborn handbook entitled *The China Model* only reports what is good while concealing what is unpleasant. It depicts the Communist Party as a progressive, selfless and united ruling group. Furthermore, according to the handbook, in order to ensure stable administration, territorial integrity, interests of all ethnic groups, and so on, the government is compelled to practice the one-party dictatorship and safeguard the interest of a small privileged class. We find all these hardly acceptable.

Under these circumstances, we as citizens of Hong Kong and as parents can no longer tolerate the situation. Why do so many members of the public and parents come forward today? Among the people who have joined the procession, there are parents who have even brought along their small children in kindergarten or primary school, or even infants. Many of them have taken to the streets for the first time to protest against a government policy. When we asked a parent why he has to join the rally, he said that he would fail his children if he did not do so. These parents told us that they could not tolerate the distorted facts, the so-called national education, as well as the statements which disrespect history. Therefore, they chose to come forward. Because of them, Hong Kong will be spared from the mandatory introduction of the national education subject for the time being. But we should not feel happy about it. As we can see, national education is everywhere.

We note that textbooks published by some commercial publishers for Primary Two teach students to love our Motherland; a Primary Six textbook used by a pro-China school contains 20 pages of praises for MAO Zedong. MAO once said in 1941 that what China needed most was democracy. Why is this saying of MAO not included? He had made the biggest promise of democracy to the people of China, but the Communist Party has yet to make good this promise. In fact, we are all ashamed to face the parents.

As for you, Eddie NG, I have really nothing personal against you. However, in the event of policy failures, politically accountable officials around the world must demonstrate their dignity as a principal official of the ruling government, they should bow to the public and step down. Now is the time for

you to show that you are an accountability official. Please bow to the people and step down for this incident.

I so submit. Thank you, President.

MR NG LEUNG-SING (in Cantonese): President, I would like to share with Members some of my views on national education. Now, we often say that the world has become an integrated global village, or economic globalization has led to globalization of the world. But, in fact, member states of the United Nations are recognized as individual nations, and all governments are obliged to enhance their peoples' understanding and acceptance of the country. As we may recall, Australia used to use the anthem "God Save the Queen" as its national anthem. Now, it uses the song "Advance Australia Fair" for this purpose. Given that it has been 15 years since the reunification of Hong Kong, we should rightly consider that it is justified to introduce the Moral and National Education (MNE) subject in primary and secondary schools. As I just said, this initiative is in line with the global trend.

In fact, before the reunification, the then British-Hong Kong Administration tolerated schools with different political affiliations to introduce the state of affairs in China to students through their own means. Now that Hong Kong has reunited with China, why should the curriculum guide be withdrawn such that no schools can introduce the national education subject? Undoubtedly, a considerable number of the public feel that the post-handover government is worse than the colonial government.

The curriculum guide of the MNE subject (curriculum guide) prepared by the Curriculum Development Council of Hong Kong for the introduction of the MNE subject in primary and secondary schools sets out the objectives and vision of the subject. The subject aims at cultivating students' positive values and attitudes, as well as enabling them to acquire desirable moral and national qualities, so as to enrich the very essence of life and facilitate their identity-building in the domains of family, society, nation and the world. The curriculum guide, which is a general guide in nature, suggests that students should learn about the landscape, natural resources and antiquities of the country, understand the development of contemporary China and cultivate critical thinking.

Under this framework, teachers have a relatively large degree of freedom to decide how this subject can be taught, not to mention that schools can decide on their own what teaching materials to be used. Then how can one say that it is brainwashing? We also note the views of the education sector. As Honourable colleagues have mentioned, Prof Francis LUI of The Hong Kong University of Science and Technology wrote in a newspaper article that, "Having read the curriculum guide thoroughly and reviewed the relatively objective analyses, I can only say that we can easily find minor faults in the curriculum guide, but I can hardly agree that there is any errors in principle." The views of Prof LUI actually serve to refute the argument of the so-called brainwashing.

I have read articles against the national education subject. I think many points raised therein are quite inaccurate, including the view that introducing the national education subject will bring certain old and radical ideologies from the Mainland to Hong Kong. Upon close observation, we can see that major changes have been introduced to the Mainland education system in recent years. Traditional classics such as *Dizi Gui* (Standards for a good student) are taught in many schools. These actual changes are not mentioned by many educators who may not understand the substantial changes which have taken place in the Mainland. Many books written by scholars from Hong Kong, Macao, Taiwan and overseas countries can be found in bookstores in the Mainland, such as *Reviews on Political Gains and Losses Through Chinese History* by Prof QIAN Mu, *The 70 years of Late Qing Dynasty* by Prof TANG Degang, as well as Chinese translations of many masterpieces in Western literature. Their book collection may be even greater than that in Hong Kong.

With Hong Kong's reunification under the principle of "one country, two systems", it has become quite necessary for Hong Kong people, both as individuals as well as the SAR as a whole, to understand the country. All along, Guangdong, Hong Kong and Macao are of the same family with close cultural and economic ties. According to an entry in Wikipedia, when the University of Hong Kong was founded in 1911, the then Governor Sir Frederick LUGARD had already made the forward-looking suggestion that the University of Hong Kong "would be of use for China". After a century, the ties between Hong Kong and the Mainland have become even closer in all aspects. In 2011, Mainland China accounted for 53% of Hong Kong's total exports, while the United States only accounted for 9.9%. Recently, many universities in Hong Kong have established branch campuses in the Mainland, and the number of young people

working in the Mainland has also been increasing. The promotion of national education in Hong Kong will enable our students to better understand the state of affairs in China, which is vital for enhancing Hong Kong's competitiveness in the future.

Last but not least, I want to cite a thought-provoking passage from Prof FOK Tou-hui as follows. "I suggest that these young people should set their sight afar and open their hearts. It is perfectly natural for any country to implement national education, even though it will be a complicated task under Hong Kong's 'one country, two systems' principle. But if Hong Kong stays away from China, it will only intensify the conflicts between Mainlanders and Hong Kong people. Should Hong Kong choose to close the door and retreat, it will be alienating itself from Chinese culture and the nation. As Hong Kong and China is now inseparable both politically and economically, staying away from China is not only disadvantageous for Hong Kong, but also very dangerous."

Hence, I think if students receive national education of China, it will help nurture talents for Hong Kong through the process of teaching and learning. *(The buzzer sounded)* Thank you.

PRESIDENT (in Cantonese): Mr NG, your speaking time is up.

DR LAM TAI-FAI (in Cantonese): President, I am extremely saddened to see that the Government's plan to implement national education has come to such a disastrous and messy outcome. President, in my view, regarding the discussion on national education, both the former and the new Government have failed miserably in terms of handling the issue as well as in its mode of thinking. The two terms of governments are equally irresponsible, and this has resulted in the lose-lose situation for members of the public and the Government.

It has been more than 15 years since Hong Kong's reunification with China. It is right and proper and a bounded duty for Chinese people to get to know our Motherland and understand the current situation and state of affairs in China. As a matter of fact, one can say that Hong Kong's present and future development is inextricably linked with and inseparable from China. If we do not fully understand China, its current situation and state of affairs, it would be

disadvantageous for the development of our society as a whole as well as for the future generations.

President, however, the entire plan of implementing national education is aborted because the two terms of governments have been slipshod and have not given much thought in taking forward the relevant work. If we say that the implementation of national education is a political mission, the two terms of governments have indeed betrayed the trust of the Central Authorities. If the implementation of national education is the Government's own policy, it has done a disservice to Hong Kong people as they lost an invaluable opportunity to receive national education due to the Government's blunders in enforcement.

President, I have repeatedly expressed the view that the Government's practice and mode of thinking in implementing national education is unworkable. There are more than 1 000 primary and secondary schools in the territory. Each school has its own mission, *modus operandi*, objectives and vision, and they also have different backgrounds, resources and manpower. However, after completing its so-called comprehensive and extensive consultation, the Government adopted a broad-brush "communal pot" approach to require mandatorily that all primary and secondary schools must introduce the national education subject within the three-year initiation period; and upon its expiry, it would be introduced as an independent subject. This has completely disregarded the difficulties faced by individual schools in terms of compiling teaching materials and providing teacher training, as well as shortages in resources. If the Government implements an education policy high-handedly and arbitrarily, without adopting a school-based approach, or paying attention to the fundamental problems faced by schools, how can it be implemented effectively and successfully?

President, as I have mentioned repeatedly, due to the slipshod and inferior approach adopted by the two terms of governments, an education issue has turned into a social issue. *The China Model*, a handbook compiled with substantial subsidies by the Education Bureau, has stirred up a storm — the storm of national education — ever since its publication because of the biased contents. Various stakeholders in the education sector including students, teachers and parents resorted to different means to express their objections, worries and demands. There were protest actions everywhere and the public was furious. It was not until the silent sit-in staged by students outside the Central Government Offices,

the call for class boycott, as well as the hunger strike that the Government suddenly realized that it had all along underestimated the force of opposition and misjudged the situation, resulting in disastrous consequences.

President, heroes, and young heroes in particular, will come forward in times of trouble. Secretary Eddie NG was flustered by young Joshua WONG, and the Government was confused and indecisive in facing Ms Eva CHAN. With the development of the issue so far, I think the Government has its hands tied with regard to the implementation of national education. Instead of having an initiation period under the original plan, schools are now free to choose whether the subject would be introduced; the proposed curriculum guide has been shelved; and the Moral and National Education subject will not be introduced as an independent subject. It is most saddening that this fire has grievously torn apart different classes in the society of Hong Kong, resulting in conflicts between the Government and members of the public, as well as undermining the Government's credibility. The Government has indeed suffered a double loss.

President, the present motion proposed by Mr IP Kin-yuen requests that the curriculum guide be withdrawn, and Secretary Eddie NG to step down. I consider that there is much room for deliberation and discussion between whether it is necessary and not necessary. I consider that the national education saga should come to an end. We should not entangle ourselves further over the terminology of "withdraw" or "shelve" because it will only create even more internal strife.

As to whether Secretary Eddie NG should step down because of this incident, Honourable Members are free to express their own views today. However, I do not concur with Secretary Eddie NG's remark that he would approach the request for him to step down with equanimity. If the Secretary had tackled the difficulties and faced the problem with courage, and handled the incident with most wisdom and compassion, he can of course approach the request for him to step down with equanimity. However, he must ask himself first whether he had handled this matter properly. As a matter of fact, his remarks about the "silent majority" are biased.

President, regarding this incident on national education, I hope the Government will stop acting like a bird startled by the mere twang of a

bow-string. Instead, it should learn from the painful lessons and experience of this incident, conduct comprehensive and extensive consultation all over again, spend more time to forge a consensus among members of the community and stakeholders in the education sector, and collect views in a pragmatic and sincere manner. In addition, President, the implementation of national education should not only concentrate on the level of secondary and primary schools. The Government should formulate an education policy on universal national education to be implemented on a continuous and holistic basis, so that people of different class, age and gender can have the opportunity to access national education with no brainwashing through various means.

President, I do not agree that we should entangle ourselves further over the issue of withdrawing the curriculum guide. But Secretary Eddie NG has actually erred in his handling of the incident. Of course, he might not have to step down because of this incident. But I very much hope that the Secretary can make a definite, sincere and truthful apology to members of the public today. I hope he will not be stingy with his apology.

President, I so submit.

MR MICHAEL TIEN (in Cantonese): President, since the reunification, the community has been considering the implementation of national education to enhance our identification of national identity and increase the overall understanding of young people of the Motherland. The "one country, two systems" principle has been implemented for 15 years, but I consider that our next generation still has little understanding of China. The Government's present decision to shelve the curriculum guide and not to withdraw the subject is tantamount to turning the situation into a lawless state, allowing schools to decide how to implement national education, and the concerns of parents can hardly be alleviated. I understand that it is a political compromise, but I cannot say that this is a responsible act.

As I have often visited the districts to get in touch with parents, I learn that many parents who support national education are concerned that in implementing the national education subject without any curriculum guide, schools may blindly praise the country or condemn it categorically. Going to such extremes will seriously divide our future generations. In my view, regardless of whether national education is to be taught as an independent subject, schools can decide

autonomously and independently how to incorporate the contents into other subjects, such as moral education and civic education.

Nonetheless, it is most important that the contents to be taught must be impartial and unbiased. Hence, it is essential that a set of curriculum guide widely acceptable to Hong Kong people be provided to schools for reference. As I see it, national education should ideally be: First, students can learn about the merits and demerits of the country. Second, when teaching the subject, teachers should not indicate their stance, either positive or negative, on any incidents; all they should do is to provide students with the relevant facts, information, comments and views in relation to such incidents. Third, there should be no grading system for the subject. Fourth, assessment should not be made on the basis of the stance or affection of students, but on their reasoning, so that our future generations can regain the scope for independent thinking which is most cherished by Hong Kong people.

Just now, many Members of the opposition camp have spoken against national education and claimed that it will limit the scope of independent thinking. In fact, as the idiom goes, while the waters can keep a boat afloat, they can also overturn it. We can fine-tune the curriculum guide for national education so as to provide the scope for independent thinking for future generations. If the four requirements mentioned above can be met by the Education Bureau in revising the curriculum guide, the guide can be used by schools and parents as reference materials, and with the territory-wide monitoring on the implementation of national education and the progress made, we will definitely have successful cases after a period of time, and such cases can serve as good models for other schools so that students can understand the country in a holistic and impartial manner.

Standing firm in good causes without fear of pressures, Fresh Fish Traders' School decides to introduce the national education subject with an open attitude and welcomes monitoring by all walks of life in society. I believe that if the curriculum guide can be revised according to my earlier suggestions to serve as a support measure, it will achieve the objectives of benefiting the students, alleviating the worries of parents, allowing school autonomy and winning public acceptance even further.

President, I so submit.

MR TAM YIU-CHUNG (in Cantonese): President, if we retrieve the past records, we can easily find that the Hong Kong Professional Teachers' Union (HKPTU), the Civic Party and the Democratic Party, which oppose adamantly national education, had many of their core members repeatedly demanding the SAR Government to implement national education in 2008. Among them, Mr CHEUNG Man-kwong, former president of the HKPTU, stated first and foremost in his election platform for the education functional constituency of the Legislative Council election in 2008 that the SAR Government should implement the Moral and National Education (MNE) subject. He stressed that (and I quote), "national education should be enhanced, and students should take the Chinese History subject so that they can understand the country". (End of quote) In the Chief Executive's Question and Answer Session held in October 2008, Miss Tanya CHAN, former Legislative Council Member of the Civic Party, even proclaimed that (and I quote), "I very much agree that national identity, rights and obligations are the 'tripod' underpinning the quality of our nationals, and they are indispensable. I also agree that the young people of Hong Kong should gain a better understanding of the actual situation, state of national affairs and development of the Mainland, and receive comprehensive national education." (End of quote)

Of course, they will definitely say that while they supported national education in the past, the present national education is a form of brainwashing education. That is what several pan-democratic Members have said just now. They consider that the present national education is a form of brainwashing education and turning education red. Hence, they oppose brainwashing and communization of education. Therefore, they insist that the SAR Government must withdraw national education. Nonetheless, I must point out that the SAR Government has already shelved the curriculum guide of the MNE subject (curriculum guide), and schools can decide whether national education should be implemented according to their own professional judgment. The SAR Government no longer has any role to play in this issue. In this connection, are their criticisms that national education is brainwashing or "communization" some form of mistrust or even an insult to teachers and students in the territory? As national education is neither brainwashing nor "communization", why do they demand to withdraw national education totally? Isn't that a case of being inconsistent in one's words and renege on one's words in the past?

President, in mobilizing this "anti-national education movement" in the past few months, political parties, political groups, organizations and their supporters have engaged in a series of "criticize and denounce" tactics, which in our view are similar to those adopted during the Cultural Revolution. They resort to "name-calling", and attack those who support national education, who have reservation about their acts, or even those who have not indicated their stance against national education by calling them "indigenous communists" and "Fifty Cent Party". For instance, when TIK Chi-yuen, former vice-chairman of the Democratic Party, stated repeatedly that there was no element of brainwashing in the curriculum guide, the Democratic Party refuted his statement instantly. Although TIK Chi-yuen has stated the truth, he has been suppressed time and again. Is such act of suppressing the freedom of speech also another kind of unilateral brainwashing?

Let me cite another example. As Ms WAT, author of *Monster Parent* and veteran media worker, has not joined her former colleagues in showing support for the anti-national education movement, she has been bombarded by emails with criticisms from those who oppose national education. Even her mother is being criticized as an "old leftist", and she is denounced as a "communist double-agent". Faced with such attacks, Ms WAT is not scared, but she has pointed out resignedly (I quote), "Since when do we not even have the freedom to remain silent in Hong Kong?" (End of quote) However, I read from newspapers today that Ms WAT has received another anonymous threatening letter, attached with a male nude photo, and with threatening remarks about national education on the back.

Apart from "name-calling", some people who belong to the anti-national education camp also keep on harassing and obstructing schools intending to introduce the national education subject. Let me give another example. Earlier, Baptist (Sha Tin Wai) Lui Ming Choi Primary School, Po Leung Kok HKTA Yuen Yuen Primary School and Fresh Fish Traders' School which planned to introduce the national education subject were subject to constant harassment by persons in the anti-national education camp who even demanded the resignation of the school principals. Finally, Baptist (Sha Tin Wai) Lui Ming Choi Primary School gave up its plan to introduce the national education subject. Faced with this situation, LEUNG Kee-cheong, principal of Fresh Fish Traders' School which insists on introducing the national education subject, also said regrettably that the anti-national education camp resorted to threats by depicting national education

as the horrendous SARS pandemic, and they would not stop until their goal was achieved. Their acts have really stepped over the line.

Recently, a member of the public shared with me a YouTube footage entitled "An ordinary person's view on national education". In this thought-provoking nine-minute footage, the main character, a youngster about 20 years old, points out in simple and direct terms how some persons in the anti-national education camp have demonized national education through all sorts of means, and idolized some core figures in the anti-national education camp, so that the public is brainwashed and compelled to support the anti-national education movement.

President, the Democratic Alliance for the Betterment and Progress of Hong Kong will vote against the original motion and the various amendments today.

MR FREDERICK FUNG (in Cantonese): President, I thought you would not return to chair the meeting for this motion debate after you left the Chamber. I want to raise a point of order with you, President.

PRESIDENT (in Cantonese): What is your point of order? Please speak.

MR FREDERICK FUNG (in Cantonese): President, I originally thought that you would leave the Chamber after calling upon Mr IP Kin-yuen to speak, and you would not return to chair the meeting for this motion debate. Now that you have returned, a question has thus arisen. As far as I know, President, you are a board member of the National Education Services Centre which publishes the handbook entitled *The China Model*. Given the issue under discussion today, is it not appropriate for the President to chair the meeting for this motion debate?

PRESIDENT (in Cantonese): Regarding the office I hold which you just mentioned, I do not consider that there is any conflict with this motion debate. If it comes to my attention that I have to make a ruling on the contents of Members' speeches, and that ruling may give rise to Members' concern about my

impartiality given my capacity as a board member of the Centre as just mentioned by Mr FUNG, of course I will withdraw.

MR FREDERICK FUNG (in Cantonese): Nonetheless, I think the President should withdraw.

MS CLAUDIA MO (in Cantonese): Following up on Mr CHAN Chi-chuen's earlier reminder about Members' problem of mispronunciation, that is, the correct pronunciation should be "國(gwok3)民" (nationals) and "共和國(gwok3)" (republic), I want to mention, in passing, that the correct pronunciation should be "行(hang4)政區" (administrative region) because I heard many Members mispronounce the word as "痕(han4)", which means "itchy". I am merely picking up on his idea and offer another reminder for Members.

First of all, I want to respond to the earlier comments made by Dr CHIANG Lai-wan. Dr CHIANG Lai-wan challenged Mr IP Kin-yuen who proposes this motion by saying "Since you claim that you are so competent, can you do a better job if you were the Secretary?" While I consider that such kind of challenge is not conducive to the debate in this Council, I really think that it is not too difficult to excel Secretary Eddie NG in performance. Such kind of statement had arisen in our opposition to the previous Chief Executives, from TUNG Chee-hwa to Donald TSANG and the incumbent Chief Executive LEUNG Chun-ying. Can we say to people who oppose the Chief Executive, "If you are so competent, why don't you be the Chief Executive?" We should not say something like that. Does it mean that anyone who cannot be the Chief Executive has no right to criticize, move motions or rise in opposition? If that is the case, we would neither have movie critics nor book critics because movie directors would say, "If you are so competent, why don't you direct a film?", and authors would also say, "If you are so competent, why don't you write a book?" Such kind of debate is some totally illogical.

Earlier, both Mrs Regina IP and Dr LAM Tai-fai talked about love for the country, as well as the implementation of national education in Canada, the United Kingdom and Australia. However, I do not see any relevance between these examples and the subject under discussion today because the three Western countries are all democratic countries, with their governments elected by the

people, whereas the Hong Kong Government is not elected by the people and it does not have the mandate of the people.

I once received a call from a new immigrant mother living in Tin Shui Wai. She told me that she felt horrified when she was looking for a Primary One place for her child. What has happened? Firstly, many primary school places were taken up by "doubly non-permanent resident children". But that is not the main point. Secondly, during her visits to some schools, she was horrified to find that the principals talked in a very "patriotic" tone. That is the comment made by a new immigrant mother. We all understand the hidden meaning when she said patriotic (quote and unquote); we all know what she really means.

Under the present education system in Hong Kong, we can see that there are indeed some principals, academics or even teachers who have been brainwashed by the Government. I am not sure if they might be driven by inducement. As a result, we are extremely worried about the education system. Hence, I think the entire national education subject must be withdrawn.

Basically, the Secretary has just spoken in a bureaucratic tune today by recounting the whole incident again. But even after a certain senior official in Western District had stated loud and clear that national education was brainwashing, the Secretary did not take it seriously. He made no response, pretending that nothing had happened, and insisting on taking the matter forward. That is why the Government ended up in this situation. Just now, Dr LAM Tai-fai said that he felt very sorry, and that education should be about education, rather than turning it into a social movement. But he forgets that if a society really wants to change, it needs a revolution, yet no revolution can take place in Hong Kong. Hence, we can only take the second step and make changes in respect of education. Education is absolutely inseparable from history, politics and society. As we can see from facts, education in Hong Kong is now one-sided brainwashing, singing the praises of communism. How can that ease the minds of us as mothers?

Secretary, let me remind you, I have nothing personal against you — pardon me, for I am have a mild flu today — I have nothing personal against you in particular, but as you are an accountability official, I must indeed express my views about you because Mrs Regina IP just mentioned that the Secretary alone should not be held responsible for this incident; instead, the dedicated task force

or the dedicated team should take the blame on your behalf. But pardon me even in the 1980s when I was still a full-time journalist — in the 1980s, a series of aviation disasters occurred in China with no obvious reasons — one could hardly say that a certain dedicated task force or certain dedicated officials in the General Administration of Civil Aviation of China (CAAC) should be held responsible, but not the Administrator himself. That was not the case. The then Administrator of the CAAC resigned even though the aviation disasters were not caused by him or his personal problems. Therefore, Secretary, as an accountability official, you must resign.

I so submit.

MR CHRISTOPHER CHUNG (in Cantonese): President, the first motion of the current-term Legislative Council turns out to be a motion which seeks to "burn books and bury Confucian scholars alive" proposed by Mr IP Kin-yuen who represents the education sector.

Mr IP is Emperor Qin Shi Huang of the modern era who seeks to "burn books and bury Confucian scholars alive". He tries to burn all textbooks on national education, as well as bury alive all officials and advocators who support the implementation of national education. Engaging in extensive political terrorism, he only wants to create trouble for society.

As the representative of the education sector, Mr IP has confused right and wrong, and confounded black and white. He claimed that Secretary Eddie NG has refused to have open dialogue with the protestors. But in fact, it is the party demanding the withdrawal of the Moral and National Education (MNE) subject which has all along refused to hold discussions with the Government. They refuse to join the relevant committee, and have made over-generalized remarks that the biased content in the handbook entitled *The China Model* was the only guideline to the national education subject. They did so for discrediting the national education subject as brainwashing. All in all, they adopted a "three-nos" policy, that is, no negotiation, no postponement and no improvement. They should be the ones responsible for today's disarray. It is needless to say more as justice lies in the people's heart.

As the dispute over national education starts to subside with the Government's announcement of shelving the curriculum guide, the community has the rare opportunity of focussing its attention on the economy and people's livelihood. But Mr IP's motion is like adding oil to the fire, escalating once again the dispute over the national education subject from the education level to the political level. He even turns this education issue into a political tactic to put pressure on the official to step down.

In my view, the Government has already made various concessions in respect of the introduction of the national education subject, which included abolishing the implementation deadline, that is, the three-year "initiation period", and then shelving the curriculum guide, so that schools can decide on their own whether the subject will be introduced, when and how the subject will be introduced, as well as the teaching materials to be used. If Mr IP insists on a total withdrawal of the subject, it implies that schools cannot introduce or teach the subject even if they want to, and students are not allowed to learn the subject even if they want to. One can say that this has interfered with academic freedom and the autonomy of schools. As Mr IP is a Member of the Legislative Council representing the education sector, is that his rightful duty to his electors?

Mr IP's demand for the withdrawal of the national education subject demonstrates his lack of trust in his electors, the professionalism of teachers, as well as the autonomy of schools. He worries that teachers and schools will brainwash the students. Most of my family members are teachers. I believe that most teachers love and care about their students, and they will not, by virtue of their professional conduct, brainwash their students with biased teaching materials.

All along, I hold that the issue of national education is not about whether the subject should be taught or not, but how the subject should be taught. National education has been implemented in Japan, the United States and some European countries. We should not over-generalize national education as brainwashing merely on account of some biased teaching materials. For instance, Japan has distorted history by claiming that the Diaoyu Islands belong to Japan. But as the Chinese proverb goes, "we should not stop eating because of a hiccup", it does not mean that we should stop learning history because of fear. The stance of the Democratic Alliance for the Betterment and Progress of Hong Kong is that we oppose any form of brainwashing education. I believe

that parents and teachers in the territory all agree that we should nurture our future generation to care for the nation and understand the affairs of the state objectively and comprehensively.

President, education will only thrive by "letting a hundred flowers blossom and a hundred schools of thought contend". That is why subjects on the study of Marxism and Communism are also taught in universities in the United States. Legislation will not be introduced to require the universities to withdraw these subjects. Likewise, various subjects on Chinese Studies and Modern China Studies are taught in many universities in Hong Kong. If Mr IP's principle applies, does it mean that those universities in Hong Kong should also be asked to withdraw the subjects? The original motion is illogical because it seeks to limit freedom of teaching in schools, burn all books containing knowledge of the state of affairs in China, and prohibit learning by students even on a voluntary basis. Hence, this motion also seeks to promote the wilful "killing" of officials for the sake of academic dictatorship and education terrorism as all officials who are involved in the education policy and the Chief Executive must step down and be censured. I wonder if Mr IP really wants to become "Emperor Qin Shi Huang of the Hong Kong Professional Teachers' Union" in the Legislative Council.

In the election forums for the Legislative Council Elections just held, candidates from the opposition camp often criticized Members of the last term for voting down their motions, one of which being the motion on "Defending academic freedom and institutional autonomy" moved by Mr CHEUNG Man-kwong on 25 April this year. Ironically, CHEUNG Man-kwong's successor, Mr IP Kin-yuen, is actually saying one thing and doing another. The motion he proposes today has blatantly interfered with academic freedom and autonomy of schools, and destroyed the core values of Hong Kong people.

With these remarks, President, I oppose Mr IP's original motion and the other amendments.

MR RONNY TONG (in Cantonese): President, when speaking in this Chamber, I often have a strange feeling, wondering whether Members on this side and Members on that side are living in two different worlds. Sometimes, I also have a feeling that we are just like "chickens talking to ducks". I don't know whether I am a chicken or a duck, but anyway, we are definitely different. *(Laughter)*

President, I have been sitting here all day today, and I heard the 45-minute address delivered by the Chief Executive. He talked about integration between China and Hong Kong, but nothing was mentioned about the issue of core values or the core values of Hong Kong people throughout his entire speech. I heard the speech made by the Secretary. He talked about the support he got from many people, but nothing was mentioned about the issue of core values at all.

Just now, I heard the speeches made by many Honourable colleagues including Members on this side and Members of the pro-establishment camp. Mr Christopher CHUNG even talked about "burning books and burying Confucian scholars alive". That is very frightening. But he has not touched on the crux of the issue. What is the crux of the issue? In fact, the point of contention today is: why so many parents and ordinary members of the public in Hong Kong have taken to the streets and besieged the Central Government Offices? The reason is that the so-called national education has touched on the core values of Hong Kong. We are talking about core values, not the value of income disparity or the value of integration between China and Hong Kong. Why does it touch on the issue of core values? The issue in question is not whether the so-called national education should be introduced, but what the definition of national education is. What are the contents of the subject? Has the Government ever considered these matters? Therefore, do not say that this subject has been taught all over the world. Yes, elephants are found all over the world, but would you take an elephant to a china shop? You would not, right?

Perhaps let me talk about our worries. In teaching the subject, Baptist (Sha Tin Wai) Lui Ming Choi Primary School has adopted the learning materials prepared by the Education Bureau. The theme of one lesson at Primary Two is, "I have learnt to sing the national anthem". Singing the national anthem is no big deal, but students are taught that when they sing the national anthem, they should, like champion athletes, feel the pride of being Chinese and have the emotion of being moved to tears. I am sorry, President, I am moved to tears by the 4 June incident; I am moved to tears by the TAN Zuoren incident; I am moved to tears by the LIU Xiaobo incident, but when I watch the raising of the national flag each morning, sorry, I really do not have the feeling of being moved to tears. Does it mean that I am not a Chinese?

The issues in question are related to the definition of national education, as well as its implementation. Again, in Baptist (Sha Tin Wai) Lui Ming Choi

Primary School, according to the teaching materials, students should feel happy about being a Chinese. That is no big deal, but students must state aloud, "I am happy to be a Chinese." What kind of education is that? Honestly, it is a kind of spoon-feeding indoctrination with absolute obedience. To me, that is not education. Should my four-year old son come home after school and shout to me aloud, "I am proud to be a Chinese", I would be shocked to find that my son has actually received such kind of education.

What is meant by brainwashing? That is exactly what has happened. Have you been taught such things when you were in school? Even if you had not been so taught, do you still love your country? You are still a Chinese. Do you feel any loss or regret? No, I do not think so, both you and I have no such feelings. Then why must our children be forced to go through such hardships?

Moreover, regarding the definition of national education, HAO Tiechuan of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region had once said, "Some people say that national education is brainwashing. But if you look at Western countries like the United Kingdom, the United States and France, such brainwashing can also be found. This is an international practice. Some say that it is necessary to develop critical thinking among primary and secondary students, but that is not so. Critical consciousness should be nurtured in universities, not in primary and secondary schools. What is national education? How can any national education defiant of the Central Government be called national education?"

His remarks have been circulated among the people for a long time. But our Secretary and the SAR Government have never come forward and told him not to mislead Hong Kong people because we are not talking about the same thing. They have not done so. When the Secretary replies later, he can have one last chance to refute those remarks. What is our greatest worry about those remarks? That is to define "national education" as "love for government education". Do you understand the fundamental differences between the two? Love for one's country is not the same as love for the government. Considering the education in the United Kingdom, the United States and other countries, children in the United States, yes, they have to sing the national anthem every morning. But would they teach the children to love and admire Barack OBAMA, love and admire George BUSH, or love and admire Bill CLINTON? Sorry, the answer is no.

National education is actually civic education. It is about understanding and then identifying with the history and culture of one's own country. But what has been mentioned in the curriculum guide which has been shelved? It requires students to understand the great economic development of China, as well as to learn and admire the efforts made by the leaders. Have you ever read the curriculum guide? This comes from Primary One teaching materials. Yes, Primary One. How old are the students? These people and even HAO Tiechuan admit that when students are still incapable of making judgment, they are subject to blind indoctrination so that they can never identify right from wrong, good from bad, and whether there is any conflict with Chinese history and culture.

It is perfectly justified for Hong Kong people to reject this so-called mode of education. They should not think that Hong Kong people are silly or naive, or they do not understand the state of affairs in China. All of us have such understanding. All of us have received an education which we are proud of. They should never mess it up.

Secretary, I will give you one last chance. Thank you.

(Mr Christopher CHUNG stood up)

PRESIDENT (in Cantonese): Mr CHUNG, what is your point?

MR CHRISTOPHER CHUNG (in Cantonese): President, Mr Ronny TONG has just mentioned my name. I want to elucidate. In my speech, I clearly stated that the core values of Hong Kong people include safeguarding freedom of speech, academic freedom and autonomy of schools. He has not heard what I said. I wonder if he has hearing problems or his political bias has made him deaf

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

MR CHRISTOPHER CHUNG (in Cantonese): Thank you, President.

MR MA FUNG-KWOK (in Cantonese): President, to many foreigners, the role that Hong Kong plays as a meeting point between the East and the West embodies its charm as a great metropolitan, which consists of the relationship between Hong Kong and China and also our understanding of China.

In the face of today's global trend, people all over the world are aware of the importance to learn about China. However, in Hong Kong, the introduction of the Moral and National Education (MNE) subject, which aims to teach students about their country, has attracted waves of protests. In respect of the national education subject, whenever the achievements of our country are mentioned, they would simply be labelled as brainwashing and political indoctrination; even the raising of the national flag, exchange programmes to the Mainland, or visits of Chinese astronauts and Olympiads to Hong Kong are alleged as brainwashing. Ironically, people who lifted up banners in a parade declaring their love for China would be booed; while people who lifted up the British Hong Kong flag used during the colonial era or the Union Jack would be left unbothered.

In my view, if people have any views on the national education subject or have concerns about the curriculum guide, they can freely bring up the issues and have the problems solved. President, while I strongly support the introduction of national education, if there is no consensus in society and the Government arbitrarily makes it an independent subject, leading to great controversy in society, I have reservation about its implementation. However, in this incident concerning national education, the community has not discussed the issue seriously, neither has an environment been fostered for discussion under mutual respect. Whoever supports national education will be labelled and smeared; whoever posts a message in favour of national education on the Facebook will be bullied; schools which introduce the national education subject will be under attack; teachers have to declare their stance I still remember that teachers are required to sign a conscience charter. It seems that everyone has to take a moral test in respect of national education and is forced to take a stand. Everyone has to go through this and no one will be spared.

I still remember that after the disintegration of the Soviet Union, one-party dictatorship came to an end but the new country did not ban the activities of the Soviet Communist Party. The Party still remains a strong opposition party for a long period of time and Zyuganov is safe and sound. In the United States, workers in the film industry and members of the cultural sector of the older

generation would never forget the damage brought by McCarthyism to human rights, freedom and creativity. Voltaire once said, "I disapprove of what you say, but I will defend to the death your right to say it." In the television drama titled *When Heaven Burns*, which was very popular among young people, it talked about "harmony". By harmony, it does not mean 100 people speaking alike but 100 people speak differently but they still respect one another.

Nevertheless, the social atmosphere surrounding this anti-national education wave is 180 degrees contrary to our core values of democracy, freedom and human rights. It is a far cry from respect, tolerance and harmony but very close to McCarthyism.

As a member of the Hong Kong Baptist University Council, I am greatly concerned about problems caused by the handbook titled *The China Model*. I note that the Advanced Institute for Contemporary China Studies (the Institute) who compiled the handbook had in fact issued press releases on many occasions emphasizing that *The China Model* has adopted the concepts of western scholars and the interpretation of Chinese scholars. The more controversial topics such as "bitter struggles among political parties causing suffering to people" are placed in the section for extended discussion. The handbook has not evaded controversial topics and negative news reports on "forcible land requisitions by local governments", "the Wukan Village incident", "Green Dam software", "My Father is LI Gang", "poisonous milk powder" and "crash of high-speed trains" have also been discussed. If the handbook intends to brainwash the students, is it necessary to mention these incidents?

I have also noticed that the Annual Report on Development of Hong Kong 2012, which was also prepared by the Institute, was published in June this year before the outbreak of the incident on national education. It clearly stated its opposition to national education being made into an independent subject. Let me quote page 74 of the report, "The problems concerning national education: instead of forcing the 'recognition of national identity and Chinese culture' and introducing the 'Moral and National Education' subject, the contents of which are ambiguous and overlapping, hence attracting opposition by the community, teachers and parents and evoking a backlash from the community, the authorities should withdraw these subjects, and as far as possible incorporate China-related contents in other relevant subjects such as History, Economics and Geography, so

as to avoid turning the classroom into a venue for political indoctrination, irrespective of the party concerned."

Unfortunately, in the course of discussion on national education, many statements and facts have been ignored, distorted, covered up and muted.

President, in my view, the shelving of the curriculum guide of the MNE subject should not mean the abolition of national education but a new start. The Government should give guidance to the community so that it can fully reconsider how to encourage students to understand their country.

According to a survey, among students of the generation after the reunification with China, only 10% consider that the Opium War was an invasion resulted from colonialism. We certainly do not wish that our next generation cannot tell the chronological order of the Marco Polo Bridge Incident and the Manchurian Incident as described by a columnist of a newspaper recently.

I would like to especially point out that when the Government of the last term introduced the New Senior Secondary Curriculum, the subject of Chinese Language and Culture was abolished and Chinese History became an elective subject. Subsequently, the number of students taking the Chinese History subject dropped substantially. This year, the number of students taking the Chinese History subject in the Hong Kong Diploma of Secondary Education Examination plummeted from forty thousand to fifty thousand at the peak to 9 000. It is absurd that the Government on the one hand promotes national education but on the other hand belittles history.

I hope that the Government will rectify the mistakes made by the Government of the last term, and on the basis of history and facts of our country, increase the elements such as geography, art and culture of our country in various subjects, thereby all stakeholders will be invited to participate in encouraging our next generation to gain more knowledge and understanding of their country.

Back to the motion demanding the resignation of the Secretary, I think the Government and the Secretary have already responded to the demands of Mr IP Kin-yuen and have also formulated a new policy. Hence, it is not fair to ask him to step down.

President, I oppose the original motion, neither do I agree to the amendments put forward by the other three Members. Thank you, President.

MR ALBERT HO (in Cantonese): President, it is quite meaningful that this legislative session starts off the first debate on such a controversial topic. At least we can understand the values upheld by many Members, as well as their basic attitude in handling or understanding certain matters. I hope that we will continue to have such heated debates in future.

First of all, I am a little surprised to hear Dr CHIANG Lai-wan, Vice-chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), shouting herself hoarse the accusations. I really do not know that she can be so ferocious. First, she asked what had happened and cited many incidents to reprimand Members from the pro-democracy camp who oppose national education. However, please look at the facts clearly. First, she said that during the consultation period, the public had accepted and basically agreed to the direction of Moral and National Education. I will later reiterate in detail the long-held stance of Members from the pro-democracy camp on this matter.

However, even for schools and parents, did they agree unanimously at that time as insisted by DAB now? In fact, this is exactly the fact that the Government wants to cover up now. That was why about a month ago, as I recall, reporters from the *South China Morning Post* and then those from the *Apple Daily* demanded the Government to disclose the results of the consultation conducted about a year ago, yet the Government refused on various pretexts, such as privacy. It was not until recently, in the face of pressure exerted and follow-up actions taken by Members that the Government finally disclosed the relevant information on 4 October. It turned out that the Government was all along aware of the response to the questionnaire conducted in September last year. Over 53% of primary schools and 62% of secondary schools indicated their reluctance to introduce the subject this year. We can see the great hesitation and resistance but the Government refused to make public this information. Secretary Eddie NG was also aware of such information. How dare they talk about having the so-called consensus and people retracting their support? That is outrageous.

Second, Mr TAM Yiu-chung and Dr CHIANG Lai-wan repeatedly accused the Democratic Party, the Civic Party and the Hong Kong Professional Teachers' Union of "making an about-turn". Regarding this accusation, we have been involved in this issue for years and we have participated in debates. Our remarks have been clearly recorded and it is not as simple as they said that we also supported the Government's course of action. Honestly, as a Hong Konger in China, as a Chinese in Hong Kong and as a global citizen of Chinese nationality living in Hong Kong, why should I object to gaining knowledge about China? China is such a vast country and so closely related to me, why would I object to young people receiving moral education which teaches them how to behave? We do not object to such kind of education, but the question is what kind of national education is involved?

The biggest problem is that we have reasons to suspect that an agenda has already been set, that is, a top down indoctrination to mould the thinking of people, so that people will see what the Government wants them to see, which includes only seeing the glamorous side of the country, and singing praises of its achievements. The Government even wants to set the reaction of people in that they will be moved to tears when they see the glories of the country. This is not the kind of national education that we wish to have. How can this kind of education nurture our next generation to think objectively and critically?

Therefore, it is very clear that the pro-democracy camp do not reject national education. We even denounce the Government for not requiring secondary schools to make Chinese History a compulsory subject again long after the reunification. Actually we have put forward these arguments before. We also believe that civic education should lay more emphasis on teaching our next generation the universal values; that is the civic education which we want. National education does not need to be made an independent subject. Through enriching our civic education, we can help students gain an understanding of the history of their country, embrace the right values and understand the rights and duties of a citizen. Hence, you are downright distorting the facts when you denounce the pro-democracy camp today and you are also using this tactic to avoid being censured for your attitude.

Ms Starry LEE also mentioned earlier that national education was a much discussed topic during the election. She said that she was against a mandatory introduction of national education. However, if she really held such a stance,

why did she disagree with our request raised during debates to defer indefinitely the three-year initiation period? Why did she still support the LEUNG Chun-ying Government to introduce the subject within three years as scheduled? Today, she said that the Government should not adopt a high-handed approach, but at that time she supported such an approach. Therefore, you should be held responsible for today's predicament faced by the Secretary. LEUNG Chun-ying has to call off the policy in such a way that many regard as humiliating. You should be held responsible, because of the stubbornness of the royalist camp to support such an unpopular policy of the Government, you have to bear a significant share of the responsibility. Of course, being an accountability official, the Secretary has to realize the spirit of accountability. Hence, we support the motion today.

MS CYD HO (in Cantonese): President, in today's debate, I find that many Members have confused the concepts of the two subjects, namely, national education and civic education. Everyone says that we are duty-bound to study Chinese History, understand the affairs of our country, appreciate the landscape of China as well as its culture and art. I totally agree. Besides, we should also understand China's current political system and we also have the responsibility to protect the Chinese people, our fellow compatriots.

However, the abovementioned elements should be regarded as civic education — please refer to the motion debate in June 2011 during which I gave a clear explanation — I wonder if Members should follow the practice of the Central Government by naming such kind of education as national education because they are reluctant to make changes. I would like to ask the Secretary, what is the difference between civic education and national education? Let me repeat once again here. Civic education does not require people to pledge blind allegiance to a political party, or regard practices of a political party which bring calamity to the country and the people as acts of patriotism. Rather, it teaches one to have the courage to criticize the government and object its actions, and even propose to change the government when necessary. That is why we need to learn Chinese history and understand the political system of China; and that is also how we express our love for the Chinese people, our fellow compatriots. Secretary, can you later put into writing the criticisms I made just now about the bonds between the government and the people?

What we are actually against is brainwashing. Brainwashing needs not be imparted through the national education subject. Brainwashing can exist in various forms. Its influence can be exerted through Liberal Studies and also through fake civic education. A famous primary school has prepared a worksheet on Olympics and the first question asked is, "How do you feel seeing so many gold medals won by Chinese athletes?" A young pupil answered, "No special feelings." He wished that there would be greater democracy and freedom in China, but he could not understand why his school would issue such a worksheet. Speaking of Olympics, why not talk about sportsmanship? Why not talk about the athletes' efforts, determination and perseverance? Why should the emphasis be placed on gold medals won by China?

Therefore, this kind of affective direction can exist in many subjects. There is a definition for brainwashing which can readily be found on the Internet. An English book titled *Thought Reform* talks about how a person can be changed through a process, through which he loses his power to think and judge independently.

To introduce such an affection-oriented programme in primary school is no doubt a brainwashing tactic. Therefore, as regards the curriculum guide, the most frightening part is not whether the contents are biased or based on facts because everyone can find out on the Internet which information is wrong. The most frightening part is the assessment process. For example, if a pupil does not feel moved in seeing the national flag or hearing the national anthem, he will not be reproved by the teacher right away, but he will be asked to go home and reflect on his deeds. A child who is subjected to humiliation, criticism and isolation will no longer have the courage to stand up for what he likes and makes a decision based on his own feelings. When the child grows up, he dares not believe in his own judgment but would rather follow the masses and the authority. This is a brainwashing process to make someone give up his own judgment. Some will pretend to believe, some will truly believe but some others will remain silent despite their anger.

However, President, I actually know some elites who graduated from prestigious schools in Hong Kong and pursued their studies abroad during the era of burning passion — a time when they could freely discuss politics in overseas countries — they expressed total support to the Gang of Four. I never asked why they supported the Gang of Four who had caused such a great calamity to the

country and the people. Most ironically, when HUA Guofeng came into power and the Gang of Four were thrown into prison afterwards, they turned their support to HUA Guofeng without making any self-retrospection or self-reflection. Worse still, when JIANG Qing was on trial, she said, "I am only a dog of Chairman MAO." How could students who once worshipped and devoted to her bear to hear this?

It is a personal tragedy for someone who is brainwashed and loses his power of judgment; a bigger tragedy is that when the great leader dies, his dynasty crumbles, the legend about him vanishes and his earnest followers fall into a value vacuum. As a result, in order to protect oneself, everyone becomes money-oriented. This is not only the tragedy of the generation who have been brainwashed but also a calamity for the country.

Therefore, I would like to ask those Members who claim to be patriotic to get a clear picture about history. Please do not just love the business opportunities that our country offers, do not just love Renminbi; instead you should truly contribute your efforts for the people in China, to protect this generation of young people in Hong Kong, so that they can be Chinese in Hong Kong with an independent and critical mind.

President, what we should do in the future is to develop teaching materials that truly nurture civic consciousness with public funding; second, set up a proper and effective channel for parents and alumni to monitor the school; third, enhance the teachers' understanding of democracy, rule of law, diversity and tolerance. The problem we are now facing is not only the withdrawal of national education but an on-going battle of cultural confrontation. Here I would like to respond to the lovely young people of the Scholarism and the 120 000 people who participated in the gathering: Down with brainwashing!

MR TOMMY CHEUNG (in Cantonese): President, though the crisis caused by the introduction of the national education subject earlier has ended, if the Government holds an attitude of "what is gone is gone", thinking that the whole issue is over, I am afraid that it will misjudge the situation again.

When the Government first promoted the Moral and National Education (MNE) subject, it hoped that our next generation would receive national

education in a systematic manner. Its intention was good. Regrettably, owing to its bureaucratic practice, the Government refused to listen to professional views, and coupled with the emergence of the brainwashing conspiracy, it not only failed to raise the general public and students' recognition of their national identity, but also gave the term "national education" a negative connotation, thus hampering the healthy development of national education, which was indeed very unfortunate.

In fact, the education sector had expressed long time ago their worries about making national education an independent subject, but the Government had paid no attention. The Hong Kong Association of the Heads of Secondary Schools (AHSS), which represents 415 secondary schools, had repeatedly written to the authorities and issued open letters since August 2011 to express different views on the curriculum guide on Moral and National Education (curriculum guide) in respect of the objectives, learning materials, modes of implementation, assessments, and so on.

The AHSS had also repeatedly proposed to the Education Bureau to communicate more with various sectors, and in response to the prevailing situations in society and schools, allow schools to make their own professional decision, so as to implement moral and national education through pluralistic modes. Sadly, the Government was not aware of the problems left behind by the Government of the last term, neither had it paid serious attention to the views of the education sector. When the brainwashing misgivings had caused a big scandal, as Mr James TIEN has said, the responsible official did not decisively suspend the implementation of the MNE subject and conduct consultation afresh. In the end, the Government was caught in a quandary.

President, I believe most people would agree that as long as national education is implemented in an unbiased and impartial way, it is by no means a scourge. It has been 15 years after Hong Kong's reunification with China, we are duty bound to educate our next generation so that they will have a proper understanding of their country. As Mr LEUNG Kee-cheong, principal of Fresh Fish Traders' School, said, "The national education subject is not a heresy. We must teach the vices and virtues of China. We cannot just sing praises to China, neither can we keep badmouthing it!". Hence, the key point is how to teach our next generation to correctly understand national education.

Now that the initiation period for implementing the MNE subject and the curriculum guide have been shelved, the whole subject in fact exists in name only. Still, four primary schools have introduced the subject in this school year. One of them is Fresh Fish Traders' School. It has prepared its own teaching materials which aim at nurturing students with independent thinking, hoping to win the trust of parents. There are also schools which adopt a flexible approach in implementing national education, so as to instil correct ideas in their students. They do not use the national education curriculum prepared by the Education Bureau but develop and design their own teaching materials which encourage students to seek the truth and distinguish right from wrong. These schools that dare to withstand the tide of anti-national education and insist on teaching their students the correct knowledge are worthy of our respect and encouragement.

In fact, to understand our country, there are other ways other than national education. As the saying goes, "all roads lead to Rome". As long as the means are correct and the attitude is right, students can think and make judgments from various perspectives, even if they visit Jinggangshan, the so-called "base of the red revolution", to exchange views with the people there, it will only be a tour to a historic site for them. President, I visited Lushan and Jinggangshan during the Easter holidays in April, during which I visited the place where the history of the Communist Party originated, and I also learnt about the activities of the Kuomintang in Lushan. I really have to strongly recommend this tour. My wife and I spent a wonderful week visiting the sites. Hence, there is no need to fear about such activities and I had also participated in them. As such, I hope that we can all think independently and do not look at visits to the Mainland through tinted glasses.

All in all, after this uproar has come to an end, we need to act rationally and allow schools the freedom to exercise their professional judgment in launching national education activities. The Government has to reflect on the mode of implementing national education. Only then can "leaving education matters to the education sector" be truly achieved.

President, I so submit.

MR CHEUNG KWOK-CHE (in Cantonese): On 28 July, Secretary Eddie NG publicly claimed that he saw no reasons why there was a need to withdraw the

national education subject. Ninety thousand people, old and young, took to the streets on a day when the Very Hot Weather Warning was issued, and they had loudly and clearly expressed their views. A group of academics, with Prof TSANG Wing-kwong, visiting professor at Hong Kong Institute of Education Research of The Chinese University of Hong Kong (CUHK) as the representative, refuted those remarks by citing academic principles. Prof TSANG once again upheld the philosophy and spirit of education. He clearly pointed out the various deviations and mistakes made in the curriculum guide of the Moral and National Education subject (curriculum guide). He also pointed out that "the deviations in education philosophy and teaching direction may create serious distortion and conflicts in the hearts and minds of the next generation in the HKSAR, as well as in the future social system of Hong Kong". This is a good article which is sensible and reasonable and worthy of reference.

In the past three months, activities ranging from hunger strikes and class boycotts were held, and the Central Government Offices have become the civic square. The concern group has expanded to include primary, secondary and university students as well as people from different walks of life. They strongly demanded the withdrawal of the curriculum guide. On 11 September, the wave of class boycotts and protests spread to The Chinese University of Hong Kong, and even trade unions of cabin crew staff, psychiatrists and others have publicly declared their participation. This campaign against the national education subject has literally become a community-wide movement as it has hit on everyone's sensitive nerve concerning freedom.

This important incident affects the future of our children and the future of Hong Kong. We, as members of the social work sector, would certainly get involved. Summer is the peak season of work for social workers, but after a busy day of work, they still participate in this movement to lend support to the young people of the Scholarism and also to members of the Parents Concern Group on National Education who love their children whole-heartedly. The Government and those from the pro-establishment camp said that it was an international practice to implement national education and there was no need to make a fuss. Some reporters have, after studying in depth the situation in Canada, the United Kingdom and United States, written a report to forcefully refute such sophistry and state that the difference between civic education and national education should not be muddled. The Government has tried hard to

push through the national education subject. From the day Secretary Eddie NG had to clarify *The China Model: National Conditions Teaching Manual*, he had to keep on covering one lie with another. Secretary Eddie NG even said that people who did not participate in procession are the majority who supported national education. Such lies were the main cause for agitating the people. In the face of the outrageous sophistry of Secretary Eddie NG, one would think that either the Secretary is totally incompetent, or he has to faithfully carry out the "must-assignment" designated by his superior. This is exactly what Hong Kong people are most frightened of: that the very foundation of "one country, two systems" and "Hong Kong people ruling Hong Kong" is shaken.

Mr Victor NG, a doctoral candidate at the Hong Kong Institute of Education, has conducted a literature research and he said that according to the Report of the Task Group on National Education published by the Commission on Strategic Development, national education is "to establish the concepts of the state", so that every citizen will care about the interests of the country and is willing to play a role. In the 2007-2008 Policy Address, the SAR Government stated that national education aimed at helping "the young people grow to love our Motherland and Hong Kong" and "have a strong sense of pride as nationals of the People's Republic of China". It can be seen that national education in Hong Kong is similar to education on patriotism. Mr Victor NG has also studied the situations of several countries, including the United States, the United Kingdom, Australia and Germany, to see if national education was prevalent in these countries. He finds that what those countries implemented is civic education which focuses on the rights and duties of a citizen, as well as the democratic system, and national education only plays a very small part.

President, a doctoral candidate can write such a lucid report on the issue after conducting a literature research. Yet, regarding the Education Bureau which has ample manpower and resources, its Secretary has repeatedly spoken nonsense and twisted the truth in the past few months. Even when the public were seething with discontent, he did not reflect on his deeds but even went further with more nonsense, throwing the Government into chaos, tiring the parents and students out and pushing the Government's credibility and popularity to an even lower level.

President, I agree to Mr IP Kin-yuen's motion which points out that Secretary Eddie NG has seriously mishandled the incident and has made such

remark as "the silent majority not participating in the procession support national education". Even children will laugh their head off at his words. The Secretary's performance in this incident was obviously under par as an accountability official. For example, when the public were seething with anger because of this incident, he hid in a corner and dared not shoulder the responsibility expected of a Secretary to face the public. His remarks also bankrupted his credibility. And his superior, Mr LEUNG Chun-ying, the Chief Executive, was evasive, playing with games of words and public relation tactics instead of resolving the problem promptly, which directly provoked the public even further. Hence Mr LEUNG should also bear the blame for the dysfunctional governance. With these remarks, President, I support the motion.

MR LEUNG YIU-CHUNG (in Cantonese): President, first of all I would like to thank friends of the Scholarism and tens of thousands of people who persistently took to the streets to voice their objection. Because of their actions, our new Government has shelved the Moral and National Education (MNE) subject. Although this subject is now shelved, we still demand for its withdrawal today. Why? That is because the problem will not be solved after the subject has been shelved. Only by withdrawing the subject can we tell the Government that we do not need this subject and do not want to see its re-introduction because the MNE subject has a profound impact on us. In fact, what is the most profound impact it has on us? That is, we, as educators, have to reconsider what kind of education the students should receive and how they should receive it.

Why do I have to raise these two questions? Because while the name of the MNE subject may not pose any problems, its contents do. In fact, we already have the History and Liberal Studies subjects, why should the Government insist on introducing a separate subject rather than teaching national education through the Chinese History and Liberal Studies subjects? If the contents of those subjects are not rich enough, they can be enriched; and if the contents are inadequate, new materials can be added until they are adequate. The problem is that you have a reason for being reluctant to do so. The reason is that students have to sit for open examination on Chinese History and Liberal Studies and the contents of the open examination have to be made public. When the contents are to be made public, you will not be able to employ the same tactics as today and add whatever materials you wish because they will be subject to public scrutiny and criticism. In fact, every subject covered by the open

examination is subject to public scrutiny. However, if a school is allowed to decide for itself how to teach the subject, how will it be monitored? In the end it will not be monitored. Actually, when the Government proposed the introduction of this subject, it also put in place some monitoring measures. How can monitoring be conducted? By means of questionnaires. Schools will be asked to fill in the questionnaires to evaluate the results of students in learning the subject. As I recall, there is a news report on how the Government will assess the results of students taking the MNE subject. The Government will commission the International Association for the Evaluation of Educational Achievement to conduct a questionnaire survey. When assessing the students' love for the country — not love for the country but their understanding of the state of affairs of the country — the Association would examine the students' understanding from various perspectives, including democracy, freedom of speech, freedom of the press, and so on.

However, regrettably, the Education Bureau has now taken this part out and concentrated on evaluating students' love for the country; as a result, students will not think critically when learning about the country. This impact is most serious, as students cannot make an objective evaluation or judgment about the country.

Furthermore, there is a problem with the name of the subject — Moral and National Education. According to international practice, there is compulsory education for the nationals but not national education. At present, Singapore is the only country that introduces national education while other countries mainly introduce civic education. In respect of the term "national", in the past century, this term has been associated with the extreme rightists in the West, such as National Socialism during the Nazi period, or Socialism in a nation. The term "national" is interpreted from an affective, racial and parochial point of view.

If we hope that our students can understand or think critically about our current environment and conditions, we should teach them through civic education, including understanding the values of human rights, freedom and democracy. We should look at the incident from this angle rather than from the so-called "national" angle.

Therefore, with respect to the current situation, although the subject has been shelved, we are worried that it will infiltrate our education system through

other means. As many of our colleagues have said earlier, there are many means other than education to brainwash the people. Nevertheless, we have to stand firm in the area of education. We have to hold this line very tight and cannot let go because the impact will be far-reaching. Therefore, what I want to say today is that just shelving the subject is not enough; the Government has to withdraw the subject and never bring it up again, so that we can consider afresh how we can, through the current subjects in the curriculum, teach students to understand the country as well as our current environment objectively and critically, that is the proper path to take.

Some people would say, even so, why ask Secretary Eddie NG to step down? I just want to make one point, apart from being evasive in this incident, as mentioned by my colleagues, and making the so-called "silent majority" remarks, Secretary Eddie NG still has to answer one question, that is, when he implemented this policy, has he even considered whether the policy was appropriate? Should the policy be implemented? Has he considered whether the policy should still be insensitively pushed forward under such situation? These questions are more important.

It is worrying that if a Secretary, in enforcing a policy, does not review the above questions and only claims that the policy has been decided by the previous Government and he has no choice but to push forward. In the future, will the Secretary do anything that the Chief Executive asks him to do, no matter it is right or wrong? If the Secretary only carries out his work insensitively, why not ask a civil servant to take up the post? Civil servants always follow the will of the officials but the Secretary should not do so (*The buzzer sounded*) The Secretary should have his own judgment

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

MR KENNETH LEUNG (in Cantonese): President, the serious dispute evoked from national education is in fact of the Government's own making. When it formulated the policy, it overlooked the role and functions of the SAR Government. As a modern government of a modern city, the SAR Government should provide services for the general public, promote economic development, uphold and balance the rights and interests of various social groups, as well as

uphold our core values. Unfortunately, in respect of national education, the Government has willingly degenerated into a single political party and the tool for the promotion of an ideology.

Although the Government has shelved the plan for introducing the Moral and National Education (MNE) subject, as a parent and a Member of the Legislative Council, as well as a watchdog of the Government, I have to keep on monitoring the stance of the Government in this incident because apart from keeping an eye on the Government to introduce the MNE subject as an independent subject, we have also noticed that elements of political propaganda which encourages blind worship and flattery of the country has indiscreetly incorporated into the text books and teaching materials of various subjects. It is just impossible to guard against.

Let me cite an example. It is a lesson in the Chinese language textbook published by Educational Publishing House in 2006. I taught my daughter to read the lesson aloud in 2007 and this year I taught my son to read that lesson titled "My National Flag". The text of the lesson is as follows: "When our national flag gradually rises up the silver flagpole to the sky, everyone shows a sacred look on his face. Words seem to pour out from their eyes, with the flag as their listener. The old farmer seems to say, 'Let the land be the granary of our country'; the astronaut seems to say, 'More Yang Liwei will navigate in space'; the aged scientist seems to say, 'I will create for you the world's best'; the young female athlete seems to say, 'I will win a gold medal for you'. At that moment, I also think, 'Oh my dear flag, billions of people win honour for you. I wish I can grow up quickly, soaring in the blue sky like an eaglet. Our national flag will flutter more proudly because of us." The lesson uses many sentimental and provocative words and expressions such as sacred, create the world's best, win the honour, proud, and so on, but it does not tell the children the origin of the Chinese flag, and what the five stars on the flag represent. Are these lessons biased? We will have to think about it.

In this national education dispute, the SAR Government's attempt to turn education into a political mission has been exposed. It also revealed that the Government would ignore the proper procedure to achieve a political goal, which has set a very bad precedent. What are the other examples? A newspaper reported that the Hong Kong Federation of Education Workers (HKFEW) was granted funds by the then Permanent Secretary for Education and Manpower, Mrs

Fanny LAW, and the then Secretary for Education and Manpower, Mr Arthur LI to establish the National Education Centre in Tai Po without going through the tender process in 2004. In 2007, the HKFEW was again granted funds to establish another National Education Centre in Tsing Yi through open tender. These two centres receive an annual public funding of \$13 million to promote exchange programmes at low prices to teachers and students and provide training to them.

As Members of this Council, if we want to renovate our office and the cost is over \$20,000, we need to invite tender from three companies. Why were the tenders awarded on the two occasions mentioned above of such low transparency? Of course, the tender invitation procedure and the approval process involved were never made public. Now that the curriculum guide of national education has been shelved and schools need not carry out the work of making national education into an independent subject, we have to review whether the Education Bureau needs to withdraw the \$530,000 granted to each school earlier. That sum of money is a subsidy for the implementation of Moral and National Education. As the policy and objectives related to the subsidy have substantially changed, from the auditing perspective, with the shelving of the education programme, what rationale or logic of public finance the Government has to convince me or the public that the sum of money needs not be withdrawn? Or has the Government not given up but still hopes to entice the schools to continue to implement the national education subject by means of financial subsidy?

The Government's arbitrary implementation of national education has already caused a social division and Secretary Eddie NG, who is responsible for education policies, must bear the political responsibility, take the blame and step down. Mr IP Kin-yuen has already listed the seven sins of Secretary Eddie NG and I will not elaborate here. Other than that, whenever the Government implements a policy, it must consider its impact on society and its economic efficiency. Because of the dispute on national education, tens of thousands of people took to the streets and besieged the Central Government Offices. According to the figures provided by organizer, in the 10 consecutive days during the anti-national education gathering, about 120 000 people attended every night during the peak period, which means there were about 280 000 attendances in the 10 days of the gathering. If we calculate the GDP of this group of people, the economic value amounts to about \$0.2 billion. The Government should be

grateful that the anti-national education assembly was only held at night. If the people chose to gather during day time, or if there were shops on strike, the Government would have to bear the blame of causing destruction to the social economy.

Hence, I support the three major points raised in Mr IP Kin-yuen's motion, namely, urging the Government to immediately withdraw the curriculum guide of the Moral and National Education subject; urging Mr Eddie NG to bear political responsibility for the incident, take the blame and step down; as well as expressing regret at the Chief Executive, Mr LEUNG Chun-ying. I so submit.

MR CHAN KIN-POR (in Cantonese): President, with the Government's withdrawal of the curriculum guide of the Moral and National Education subject (curriculum guide) earlier, an act which was accepted by most of the opposing parties, the dispute that has lasted for months should have come to end. Today a Member has proposed a motion, asking the official to take the blame; in my view, the most urgent task is to learn from this incident, so as to avoid making the same mistake again.

In fact, like most people in Hong Kong, I had not studied the contents of the National Education subject before the outbreak of the dispute. When the conflicts escalated, I read the relevant information carefully and I began to understand the worries of those people who were against the subject. Personally I do not think that the Government intends to introduce the national education subject to brainwash students. However, in preparing the relevant materials, it had failed to give due consideration to people's sense of resistance and had funded the publication of materials that were not suitable for our society, thereby triggering Hong Kong people's mistrust, and as fear spread to all people, the whole incident got out of control.

Therefore, in my view, the first lesson that the Government should learn is never give Hong Kong people an impression that their core values are compromised when implementing a policy. As we all know, before the reunification with China, the public generally feared China. This historical problem could not be solved easily. Finally, the Central Government advocated the "one country, two systems" policy and guaranteed that our way of living and the governance system would remain unchanged for 50 years. The people's

worries had thus been subsided. As the Mainland continues to develop and as there are increasing exchanges between the two places, Hong Kong people have greater trust in the Mainland after the reunification. However, many people in Hong Kong are still wary or even frightened of China and this incident has exactly hit their nerve.

We have to admit that many people in Hong Kong still have the same attitude. They regard Hong Kong as their home, so if the Government has no regard for the core values that they cherish or even their feelings in introducing any policies, it may lead to social unrest. It is foreseeable that if the Government ignores such problems, similar conflicts will continue to arise.

Another lesson is that the Government's political sensitivity is low. Throughout the incident, the Government kept stressing that the national education subject was introduced after a long period of consultation and the Legislative Council had approved the funding and there was little controversy then; hence it insisted on introducing the subject as scheduled. However, Hong Kong people tend to voice their views at the eleventh hour; hence no matter how much preparation work has been done, problems may arise once the people feel the imminence. The anti-national education group only managed to arouse the concern of people right before the implementation of the national education subject. Had the Government realized the seriousness of the situation at the very beginning and made a prompt decision to delay the implementation, consult the public again and amend the controversial part, it might still be able to come up with a national education subject that was acceptable to all people, or at least, the present social turmoil could be avoided. Of course, to conduct a public consultation afresh will slow down the progress of the implementation, but it is still better than the present situation where the Government is attacked on all fronts and has to compromise time and again. Finally, nothing can be achieved.

Today's motion demands the Secretary for Education, Mr Eddie NG, to take the blame and step down. Honestly, in this incident, whether in terms of political tactic or public relation strategy, Secretary Eddie NG's performance was not satisfactory. However, it is too stringent to ask him to step down because of this incident. The crux of the problem, including the contents of the controversial national education subject, as well as the overall implementation plan, was formulated by the Government of the last term. Although he is the incumbent Secretary for Education and should not shed the responsibility, it is definitely unfair to demand him to take all the blame and step down.

Honestly speaking, in such a highly politicized society like Hong Kong today, to serve as a Secretary can be described as "always take the blame but never get the praise". Apart from being capable, a Secretary also has to act with great courage and commitment, so we have to treat officials and Secretaries fairly. It is highly irresponsible to demand an official to step down without sufficient justifications.

I so submit.

MR ALAN LEONG (in Cantonese): The proposer of the motion, Mr IP Kin-yuen, has vividly and clearly presented the justifications for asking the Secretary to step down. All the justifications hold water and I totally agree with them.

President, I wonder if you have read the current issue of *iSun Affairs*. The inside gatefold is a large picture depicting a flock of sheep outside the Great Hall of the People. This piece of work, entitled "Sleepwalker", was created by a writer called LIU Ren. In Hong Kong, parents do not want their children to become a sheep of the flock; that is simple enough. If the officers-in-charge, including the Secretaries of Departments and Directors of Bureaux who are present at the meeting to act as a vanguard of Secretary Eddie NG, find it difficult to understand, the Civic Party can say loud and clear that Hong Kong parents do not want their children to become one of the sheep as depicted in the work of Mr LIU Ren. We hope that our children can have independent and critical thinking, and it is just that simple.

President, I believe all Chinese people want their children to develop a sense of national identity from the perspectives of history, arts and culture. It is perfectly fine if a person is touched, becomes emotional or even cries after looking at a painting of QI Baishi, reading a poem written by LI Bai or LI Yu or seeing the Great Wall, as these would remind him of our country's long and profound history. What kind of identity arouses our greatest concern then? It is the acceptance of one's political status under the one-party dictatorship of the Chinese Communist Party. If the Secretaries of Departments and Directors of Bureaux who are present at the meeting still fail to get this point, they might as well resign.

President, if we had accepted our political status under the one-party dictatorship of the Chinese Communist Party long ago, we would not have implemented "one country, two systems". What is the point of implementing "one country, two systems"? Why bother to have "one country, two systems"? The crux of the issue is the implementation of national education before the issue of political acceptance has been brought up for comprehensive discussion and before a public consensus is reached. So, is this justified to ask you to step down?

President, regarding the curriculum guide of the Moral and National Education (MNE) subject (curriculum guide) which Mr IP Kin-yuen proposed to withdraw in his original motion, when was it published? It was published in 2011. It was until then that we had a chance to read the curriculum guide, and before 2011, we were not aware of the need to conduct an affection assessment. What is an affection assessment, President? That is, when you watch the raising of the national flag, you should have a surge of affection rising from the bottom of your heart. Fine, may I ask how grading can be given for the sentiment assessment — I am in fact joking — will I get Grade A in the MNE for shedding five drops of tears when watching the raising of the national flag; Grade B for four drops of tears; Grade E for just one drop of tear, and a failing grade for not shedding any tears?

President, there is a requirement in the curriculum guide — the Chief Secretary for Administration and the Secretary may say, "Mr LEONG, you have not been attentive as substantial amendments have been made in April 2012" — However, President, no amendment has been made to the part on affection assessment. This assessment is conducted not only by teachers on students, but also among students and between parents and students. The Hong Kong Association of Heads of Secondary Schools once said that if this is the case, students might display a fake feeling in order to get high marks. If our children really display a fake feeling in exchange for high marks, they have actually become a sheep of the flock.

President, I must set the record straight. Just now, both the Chairman and Vice Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) made vociferous claims that Miss Tanya CHAN embraced national education on 16 October 2008. President, as you may recall — you were also the President back then — on 15 October 2008 when Donald TSANG

delivered his policy address in this Council, national education was mentioned for the first time. Of course, the curriculum guide which I have expressed strong views just now was not mentioned at that time. In fact, not just me, many parents have strong views about it as well. The remark cited earlier was made by Miss Tanya CHAN during the Question and Answer Session held on 16 October, when she asked the Chief Executive about the content of national education. At that time, we had not heard of the curriculum guide, not to mention *The China Model*. Of course, Members have forgotten what had happened at that time. Therefore, with regard to this point, I must set the record straight. One must ascertain the facts before pointing his fingers at others, and should avoid confusing the correct time and space.

Due to the time constraint, I have to raise my last point. Many colleagues said that we must have faith in teachers. Some even went further to say, "Mr IP Kin-yuen, you come from the education sector but you do not have faith in it." Such a remark is downright ridiculous, which is similar to the remark made by Ms Elsie LEUNG, who said that judges must have backbone and should not fear any criticism from her. But does this mean that she has to make criticisms time and again? Even if your car can stand collision, is it necessary for you to bump it against the wall every day? Is that what she means? This is totally ridiculous.

President, the Civic Party supports the original motion and the amendments.

MR ANDREW LEUNG (in Cantonese): President, on behalf of the Business and Professionals Alliance for Hong Kong (the Alliance), I express our opposition to the motion.

Just now many colleagues said that there is neither a time frame nor a curriculum guide on the implementation of the Moral and National Education (MNE) subject. Whether to introduce the subject or how the subject should be introduced is to be decided by the school concerned. Many people understand that after the curriculum guide was shelved by the Government, the implementation of the MNE subject has to be decided freely by schools. It no longer matters whether the Government has officially withdrawn the curriculum guide. Frankly speaking, many people are "happy" with this outcome.

As the Alliance has said earlier, the shelving of the curriculum guide by the Government is generally welcomed by members of the public. As evident in the national education incident, the Government has made compromises or changes under public pressure. This fully demonstrated that the authorities have failed to have a good grasp of public sentiments. Worse still, they have created some internal conflicts. In my view, the Administration, including the principal officials responsible for implementing education policies, should do a serious soul searching and learn a lesson from the incident. Otherwise, this will lead to endless internal depletion, which will definitely undermine the sustainable development of Hong Kong.

This time, we have placed the focus of the MNE subject on national education to the neglect of moral education. According to my understanding, schools, teachers, parents and students do not oppose the part on moral education, and they even find it necessary. This is because moral education is concerned with the cultivation of students' moral qualities, such as sense of responsibility, respect for others and integrity, which are the principles of self-cultivation.

Furthermore, the moral education subject has already been implemented in schools. As the Government has not mandatorily required schools to change the title of the subject, they can continue to teach moral education in their own way. I hope that Members will not look at the issue with tinted glasses or adopt an antagonistic attitude towards the subject simply because a curriculum guide has been issued.

Implementation of the MNE subject is the first mission to be achieved by Secretary Eddie NG after he took office. And yet, the entire incident reflects his lack of political sensitivity, and there is a strong need and ample room for improvement in respect of co-operation with civil servants.

We opine that, being the head of a Policy Bureau, Secretary Eddie NG's performance has failed to win public confidence. As an accountability official, he has to bear most of the political responsibilities. Nonetheless, given that he is relatively new to his post, a teething period is required for him to work with civil servants, so my allies and I do not consider that his mistakes are fatal. And yet, he must do a serious soul-searching and apologize to the public for stirring up the recent social conflicts.

President, I strongly believe the majority of people want to have a Secretary who has the courage to assume responsibilities after he has boldly entered into the "hot kitchen". People do not wish to see a frequent change of Secretary in the Government. As Members may recall, when the penny stock incident took place in 2002, former Secretary for Financial Affairs and the Treasury Frederick MA bowed in apology in less than two months after the incident. When he subsequently resigned in 2006 on medical grounds, he was commended as the most competent and open-minded Secretary. I hope that both the Secretary and the authorities will learn a lesson from this incident when implementing the relevant policy. I also hope that the Secretary will have the courage to assume responsibilities.

I so submit.

MR SIN CHUNG-KAI (in Cantonese): President, when Mr Kenneth LEUNG spoke on the debate earlier, he mentioned the display of national flag as described in textbooks. After looking up the records of this Council, I found that the late Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) MA Lik had moved a relevant motion on 18 May 2005, and the wordings of the original motion is — President, allow me to bend down to read it aloud — "That, to promote patriotic education in Hong Kong and in order that Hong Kong people attach greater importance to the display of the national flag, this Council urges the Government to require the display of the national flag at government buildings, primary and secondary schools as well as the University Grants Committee-funded institutions on National Day, Hong Kong Special Administrative Region Establishment Day and New Year's Day, and to require schools to organize the national flag-raising ceremony on a regular basis with full participation by all teachers and students; furthermore, the Government should strengthen education to enhance public understanding of the national flag and the regional flag."

President, I believe the DAB has all along been a promoter of national education behind the scene, from the time you were the Chairman of the DAB, followed by MA Lik and up till the present Chairman Mr TAM Yiu-chung. Although the consultation exercise on national education had lasted for some time, the final stage of implementation still provoked a serious row. Of course, Secretary Eddie NG is not the only person to be blamed. The former Donald

TSANG Government should also be held responsible. Actually, the current-term Government should have pulled back in the last month of implementation.

I remember that LEUNG Chun-ying had vowed earlier to ensure a "zero" delivery quota for "doubly non-permanent resident pregnant women", which well demonstrates his strong determination as well as his swift response to decisions of the previous Government which he found unacceptable. In this light, the current-term Government should not blame the previous Government for the problem for it can simply repudiate the policies implemented by the previous Government if such policies were considered to be inappropriate or unacceptable by Hong Kong people. The authorities' determination to implement the policy in question has led to masses of people taking to the streets. In fact, the current-term Government has resumed office for less than 100 days it should be 30 days, but it has already provoked two large-scale public processions. The first time was on 1 July and the second time was on 29 July. Over the past 15 years since the reunification, these two processions were ranked the fourth and fifth in terms of the number of participants. The high participation rate reflects the degree of resentment and dissatisfaction among members of the public.

Mr IP Kin-yuen stated the seven sins of Secretary Eddie NG right at the beginning, explaining why he has to step down. Looking from another angle, I do support the reasons given by Mr IP Kin-yuen and Mr Alan LEONG earlier, asking the Secretary to step down. Even if I recall the proposed national education promoted by you or Mr TAM Yiu-chung as Chairman of the DAB, it is unsuccessful and can be said to exist only in name, right? A person should step down for failing to accomplish a mission, right? A person should step down if what he has done does not meet our aspiration; likewise anyone who meet our aspiration but fails to make any accomplishment should also step down.

President, before national education is implemented in Hong Kong, we actually need to examine some fundamental problems. In fact, controversies have arisen in countries around the world with the implementation of national education, Hong Kong is no exception. Even in the United States where there are changes in the ruling party, when the policy on national education is implemented, the two parties — namely the Republicans and the Democrats — may also have great ideological differences. In implementing these education policies, the so-called core textbooks or models will seldom be used. Instead,

different or unconventional teaching methods will be adopted, and a standalone subject will seldom be introduced to promote national education. While many countries have implemented national education, it is rare for these countries to introduce the MNE subject. After all, this approach is not acceptable to Hong Kong people.

The Chief Executive had caused a furore in society after he resumed office for less than one month, driving many people to take to the streets. The Government should actually take the blame and step down for its low popularity rating. There are three reasons for his stepping down: People who do not support the implementation of national education wish that the Chief Executive would resign as soon as possible; people who support the implementation demand his stepping down due to the failure of his governance, and the implementation of these policies goes against people's will. As such, there is no reason why the Chief Executive should remain in office.

President, colleagues of the Democratic Party and I support the original motion and the amendments.

DR LEUNG KA-LAU (in Cantonese): President, when the dispute on the Moral and National Education (MNE) subject was hot last month, 680 doctors placed an advertisement in a newspaper stating their position and the relevant Facebook Group has some 4 100 members. I am going to read out the content of the advertisement as follows:

"We have initiated this campaign to jointly sign a letter out of our concern for the implementation of the national education subject. In the past few months, the Government has turned a deaf ear to the clear voices of discussion in the community and we felt so regretful and helpless. The Education Bureau has set up a committee on the premise of implementing the MNE subject. It nonetheless has a predetermined stance, which does not facilitate rational and comprehensive discussion. It is not logical to refuse withdrawing the subject for further consultation but insists on introducing an empty framework which no consensus has been reached. We opine that, apart from going to the Central Government Offices in our black outfits to support the kids, we as committed professionals should also have the civic duty to state our position on the issue, and urge the Government to immediately withdraw the MNE subject.

"First of all, in Hong Kong, as the Liberal Studies subject currently taught in schools also covers knowledge of the country, students may develop a feeling towards the Chinese race and China by learning Chinese History and Geography. In addition, students may learn from the words and deeds of their teacher and develop a sense of citizenship, the virtues of 'Moral, Intellect, Physique, Social, Aesthetics', as well as the skills of critical thinking. It is therefore unnecessary to introduce the affection-oriented national education subject which directly instills the idea of patriotism into students' mind.

"We also oppose the introduction of the MNE as an independent subject. Although the Government has denied time and again the establishment of an assessment mechanism, students' moral and national qualities will nonetheless be assessed in lessons according to the guide issued by the Education Bureau. The assessment includes teachers' observation, self-assessment and peer-assessment. However, we do not consider it desirable to assess the core values and affective behaviour of students as this may foster an attitude of 'say one thing but do quite another'. Actually, we hope that our children can differentiate the right from the wrong, and genuinely promote the country's advancement. We do not want them to become citizens who pursue personal interests under the guise of a truce. Education must be based on expounded facts and widely accepted doctrines. As pointed out in the curriculum guide of the Moral and National Education subject, 'This subject makes reference to theories relating to youth development to provide a solid foundation for the curriculum framework and learning content.' Yet, the theories of development quoted therein have precisely demonstrated the intention to forcibly instill affection among students who are mentally immature. This might risk distorting the mental development of children."

This letter was initiated by a group of front-line psychiatric doctors, and jointly signed by their counterparts in the industry upon invitation. The persons invited to sign the petition are well-educated middle-class people, and most of them have independent thinking and would not be so easily misled and influenced. Besides, they are politically neutral. I highly respect their views and have therefore brought their voices into this Council, which is also my undertaking to them.

The Government has announced the shelving of the curriculum guide. Not only are schools not required to use the curriculum guide, they are allowed to

exercise their discretion to decide whether or not to introduce the subject. What is more, no assessment will be required. Some friends still fear that the Government may threaten or offer incentives to schools to press ahead the brainwashing education in a secret manner, so they insist that the subject should be withdrawn. In other words, according to my understanding, they have called on the Government to stop schools from teaching the subject.

Some time ago, I met some friends who are also doctors and they have other suggestions. They considered that if some school sponsoring bodies, parents and students wish to implement the MNE subject, we should respect their rights. Or else, this would run counter to the spirit of tolerance in a pluralistic society like Hong Kong. They said, "I like to have my children 'brainwashed' from time to time, so what? Why not permit me to do so?" I was enraged at that moment.

I hope Members would understand that if the MNE subject is implemented on a voluntary basis, it does have a high level of plasticity. As Mr IP Kin-yuen has said, it all depends on how the subject is taught. How can we rationalize the conflicts in this regard? Let me illustrate with my experience of treating patients. A patient who suffers from cancer will probably die without an operation. So, I suggest him to undergo an operation. However, the operation cannot be carried out without his approval. If he disagrees, I cannot operate on him and he may die. Why is the patient so reluctant to undergo an operation? Perhaps I have not explained clear enough and so he does not have a good understanding of his condition. Another possibility is that he does not have faith in me and thus believes that an operation may end his life even earlier. He therefore refuses to accept the arrangement.

As such, I suggest the Government to consider leaving the decision to the recipients. Not only can schools and teachers decide on the basis of their professionalism and judgment, but students and parents, who are the recipients, can also make their own decision on this highly controversial issue. If we are convinced that the recipients should be able to make independent analysis and will not be brainwashed so easily, we should let them decide whether or not to learn this subject. I recall that when I was a student, I wished to exercise autonomy in matters such as choosing subjects.

Finally, simply speaking, the motion proposed by Mr IP Kin-yuen today can be divided into two parts. The first part calls on the Government to withdraw the curriculum guide of the MNE subject. Regardless of whether the word "withdraw" or "shelve" is used, I will support it. This is the first part. For the second part of the motion, it calls on the Secretary for Education to step down. I personally have great sympathy for Secretary Eddie NG and I hope that we can concern ourselves with facts and not with individuals. I therefore have some reservations about this part. In other words, I support one part of the motion but oppose the other, so how am I going to vote? I will give a more serious thought to this. Thank you, President.

DR JOSEPH LEE (in Cantonese): President, after listening to Dr LEUNG, I still have no idea how he is going to vote. Since I have just returned, I am sorry that I have missed the great show of colleagues in the past few hours.

Why have I just returned? I have to attend an accreditation meeting because the several nursing programmes which I am teaching in the university have to be accredited by the Nursing Council. As the accreditation is pretty strict, we must therefore tackle with all-out efforts. All of us attended the meeting to answer questions from the Nursing Council. I have returned just in time for the discussion of the Moral and National Education (MNE) subject, and similar approach may also apply here.

Just now, the first question they asked is: "Joseph LEE, why do you teach nursing?" The answer given by my colleagues was, of course, very comprehensive, with the aid of a large pile of papers to explain why nursing was taught. I am not going to elaborate on that. The second question is: "What do you teach? Does your teaching follow the guideline issued by the Nursing Council or simply follow your own course?" If I do not follow the guideline, they would certainly say that this is not unauthorized and thus refuse to issue me a licence. This is the second question. The third question is: "How do you teach?" They are concerned if the programme is taught by me, Dr LEUNG Ka-lau or Mr CHAN Kin-por? Not everyone can teach nursing. Some can but some cannot. In other words, the question is who teaches the nursing programme and how it is being taught. The fourth question is: "When do you start teaching nursing?" Under the "3+3+4" academic structure, the programme lasts for five years, namely Year One, Year Two, Year Three, Year Four and

Year Five. The course content is different and offers progressive training. They then asked, "When will you start teaching? Given that the programme involves difficult nursing theories, will you start teaching in Year Four or right at the beginning when simpler concepts would be taught?"

These four questions whirled in my head for the rest of the afternoon. Of course, I did become emotional sometimes, though not impatient. But I really cannot figure out why such stupid questions were asked. After thinking for a long while, my colleague rang me up and said, "Joe, please hurry back as the discussion will soon end. Please hurry back to speak." Here I am. How can I apply what I have just said to the current situation? In fact, the case of the national education subject is similar and the abovementioned four questions can still be asked.

Firstly, why should the national education subject be introduced? Colleagues have expressed divergent views on this. Some opined that this is intended to brainwash the students, instill patriotism and teach them where our country is. People have different views on this. As such, we still cannot move on from the question of why the subject should be taught.

Next, what to teach? This is where the problem lies. It is the document concerned that has caused months of dispute. People find out what the students will be taught (that is, to cry when watching the raising of the national flag). It is wrong if no tear is shed. What shall we do then? The course content has unexpectedly given rise to serious disputes. Even though the Government has announced shelving the curriculum guide for the time being, the problem has remained unresolved. Apart from introducing national education as a subject, what actually will be taught? The question that follows is how to teach. Will the mode of teaching varies among different schools. While one primary school adopts a certain mode of teaching, another school with religious background may adopt a slightly different mode. Then, what actually is the mode of teaching? Another question is, of course, when to teach. Should we start from Primary One or Kindergarten Grade One? Who knows? Should the subject be taught in universities as well? Do our universities have the national education subject? I really need to check it out, but I do not think so.

All in all, there are still no answers to the abovementioned questions. Although the Government has indicated that the subject will be shelved, people still cannot rest assured. Those four major questions must be considered by all education bodies, and we must explain, according to this logic, why national education has to be taught as a subject, and why it can only be an independent subject after accreditation.

Earlier, Dr LEUNG said, "I want to be 'brainwashed' from time to time, so what?" There is certainly no problem with this, but do not forget that one of the reasons for making MNE an independent subject is the need for assessment. While parents in Hong Kong advocate "learning is more than scoring", scoring will become more important than learning when the subject becomes an independent subject. However, there is no clear description of the scoring mechanism. Students are unaware even if they are brainwashed as the abovementioned four questions do not have any concrete answers. If the subject is introduced as an independent subject, the method of assessment may indirectly make people think: "This is tantamount to forcing me to learn something. But do I need such knowledge?"

Apparently, judging from the perspective of programme accreditation, the subject is completely not up to standard. If this is the case, should the subject be withdrawn? This is worth examining. I have engaged in teaching for many years, and in my teaching materials, the justifications for teaching have been set out to let the recipients (that is, my students) know why the subject should be taught; what would be taught; how and when the subject would be taught, and how they would be assessed in a fair and impartial manner. These questions must be answered. If I measure against these yardsticks, the national education subject must be withdrawn and there is no reason why it should be implemented at this stage.

Regarding today's motion debate on several amendments and the original motion, Dr LEUNG just now mentioned that the Secretary has taken up the post for a short period of time, what can we do then? I do have an idea. Today, we must convey a clear message to the Secretary that he should be very cautious in this "hot kitchen" and should not do anything wrong, or else he would be punished. Although the motion cannot get through today, it will undoubtedly serve as a warning signal to the Secretary, telling him that he would be summoned to this Council and asked to step down if he does not perform well.

This is precisely the responsibility which politically accountable officials should bear. In this Chamber, I am obliged to clearly explain this concept and principle to Members in the first regular Council meeting. If everyone agrees that this principal official has some problems, we should tell him specifically that he should step down. And yet, I am fully aware that the motion will not get passed today. But anyway, I support the original motion and the amendments. Thank you, President.

MR DENNIS KWOK (in Cantonese): President, my speech today will be very short because I am aware that colleagues have almost finished with their speeches on national education, and I think government officials have already heard many views. I believe government officials will take heed of the views expressed by colleagues. After all, the most important thing about the present row over national education is a lack of trust between the Government and the community.

Regardless of how many times we have spoken or repeated our views in this Chamber, this is not the place where the trust between the Government and the community can be built up. I wish to point out that I have just met some students and parents in the square, and have listened to their views. All you need to do is to go to the square, talk to them, shake hands with them and even sit among them, and listen to the speeches made in the square tonight. I believe tonight we will see the building up of mutual trust.

Secretary, perhaps you should go to the square and talk to the students. This simple step will help open the way for building up mutual trust. I hope that you will grasp this opportunity. Thank you, President.

DR FERNANDO CHEUNG (in Cantonese): Mr KWOK asked the Secretary to go the square and said that he might not need to step down. I think this motion will not be passed today. Even if the Secretary does not need to step down, he should go to the civic square to meet the parents, students, teachers and members of the public in person, and listen to their views. In my opinion, this spectacular civic movement is an important milestone in the history of Hong Kong. Tens of thousands of people have come on their own initiative to gather at the civic square because they care about how national education would affect the next generation. Many of them have to travel a long distance to go there; many have

brought the old and the young with them, and some of them even come with their baby carriage, despite sweating under the burning sun. Do you think they really enjoy going to the square to join the crowd? Absolutely not. They have to make efforts to do so, and they have to give up other activities and even some enjoyment. They go there because they worry about the freedom of thought of their children. Hong Kong people will always stand out when it comes to issues affecting our children. Hong Kong people will always stand firm when cardinal issues of right and wrong are involved. It can be seen that our civil society has matured to an unprecedented level.

Our Government, on the other hand, has lagged far behind the civil society. As you can see, this is a milestone movement and we are so proud of our students. Members of the Scholarism are students in their teens, but they have already repeatedly alarmed the public more than a year ago that national education is a serious matter which warrants our concern. And yet, response in the community has been lukewarm and not many people cared about it. Subsequently, parents also expressed their concerns. Thanks to the Education Bureau for subsidizing certain organizations to produce very biased teaching materials, a public uproar has been aroused. We have also taken a closer look at the issue and found that even the curriculum guide issued by the Education Bureau is questionable. This movement is therefore initiated by the students, who have aroused people's concern about the issue. When members of the public are still unaware of what has happened, the students have already taken actions and have even taken to the streets, with a view to getting the message across. Gradually, our parents, who are of high standards, have also expressed their concerns. The message eventually reached the education bodies and teachers' groups, as well as the general public. As we can see, the level is pretty interesting. First, we have the Scholarism, followed by the Parents Concern Group on National Education and eventually the Hong Kong Professional Teachers' Union. In the end, the Civil Alliance against National Education (the Alliance) was formed. This movement has sounded an alarm that the Government has lagged behind. So has this Council. Members of the public are forced to stand out against the situation, which is nonetheless a good thing, for this has enhanced the growth of our civil society.

However, on the other hand, I will not be too naïve. I trust that the Government made compromise not merely because of the public views. In his article published in the *Hong Kong Economic Journal* on 11 October, LU Jiang

made a pretty thorough analysis. Basically, LU Jiang considered that the movement was successful because the Government was aware that if it did not retreat, the price to pay was higher than that of retreating. Why is that so? Because in this civil society, the anti-national education movement has "blossomed everywhere" through the promotion of students, parents and teachers. As mentioned in the article, Mr YUEN Pong-yiu, Chairman of the Heads of Secondary Schools, has publicly admitted that the widespread movement advocated by the Alliance has affected school operation. If parents become proactive and take part in the parent-teacher associations, their relations with the school will become very tense, thereby bringing troubles to the school. Apart from course materials, the teaching method and assessment criteria would also be called into question by the worrisome parents and their supporters. Any acts undertaken by the school that have not sought prior consultation may arouse the dissatisfaction of parents, and will probably become a hot topic for discussion both inside and outside the school. Undoubtedly, this movement has created a large gap between the school and members of the public, which is very detrimental. In some schools, teachers first wore black outfits, but then they changed to red outfits overnight. Parents distributed black ribbons outside schools in echo with the movement. Two opposing sides have been formed. Parents, students and teachers have been torn apart in this movement, which is a disaster.

The article also mentions another point, and that is, Mr LEE Siu-hok, Chairman of the Hong Kong Council for Educational Administration, has clearly pointed out that educators are perplexed by the row over national education. Some schools even deterred organizing exchange activities with the Mainland. Such exchange activities can only be put back on track if the row can be settled by shelving the curriculum guide and leaving the decision to the schools. Hence, the organizing bodies will not have to stretch their budgets. After all, this is a major business which is beneficial to both Hong Kong and the Mainland given that tens of thousands of students are involved, together with the relevant fees and subsidies (*The buzzer sounded*)

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

MR IP KWOK-HIM (in Cantonese): President, the SAR Government has announced the shelving of the curriculum guide of the Moral and National Education (MNE) subject. Obviously, this is not a decision related to education issues, but a political one. This is a political decision made by the Government when the opponents refused to make any compromise and threatened to besiege the Central Government Offices again.

People who oppose national education have all along appeared as if "I am the truth". Whoever expresses opposite views will be criticized and attacked in a way similar to the approaches adopted during the Cultural Revolution. If a political party supports national education, the opponents will "raid" its office. If a school implements national education, they will "raid" the school. They have even "raided" the flag-raising ceremony, as well as during the Chief Executive LEUNG Chun-ying's visit to the South Horizons to inspect the rescue operation in the aftermath of the major Lamma Island maritime disaster. I wonder if the opponents have gone too far in their opposition to national education. Why do they cherish authority so much while they talk about democracy all the time?

After the Government's announcement of shelving the curriculum guide, some people describe that the curriculum guide is now "in a vegetative state". Mr WONG Hak-lim, Vice-President of the Hong Kong Professional Teachers' Union, also admits that the shelving of the curriculum guide is tantamount to withdrawing the subject. Though the curriculum guide is now "in a vegetative state", some people still pursue to the utmost and demand its withdrawal. Is this plausible? Is this beneficial to education? Apart from political reasons, there can be no better explanation. What is the political reason then? The answer has already been written on the wall: To make LEUNG Chun-ying's Government "bow" and undermine the credibility of his governing team, so as to make his governance difficult.

Some people claim that the implementation of national education is a political mission assigned by the Central Authorities to LEUNG Chun-ying. I nonetheless consider this "senseless". The MNE subject has mooted for more than a decade — Mr IP Kin-yuen, you were a teacher when I knew you, and you then became a school principal, I believe you should know that the MNE subject has mooted for 10 years.

Noting that the Government of the last term decided to provide a three-year initiation period for implementing the MNE subject in primary and secondary schools, the current-term government is merely carrying on with the programme. This is definitely not a political mission of LEUNG Chun-ying. Even if Chief Executive LEUNG Chun-ying has to implement national education at full steam, what is wrong with this? It is perfectly justified to implement national education to enable the next generation to learn about our country. What is so bad or wrong about this? Members should examine their conscience in answering these questions.

In fact, the content of the curriculum guide is more or less the same as the Guidelines on Civic Education in Schools (the Guidelines) issued in 1996. Members may read the Guidelines issued in 1996, it stated unequivocally that the purpose of which was to cultivate students' sense of belonging towards Hong Kong and China. Patriotism was also mentioned. Why no one doubted if the civic education programme was brainwashing back then, but strongly criticized that the present national education is brainwashing?

The most paradoxical point is that some opponents of national education admitted that they have not even read the curriculum guide. In fact, anyone who have read it would say for sure that it does not contain words like "Our homeland is our mother" as claimed by Joshua WONG of the Scholarism. Neither does it ask students to cry when seeing the national flag. I hope that Members will read the curriculum guide and see the facts clearly.

Recently, some media claimed that the brainwashing teaching materials have infiltrated into other subjects. The so-called brainwashing contents Just now I heard that a Member read out an article, which can be found in a primary Chinese textbook. The article contains wordings like "mother country", "let our land be the granary of the country" and "The Yellow River is the mother river of China". May I ask Members what is wrong with these descriptions? They are just some sorts of literary expressions, applying some rhetorical skills. What has this to do with brainwashing? If the Civil Alliance against National Education vows to expand the movement to "blossom everywhere", so as to monitor if the brainwashing contents have infiltrated into other subjects, the result will be detrimental. Such act may turn out to be a suppression tool which prohibits schools to implement national education in their own way through teachers' professional knowledge.

The Democratic Alliance for the Betterment and Progress of Hong Kong opposes the original motion and the amendments. As Hong Kong has reunited with the Motherland, I urge Members to think of the next generation and consider how we can help them know more about our country. We also oppose brainwashing education, and hope that students would be allowed to make their own analysis based on hard facts.

Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the People Power is the first political party to oppose the implementation of the brainwashing national education. When national education was initially proposed, we have classified it as inevitable brainwashing for this is a political mission to be accomplished. It has been more than a decade after the reunification, Hong Kong's autonomy has been returned to China, but people still do not identify with the Mainland. Given that this is a political mission, it is absolutely impossible for national education to be implemented with an acceptable mode of teaching.

President, this anti-national education movement is said to be one of the very few successful political awareness movements in Hong Kong in recent years. The anti-national education movement initiated by the Scholarism has not only awaken a group of young people to be politically conscious, it has also driven many parents to show concern about the recent social changes in Hong Kong, the horrible political mission of the Government, as well as the development of the younger generation. Within a very short period of time, through promotion on the Internet and certain mass media, tens of thousands of people have besieged the Central Government Offices for several nights. This can be regarded as a sign of public awareness. The movement has also enabled some Members from the pan-democratic camp to have a landslide victory in the elections of a number of functional constituencies. The effect is obvious.

Why are Hong Kong people so concerned about this issue and why do they raise strong opposition? Many Members from the royalist camp, especially the new "extreme leftist" like Mr Christopher CHUNG and Mr NG Leung-sing who act like guards, have been vigorously upholding and promoting the importance of national education which carries a slight touch of communism. President, history tells us why Hong Kong people are so scared. In fact, the shadow of the

Cultural Revolution still remains in the minds of many adults and cannot be eliminated.

Regarding the Cultural Revolution, it is said that it has created the seven features of "nothingness" in China. The first one is the class of proletariats who have "no property". People who had nothing remained poor, while people with something had become people with nothing. The poorer the people were, the more they thirsted for revolution; the more revolution they had, the poorer they became but the more glorious they felt. This is one of the features of the Cultural Revolution back then.

The second feature is people with "no knowledge". People were not only poor in a material sense, but also poor in a mental sense by carrying out radical reforms to break away from the old culture. The power of the Cultural Revolution is to destroy all human culture. Students were not required to go to school or sit for examinations. The "blank-paper" teachers emerged as revolution heroes while the intellectuals were called "stinky dogs". The third feature is "no mercy". Mercy was nothing but a false pretence of the feudal landlords and the passion of the petite bourgeoisie, and these people were targets of the revolution. The fourth feature is "lawless", which is well-known. Since rebellion was justified, any laws implemented to restrict revolutionary acts were abolished. The fifth feature is "no virtue". China upholds Confucius thinking — of course, we may not totally agree with the Confucius and Mencius school of thoughts — traditionally, people thought highly of virtuous qualities, but the Cultural Revolution had completely destroyed such thoughts. The principles, interests and doctrines of the Communist Party were overriding and the only criterion which distinguished right from wrong was the thought of MAO Zedong. The sixth feature is "no sense of beauty". Although beauty was pursued by everyone, it was nonetheless the poison of the bourgeois during the Cultural Revolution and must be overthrown and suppressed. The final feature is the emergence of people with "no sense of reasoning". During the Cultural Revolution, everything had turned into "nothing", and the only exception was the emergence of a group of people with "no sense of reasoning". Some people now allege that nothing is genuine in China. With the exception of liars, everything in China is fake. In a world created by people with "no sense of reasoning", people only tell lies and no one dares to tell the truth.

Against this background and under the shadow of the Communist Party, will Hong Kong people feel terrified by the curriculum guide produced by the pro-Communist groups under the manipulation of the Communist Party and involving millions of dollars from the public coffers? Let us look at some overseas examples, such as the education system introduced in Europe, and in particular, the significance and background of the education system promoted during the Renaissance and Enlightenment periods. The focus of the Renaissance period was to overthrow the old systems, which promoted the concept of theocracy with God as the centre of the world. People back then opposed the old system and introduced a new system which was based on freedom of individuals and self-recognition, with emphasis on personality liberation and the pursuance of happiness, wealth, honour and wisdom of this life, as well as promoting freedom, equality and opposing class privilege.

The focus of the Enlightenment period was to expand the scope to include natural science, philosophy, ethics, politics, economics, history, literature and education, and so on, without setting any boundaries. People should have the courage to query the authority and traditional doctrines, develop individualism, with emphasis on the progression of human beings. These are the major features of education promoted in the post-Renaissance and Enlightenment periods. Of course, most of the abovementioned features can be found in civic education, and they are in stark contrast with the environment and characteristics created by the Cultural Revolution.

Thus, so long as Hong Kong people do not agree and support such an ideology (*The buzzer sounded*) the implementation of national education will certainly be opposed.

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

MR WONG YUK-MAN (in Cantonese): President, Chief Executive LEUNG Chun-ying of the Communist Party and businessman Eddie NG joined hands to forcibly implement the Moral and National Education (MNE) subject, and this has aroused widespread public resentment. On the night of 7 September, 120 000 people besieged the Central Government Offices and this had become international news. As a result, the Hong Kong Communist regime reluctantly

shelved the curriculum guide. The Government, which was brought into serious disgrace after resuming office for less than 100 days, has only itself to blame.

Mr IP Kin-yuen, a Member returned from the Functional Constituency of Education, is so lucky today to be allotted a slot to propose the first motion in this legislative session, I must therefore congratulate him. Mr IP called on the withdrawal of the curriculum guide, but I think that he has not been comprehensive and I have to say some more words. At the Council meeting on 16 June 2011 when Mr Albert HO of the Democratic Party moved a motion on "Moral and National Education Curriculum", I had specifically pointed out that such a curriculum was "unnecessary". I had also cited a remark made by Mr HU Shi, a liberalism scholar of the Republic of China period, to state my position. Mr HU Shi said, "Now that people tell you: 'Sacrifice your personal freedom for the freedom of the State.' I tell you, 'You are striving for the freedom of the State when you strive for individual freedom; you are striving for the integrity of the State when you strive for your integrity. A state with freedom and equality is not built by a group of flunkies.'" The SAR Government has used administrative means to lure Hong Kong people into learning the totalitarian rule of the Chinese Communist Party, and even commending it, when they are still young. We therefore oppose, in principle, such "lackey education".

We must learn China affairs from a rational cognitive perspective, and we must be conscientious of our country's culture and history with a sense of dignity. We should not instill patriotic thinking with a moral motivation. Therefore, in Hong Kong, we only have to implement a comprehensive civic education and Chinese History education; the introduction of the questionable brainwashing MNE subject is unnecessary. Secretary for Education Eddie NG just now said that the Chinese History subject has been included in the Liberal Studies subject in primary education and that it is a core subject in junior secondary education and a selective subject in senior secondary education. He claimed that the situation has improved greatly since the reunification. He has nonetheless distorted the facts.

With regard to the relevant subjects such as Liberal Studies, Chinese History and History, the Chinese History curriculum of secondary schools has basically been "diluted". I had brought up the issue at meetings of the Panel on Education in the last legislative term and I had also met with secondary school

teachers and former Secretary for Education Michael SUEN. People are outraged that the Chinese History subject has been downgraded and "diluted" in senior secondary or primary education. How dare he, as the Secretary, distort the fact. There is also another equally shameful member of the Hong Kong Communist regime, his name is CHEUNG Chi-kong, who is a Member of the Executive Council.

Early this month, he talked drivel in the radio programme City Forum and used terms such as "black list" and "troublesome soccer fans" to describe the Scholarism. He further queried the political motives of those young people who have participated in the anti-national education movement by questioning their source of funding. His dirty tricks really make people seethe with anger. In the *Chapter on School* of the *Waiting for the Dawn: A Plan for the Prince*, HUANG Zongxi of the Ming Dynasty wrote that students' intervention in politics is "an incident in an age of decadence" and also "a remnant of three generations". Even in the Eastern Han dynasty, students stepped forward to intervene in politics because they lived in an age of decadence. Today, in this open society, young people's opposition to national education has been queried by CHEUNG Chi-kong. He not only casts doubt on their political motivation, but also badmouths them. Being a member of the Executive Council, he disregards his position in badmouthing and smearing students for organizing a social movement. His motive is execrable.

President, HU Shi also made a remark in 1920 in the *May Fourth Issue* of *Chenbao*, which can be a reference for Members. HU said, "In this aberrant society or country, the government is too wicked and there is formal mechanism for the nationals to rectify the situation. At that time, political intervention activities are bound to be initiated by young students." In this anti-national education movement, it is apparent that even the political parties lagged behind the young students, a true portrayal of HU Shi's remark. As members of various political parties, we should be ashamed of ourselves. The Secretary for Education has actually humiliated the literates. If you want to take political responsibility, you should step down. How can you still sit here so shamelessly? I can tell you that I will certainly continue with my fight against you in the Panel on Education.

President, the following remark is pretty long and I guess you should have my speech in hand, right? There is nonetheless only one minute left. Let me tell you, if you wish to teach national education, you should learn from me. If I

bring my students to Tiananmen Square, I will definitely tell them that this is the very place where the May Fourth Movement took place in 1919. At that time, students chanted the slogan "Resisting foreign power and fighting against internal traitors" and they were all arrested by the police of the Beiyang government. Subsequently, the school principal negotiated with the Beiyang government and all the students were released, disregarding they had burnt government offices or beaten up government officials. Next, I will tell them that in 1989, which is 70 years after 1919, again in Tiananmen Square, a group of students rose against official profiteering and fought for democracy. At last, at the dawn of 4 June, they were shot by the Communist Party. May I ask, with a lapse of 70 years, of the two Beijing governments, which one is more civilized and which one is more barbaric? If national education cannot be taught this way, it is nothing but "lackey education".

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr IP Kin-yuen, you may speak on the three amendments. You have up to five minutes.

MR IP KIN-YUEN (in Cantonese): President, I agree and support the amendments proposed by Dr Kenneth CHAN and Mr Frederick FUNG, and would like to make some responses to Dr Kenneth CHAN's amendment in particular.

He highlighted two points: firstly, to implement comprehensive civic education, which I consider very important. We have all along advocated the implementation of national education and in today's debate in this Council, the majority of colleagues have also highlighted the need to implement national education, as well as its importance and value. Nonetheless, I would like to point out here that while national education can be implemented in a proper and impartial manner, it can also be biased. If we look at the history of the world in implementing national education, some places had at one time stressed subservience, while others stressed anti-foreign sentiment. We must therefore

be very cautious about this. In this connection, we have all along suggested that the implementation of national education should be under the framework of civic education, which stresses independent thinking, rights and responsibilities. National education can thus be put back on the right track and major bias can be prevented.

Therefore, regarding Dr Kenneth CHAN's amendment, I think the proper implementation of civic education should cover national education. Changing the established subject of civic education into national education is actually a setback in the global education trend. Sometimes, the term warrants careful consideration. Dr CHIANG Lai-wan, for example, just now seriously criticized the Hong Kong Professional Teachers' Union (HKPTU) for making an "about-turn", but I think she is confused in thoughts or in concepts. The HKPTU has all along stressed the need to implement national education. We only oppose the national education subject and this should be clarified. To be more accurate, we oppose brainwashing.

The second point highlighted by Dr Kenneth CHAN is attaching importance to history education. I consider this equally important because the implementation of national education does not necessarily rely on the national education subject. It is not necessary to implement national education by introducing the national education subject as an independent subject. The same purpose can be achieved by enhancing subjects like History, Geography, Language and Literature. I believe many Members present at the meeting have learned about our country through subjects like History, Literature and Culture when they were students.

On the contrary, we must also be very careful. Some Members just now asked why we do not tap on the present economic development and understanding of China to introduce the national education subject. In fact, it is wrong for us to think that introducing this affection-oriented national education subject can help our children gain a good understanding of China and grasp the related opportunities. I think that it would be too naïve for us to have such thought. What we need to do is to enhance students' understanding of the various aspects of China through different subjects. If we want to grasp the relevant uprising economic opportunities, we must enhance the information pertaining to the economy of China.

Therefore, with regard to this, I think that the amendments proposed by the two Members are equally important. Mr Frederick FUNG, as I have mentioned in my earlier speech, mentioned the importance of public opinion, (*The buzzer sounded*) so I am not going to repeat here. Simply speaking, I agree with the amendments proposed by the two Members.

SECRETARY FOR EDUCATION (in Cantonese): President, I will now respond to the salient points raised by Honourable Members in their speeches.

Some Members opine that the Government has disregarded public opinion in the introduction of the Moral and National Education (MNE) subject. I cannot concur with that view. As a matter of fact, we have all along actively listened to the views from various sectors in the community and the education sector throughout the course of drafting and promulgating the curriculum guide of the MNE subject (curriculum guide). Within the four-month consultation period commencing in May 2011, we received views from the education sector and various sectors in the community on the concept and contents of the curriculum, implementation timetable, assessment of learning, support measures, so on and so forth. Within the four-month consultation period, the Ad Hoc Committee had collected views from eight consultation sessions on the MNE curriculum, with a total attendance of over 1 500, as well as from different channels, such as focus group seminars, questionnaire survey on schools over the territory, consultation activities held by other organizations, emails, faxes, letters, and so on. Views had been collected extensively from various sectors in the community, with a total of some 1 000 submissions received. The Panel on Education of the Legislative Council also held two special meetings to receive public views on the draft curriculum guide. More than 60 individuals and deputations had attended the public hearings. After detailed discussions and deliberations at nine meetings, the Ad Hoc Committee made extensive revisions to the draft curriculum guide. Let me give an example. Just now, some Member said that according to some surveys, some 40% or 50% of schools were against the introduction of the MNE subject in the 2011-2012 academic year. It was exactly because of such discussion that the Ad Hoc Committee decided that the subject should not be introduced immediately after one year. On this account, the final draft suggested a three-year initiation period. Given the challenge presented by the New Senior Secondary (NSS) Curriculum, the introduction of the subject in

secondary schools would be postponed for one year. That is the background of the incident.

Since I assumed office in July, I had proactively held many meetings with school sponsoring bodies, principals, students, parents and other stakeholders, trying my utmost to understand their views and worries of the public about the subject. As a matter of fact, insofar as students are concerned, I recall that during the two weeks between 1 July and 15 July, I had contacts with student organizations on five occasions, including an open discussion on a radio programme. The important point is that I had made those efforts. From May last year to 8 October this year, the Government had made adjustments to this subject in various aspects and at different stages.

Members may recall that after 1 July, the press published an unofficial handbook which caused an uproar in the community. On 29 July, the Government decided to set up a special committee in the hope of collecting as many views as possible from different persons. During the two months between 8 August and 8 October, the committee solicited views through many new consultation channels. Having ascertained the situation, the entire team decided on 8 September that the Government should announce certain major revisions on the same day. The committee, with Ms Anna WU as chairperson, convened six meetings within some 30 days or so, and held a lot of discussions on the relevant amendments. The committee accepted the various amendments announced on 8 September, and the Government also accepted the relevant recommendations immediately.

Some Members suggest that the Government should withdraw the MNE subject. The Government considers that under the principle of professional autonomy of school sponsoring bodies and schools, as the Government no longer imposes any requirement on school sponsoring bodies and schools as to when and how the MNE subject should be introduced or implemented, the Government and the community should not, will not and need not prohibit or prevent school sponsoring bodies and schools from introducing the subject if they choose to do so. As a matter of fact, this is the view reflected by many school sponsoring bodies and schools, and the mainstream opinion is not to withdraw the subject. Hence, there is no need to withdraw the MNE subject.

Some Members worry that the Government would use all sorts of means to push through the introduction of the MNE subject and the curriculum guide promulgated in April 2012. May I ask Honourable Members and members in the community to rest assured, the Education Bureau will dedicate its efforts to implement the amended policy announced on 8 September 2012, as well as the recommendation made by the Committee on the Initiation of Moral and National Education Subject (the Committee) about formally shelving the curriculum guide. In other words, under the premise of respecting the professional autonomy of school sponsoring schools and schools, we will allow school sponsoring bodies and schools to decide on their own how to handle matters related to moral and national education, in accordance with their philosophy and mission, preparatory work and professional judgment. Regarding the shelved curriculum guide and the curriculum, the Education Bureau will neither request schools to adopt the curriculum guide, nor use it as the basis for school inspection. At the same time, the Government will not further review or amend the curriculum guide. Schools are free to exercise their professional judgment in adopting teaching guides and relevant teaching materials considered to be appropriate. The Government will no longer impose any requirements or provide any mandatory or official guides in this respect.

Just now, a number of Members spoke about history education. I want to stress again that history education is an important component of basic education in Hong Kong. Through our broad and balanced curriculum, history education enables students to develop a historical perspective, as well as independent thinking and critical thinking skills. Learning from historical facts, students can know about the present by reviewing the past, pass on the characteristics of Chinese and Western cultures in Hong Kong, build up the identity as a Chinese national as well as a world citizen, and develop values such as democracy and freedom. This can help maintain Hong Kong's status as an international city. In fact, history education has been strengthened, and not regressed, after the reunification. At present, all junior secondary students in 450 secondary schools take the Chinese History subject which covers modern history. The lesson time for this subject is higher than the average in other countries. With regard to senior secondary curriculum, Chinese History and Western History are still compulsory subjects, and their status has not changed at all.

Regarding the implementation of history education, holistic history education is basically provided by universities, with Chinese History and World

History being taught as independent subjects as the mainstream. Some schools have developed diverse curriculum models in the light of their own circumstances. For example, instead of having two different subjects, study themes under the two history subjects are taught under the same subject by presenting them in a chronological order. Another example is to teach various topics in Chinese history and culture under an integrated curriculum model by organizing and connecting them into different themes. With the division of arts and science streaming removed by the introduction of the NSS Curriculum, the option of studying the two history subjects is not longer confined to arts students. We will continue to promote improvements in the pedagogy of the two history subjects, as well as review and update the curriculum of the two history subjects according to need, so that students can develop the ability to make critical judgment, cultivate a world view, and build up the identify as a Chinese national as well as a world citizen through holistic history education.

In respect of civic education, I would like to point out that at present, our curriculums have already incorporated elements of civic education so that students can learn and discern universal values, or core values as just mentioned by Members, such as peace, benevolence, justice, freedom, democracy, human rights, responsibility and respect for others. As I said in my opening speech, civic education and national education are introduced in Hong Kong under the common objective of cultivating the analytical power and critical thinking skills of students so that they are capable of making rational decisions. Hence, the two are not mutually exclusive. Regardless of whether it is national or civic education, students learn to consider from multiple perspectives and make thoughtful, reasonable, independent and objective analyses and judgments. The cultivation of these values, analytical power and critical thinking skills are indispensable in both national and civic education.

Just now, the question of assessment has been raised. While I know that Members are all very familiar with the issue, I want to add one more point. One of the tools mentioned by Members is the Assessment Programme for Affective and Social Outcomes (APASO). The APASO is an assessment tool developed on the basis of findings of international studies conducted by an international organization called the International Association for the Evaluation of Education Achievement after consultation with an experienced professor from The Hong Kong Institute of Education. Schools can decide on their own how to make reference to certain data collected under the APASO, but the Education Bureau

does not encourage schools to disclose the names of students or conduct the assessment on a compulsory basis. The assessment is only intended for learning and review purposes, and teachers can decide whether or not to adopt the assessment tool. Hence, the premise that there will be implications on students assessed and tested does not exist. Besides, regarding the public concern that the subject is compulsory, I have to say that this point is noted during the consultation process, and hence, there is no examination for the subject. This is the other decision we made on the basis of the consultation outcome.

Under the revised policy, schools can continue to introduce national education taking into account the need of schools and students, in order to nurture positive values in students. Regardless of the modes of implementing moral, civic and national education, schools can continue to flexibly use the Moral and Education Support Grant of \$530,000 disbursed to them by the Education Bureau in August 2012. Regarding the grant of \$530,000 mentioned just now, many school sponsoring bodies will revisit its use. On 27 September, the Education Bureau issued a circular memorandum to all schools, explaining the Committee's decision, and reminding them that the grant of \$530,000 can still be used on moral, national and civic education or related education. When the grant is exhausted, audit checks will be conducted. For the Education Bureau, this is an audit requirement on the use of public funds, and no further actions will be taken.

Finally, I am grateful to Honourable Members for their views and criticisms on my handling of the MNE incident. I will listen with an open mind. I am truly grateful to Members for their criticisms, support and understanding. I will reflect on the development of the incident in the past few months with my colleagues in the Education Bureau, so as to learn from the experience. When handling sensitive or controversial issues in future, we will expeditiously expand the scope of consultation to both the education and non-education sectors as far as possible. No matter how good we think our proposed policies are, we cannot handle them with an "all-knowing" attitude. The Government's administration and governance should base on extensive solicitation of public opinions, so that adequate policies can be formulated to meet the needs of the time. If certain policies are not implemented at the right time in the right place by the right people, the opposite effect will be resulted. Hence, between the choices of resolving the dispute and allowing the dispute to persist and affect the normal operation of schools, the Government has chosen the former option. For me personally, I need to reflect deeply on my work in this regard.

All in all, I agree with the statement made by the Committee that moral, national and civic education is an important facet of school education, and that whole-person development should include knowledge about one's country, understanding of one's national identity and awareness of such core values as inclusiveness and diversity in the wider society. Therefore, it is only natural that students should receive moral, national and civic education. I appeal to different sectors in the community to respect the professional autonomy of school sponsoring bodies and schools, and have confidence in our teachers' professionalism, so that they can nurture students' whole-person development in a peaceful environment. In particular, I would also like to take this opportunity to express my heart-felt thanks to Ms Anna WU and other members of the Committee.

Once again, I thank Members for giving their valuable views on moral and national education. As there are accusations in the original motion and various amendments which may not be entirely true, I hope Members will vote against them.

Thank you, President.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, in the two speeches given by the Secretary for Education earlier, he has responded to Members' questions and views on Moral and National Education (MNE). My speech will mainly respond to the parts of the original motion which query Secretary Eddie NG's handling of the MNE incident and the criticisms on the Chief Executive. I think these allegations are unfounded and they are unfair to the Chief Executive and the Secretary for Education, who have attentively listened to the stakeholders' views and worked very hard to resolve the disputes over the past two months.

First of all, moral education, national education and civic education have all along been a very essential part of school education, and moral and national education have been implemented in primary and secondary schools in a systematic manner. As a few Members have pointed out in their speeches, the incident did not happen overnight. The Government of the last term proposed the introduction of the MNE subject in October 2010 with an aim to further cultivating students' moral and national qualities. The consultation draft of the

curriculum guide of the subject was published in May 2011, which was immediately followed by a four-month consultation period to extensively collect views from the community. When the final curriculum guide was published in April this year, major amendments have been made, having considered the extensive views solicited. Furthermore, to address the concerns of the education sector, the Education Bureau has provided a series of support measures and funds required for these measures have been included in the approved estimates of expenditure of this financial year.

President, the purpose of my brief recap of the background is not to defend the current-term government. I also agree that all governments should be able to appraise the situation correctly and have the courage to take heed of advices when necessary. And yet, the performance of the official charged with the relevant responsibility must be assessed impartially, and the sequence of events cannot be totally disregarded.

After Secretary Eddie NG took office as the Secretary for Education on 1 July, he learnt within two weeks that some members of the public were still concerned about the MNE subject. Being an accountability official, Secretary Eddie NG had demonstrated his commitment by meeting with different mass media as well as students and parents to explain the relevant policy. I believe Members may recall that in response to people's concern over the *The China Model: National Conditions Teaching Manual (Teaching Manual)*, Secretary Eddie NG had taken the very first opportunity to state publicly that some of the contents were biased.

In the past couple of months, Secretary Eddie NG had openly clarified the misunderstandings of people from different strata, the media, school sponsoring bodies, school principals, teachers, students and parents on the MNE subject through various channels, such as publishing several online articles, attending seminars and meeting with the media. He had stressed time and again that the *Teaching Manual*, mentioned by me earlier, was not the teaching material of the subject; that the subject attached importance to universal values and would not just mention the bright side and evade sensitive issues, that there were absolutely no elements of brainwashing or political indoctrination. He also pointed out clearly that diversified assessment for the subject would be adopted and students would not be ranked, and their allocation of school places would not be affected. No public examination would be held as well.

In the meantime, Secretary Eddie NG, all relevant colleagues and I had been analysing the situation with concerted efforts, with a view to finding a solution. We had, for example, supported the setting up of the Committee on the Initiation of Moral and National Education Subject (the Committee), chaired by Ms Anna WU, and provided it with necessary support. It is hoped that with its broad representation, the Committee can seek common ground while respecting differences and settle the disputes, thereby addressing public concerns over the implementation of the MNE subject. Secretary Eddie NG was also involved in revising the policy as announced by the Chief Executive on 8 September. Subsequently, Secretary Eddie NG and his colleagues of the Education Bureau amended the Circular Memorandum issued. He clearly explained the revised policy on the MNE subject, which included abolishing the original arrangement on the initiation period to enable the school sponsoring bodies and schools to exercise their discretion to decide how the subject should be dealt with on the basis of their philosophy and principle, preparatory work and professional judgment. The Policy Bureau also stressed that school sponsoring bodies and schools may enhance the MNE subject on the current basis. All these fully demonstrated Secretary Eddie NG's willingness to listen to the views of society and his readiness to make critical assessment and improve the policy.

Secretary Eddie NG had proactively responded to the proposal made by the Committee on 8 October and officially announced the shelving of the curriculum guide of the MNE subject. Schools would not be requested to adopt the curriculum guide, and the curriculum guide would not be used as the basis for school inspection. Neither would the Government provide any mandatory or official curriculum guide in respect of the MNE subject. I hope Members would understand that the abovementioned arrangement is precisely the Government's move to demonstrate its commitment to creating the best environment for rational communication among people from all walks of life. After all, the views collected by the Government are definitely divergent, as evident from the speeches made by Members earlier. What is more, the Government is obliged to safeguard the autonomy of school sponsoring bodies and schools in respect of teaching and learning.

The row over the MNE subject has already dragged on for months. Unfortunately, it has evolved from an education issue to a social movement, during which the community has been torn apart and suffered a serious blow.

Worse still, it has adversely affected the operation and teaching of schools. I do feel deeply about this situation because I had accompanied the Chief Executive to visit a school sponsoring body. I deeply felt the distress caused to school principals and teachers in their normal teaching. Though having a hard time and subject to immense pressure, Secretary Eddie NG has led the civil servants working under the Education Bureau to conscientiously untie the knot. The entire government team, including the Chief Executive and I, have supported the work of the Secretary for Education through concerted efforts.

During this period of time, the Chief Executive has not only kept an eye on the diversified and divergent views on the implementation of the MNE subject, but has also personally met with school sponsoring bodies, school principals and parents' representatives to understand their views and then steered the overall strategies on this basis. The Chief Executive announced the revised policy on the MNE subject and accepted the proposal of the Committee to formally shelve the curriculum guide on 8 September and 8 October respectively. The community generally welcomed and supported the efforts made by the Committee in resolving the problem under the leadership of Ms Anna WU. In fact, as Ms Anna WU has said when meeting with the media on 8 October, she thanked the Chief Executive for he has (I quote) "given us some very decisive advice and made some very decisive moves in the course of our deliberation." (End of quote) Thus, there is no basis for Mr IP Kin-yuen's allegation that the Chief Executive has "mishandled" the incident as stated in the motion. Mr Frederick FUNG's extremely serious criticism of the Chief Executive in the amendment is also unfounded.

President, from this incident which has aroused social dispute, I fully understand that the methods of consultation and communication adopted by the Government still have great room for improvement. In our society, people have attached greater importance to open-mindedness, freedom, enterprise and forgiveness. It is therefore inevitable that they may have different views and even adopt an antagonistic approach. In the face of these challenges, government officials must have the ability and perseverance to identify the changing situation, resolve disputes and foster consensus. It is therefore not desirable, from the community's angle, to assert that a public officer must take the blame and step down disregarding the actual environment of governance.

President, as the Chief Executive has said in his address to the Legislative Council this morning, the performance of the political appointed officials of the SAR Government has ups and downs over the past three months. We will incessantly sum up our experience and lessons, and continue to improve our internal co-ordination. People have increasingly high demands on the Government and its officials, especially principal officials. Our actions must be consistent with our words. We must also be pragmatic and proactive, and place the interests of the people as well as the overall interests of Hong Kong as our first priorities, serve the community and meet the aspirations of the people.

I implore Members to oppose the original motion and the amendments. Thank you, President.

PRESIDENT (in Cantonese): Dr Kenneth CHAN, you may now move your amendment to the motion.

DR KENNETH CHAN (in Cantonese): President, I move that Mr IP Kin-yuen's motion be amended.

Dr Kenneth CHAN moved the following amendment: (Translation)

"To delete "," after "That" and substitute with "Hong Kong is a civil society that emphasizes freedom of thought and academic freedom, and the cultivation of independent thinking of the next generation and building up of their universal values are of utmost importance to safeguarding Hong Kong's core values;"; and to add ", and formulate concrete policies and allocate resources for implementing comprehensive history education and civic education" after "immediately withdraw the curriculum guide of the Moral and National Education subject."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Kenneth CHAN to Mr IP Kin-yuen's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Ms Emily LAU has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

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

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

Geographical Constituencies:

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

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

Mr Paul TSE abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 34 were present, nine were in favour of the amendment and 25 against it; while among the Members returned by geographical constituencies through direct elections, 34 were present, 17 were in favour of the amendment, 15 against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MR ANDREW LEUNG (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Urging the Government to withdraw the curriculum guide of Moral and National Education subject and requesting the Secretary for Education, Mr Eddie NG, to step down" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Andrew LEUNG be passed.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Urging the Government to withdraw the curriculum guide of Moral and National Education subject and requesting the Secretary for Education, Mr Eddie NG, to step down" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr Frederick FUNG, you may move your amendment.

MR FREDERICK FUNG (in Cantonese): President, I move that Mr IP Kin-yuen's motion be amended.

Mr Frederick FUNG moved the following amendment: (Translation)

"To delete "given the Government's introduction of" after "That," and substitute with "over the past several months, the Government has seriously disregarded public opinion regarding the issue of introducing"; to add "and" after "schools,"; to delete "and" after "to public opinion" and substitute with ","; and to add "followed the Central Authorities' lead under the guise of governing authority and efficiency, neglected public feelings and placed the Central Authorities' position above the interests and core values of the general public of Hong Kong," after "resentment,".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Frederick FUNG to Mr IP Kin-yuen's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Frederick FUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Frederick FUNG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

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

Geographical Constituencies:

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

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

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 34 were present, nine were in favour of the amendment and 25 against it; while among the Members returned by geographical constituencies through direct elections, 34 were present, 17 were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): I now call upon Mr IP Kin-yuen to reply. This debate will come to a close after Mr IP Kin-yuen has replied. Mr IP, you have 56 seconds.

MR IP KIN-YUEN (in Cantonese): President, I am greatly disappointed after listening to the Secretary. While he has used 14 minutes to explain the details of the policy and defend for himself, he has spent less than one minute on giving a vague introspection. Mr Dennis KWOK has made an excellent point in pointing out that the problem now is how to rebuild the trust between the Government and the people. This is actually a good chance for the Secretary to explain his belief and introspection, so as to rebuild the trust between the Government and the people. Yet, he has wasted this chance; once again, he has wasted his chance.

I recognize the tremendous efforts made by the Chief Secretary, other officials and Ms Anna WU in the incident. They have been actually trying hard to rebuild the mutual trust. In my view, in the future discussion of this issue, we should consider how we can have an active interaction, so as to put Hong Kong's policy discussion on the right track.

Here, I would like to thank all fellow Members (*The buzzer sounded*)

PRESIDENT (in Cantonese): Mr IP, your speaking time is up.

MR IP KIN-YUEN (in Cantonese): for their support, whether they are for or against the motion.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr IP Kin-yuen be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

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

Geographical Constituencies:

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

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

Mr Paul TSE abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 34 were present, nine were in favour of the motion and 25 against it; while among the Members returned by geographical constituencies through direct elections, 34 were present, 17 were in favour of the motion, 15 against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Members, as we cannot finish the two remaining motions on the Agenda before midnight, I will suspend the meeting at around 10 o'clock. As stated in the notice you have received, the meeting will resume at 9 am tomorrow.

PRESIDENT (in Cantonese): Third Member's motion: Legislating for the regulation of working hours.

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

I now call upon Mr CHEUNG Kwok-che to speak and move the motion.

LEGISLATING FOR THE REGULATION OF WORKING HOURS

MR CHEUNG KWOK-CHE (in Cantonese): President, as I have, by drawing lots, the chance to move a motion at the first meeting of this term of the Legislative Council, I move without a second thought this motion on "legislating for the regulation of working hours". First of all, I have to condemn the Government. Though it has repeatedly said that a study report on standard working hours would be submitted this June, it has not kept its promise, and the study was in fact committed by Mr Donald TSANG in his Policy Address in 2010. I am really worried and fear that LEUNG Chun-ying may say once again that this is one of the chess games left behind by the Government of the last term. Having set alight so many fires, will he choose not to play this chess game? As such, the physical and mental well-being of more than 3 million wage earners in Hong Kong would not be well taken care of. Indeed, there should be no more delay in conducting the study. I propose the motion on "legislating for the regulation of working hours" for discussion at this Council meeting because I think the new-term Government should continue to conduct a study. Secretary Matthew CHEUNG should draft a progress report to give wage earners a full account; he should do so expeditiously.

President, one of my friends who had worked as a social worker for nearly 30 years immigrated to Canada last Saturday. He celebrated his 50th birthday last year and he stepped down from a high-level management position seven

years ago. When I bade him farewell before his departure, we inevitably talked about the changes in the sector over the years. First, we lamented that the lump sum grant system implemented in the social welfare sector since 2000 due to the Government's adherence to service outsourcing has deeply affected the sector. In the course of our conversation, this veteran social worker mentioned that he stepped down mostly because he was over-burdened by the workload under the lump sum grant system, and the long hours of work and pressure so derived.

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

I remembered he exclaimed that "life should not be like that!" Indeed, that is not how life should be. As we have noticed, people who joined the social worker sector after 2000 are most directly affected under the system. Despite continuous campaigning by the sector, many young social workers very often have to work overtime owing to manpower shortage, they do not have insufficient rest time and their family lives are also affected. More deplorable still, some social workers have worked for 10 years but their remuneration package remained unchanged. They have no job security or prospects, and they dare not make plans for their lives or start a family.

A social worker told me, "Ah Che, I am really tired, when standard working hours can be implemented?" The problem of the social welfare sector is actually a microcosm of society. Is the general public not complaining bitterly about overloading and long hours of work? The SAR Government lacked planning in the past 10 years and it turned a blind eye to the adverse social consequences. My friend is a senior member of the Hong Kong Social Workers' General Union, and he has reminded me to spare no efforts in fighting for the minimum wage, standard working hours and collective bargaining rights — the three major rights and interests for workers.

Deputy President, the implementation of the minimum wage has somewhat improved the working conditions of wage earners. The community has had discussions about the regulation of working hours for a long period of time, and the issue should be put on the legislative agenda today. So, in the first motion this year, I urge the Government to introduce a bill on the regulation of working

hours in this legislative session, and the contents of the bill must include the number of standard weekly working hours and overtime pay.

Honourable colleagues serving the last legislative term should remember that we debated in February this year the Report of the delegation of the Panel on Manpower on the duty visit to study the experience in the implementation of standard working hours in South Korea. When I spoke on that day, I painstakingly stated that when borrowing the progressive experience of other places, problems with adjustment to the local conditions must be overcome. It was also necessary to take into account the differences with local conditions, culture and systems. I also pointed out that no one would think it was appropriate to transplant or apply rigidly the experience of other places. I expressed the wish that the Government should no longer use repeatedly the excuses that "the subject is complex and would have far-reaching implications on society and the economy of Hong Kong" and "employers, employees and various sectors of the community have divergent views on whether standard working hours should be introduced in Hong Kong" to shirk its responsibility. However, there is nothing we can do; the government has been accustomed to repeatedly saying something similar. I hope that the Secretary would not repeat again when he speaks later on. If there is no substantive response, the Government will ultimately waste Members' energy and the time of the people.

If we examine the Report on the duty visit to South Korea, we will find that both Hong Kong and South Korea have prospered as a result of the processing and export industries. In the past 20 years, South Korea has concentrated on developing the manufacturing industry while in Hong Kong, the financial services industry is our focus. Today, Hong Kong and South Korea both belong to the Newly Industrialized Economies 4 (NIE4) as referred by the International Monetary Fund (IMF). The two places have a different path of development but they are very similar in terms of development and working hours, such as long working hours. In this connection, I wish to take the trouble to tell the Government again, South Korea has reduced the working hours by phases within seven years from 2004 to 2011 to 40 hours a week; and it has also stipulated that the weekly overtime work shall not exceed 12 hours.

It is stated very clearly in the Report that the average annual working hours of employees in South Korea had been reduced to 2 392 hours in 2004 and then further to 2 193 hours in 2010 after the implementation of standard working

hours. The South Korean Government, being people-oriented and responsible, has facilitated a tripartite commitment among the government, employers and employees to further reduce the working hours of employees in the longer term. The tripartite commitment is not an empty talk and a timetable has been set to reduce the annual working hours to about 1 800 hours by 2020.

After the implementation of standard working hours, the economy of South Korea has not declined and the Gross Domestic Product per capita increased from US\$216 million in 2004 to US\$290 million last year, at a rate of 34%. The South Korean Government adopts a people-oriented and responsible attitude, not because the people in power is kind but because of the democratic system of the country. Yet, people in South Korea and Hong Kong have the same aspirations in life and they have the same requests for the regulation of working hours.

According to the report of the International Labour Organization (ILO) published in 2008, there are two concepts of standard working hours. The first concept is Normal Weekly Hours Limit, that is, what we call standard working hours; the other concept is the Maximum Weekly Hours Limit, that is, the maximum working hours. Apart from regulating the weekly standard working hours, there are also restrictions on overtime hours; even if overtime pay is provided, unlimited overtime work is not allowed. It is also stated in the report that there are laws on standard working hours in many countries. In Asia, East Asia and Southeast Asia, most countries whose circumstances are similar to Hong Kong, such as Japan, Singapore and South Korea have implemented standard working hours, and the standard working hours mostly range from 40 to 48 hours per week. In most western industrial countries and developed countries in Europe, the United States, Canada and Australia, the statutory standard working hours are 40 hours per week. Although there are no standard working hours in the United Kingdom, Denmark and Germany, these three countries have stipulated that the maximum working hours are 48 hours per week. Even in some developing countries, such as some Latin American and African countries, such as Egypt, South Africa, Cuba and Brazil, there are standard working hours and maximum working hours.

A human resources company, Hudson, published the Hudson Report HK last week on 11 October 2012 with the theme "Hong Kong Employees Work Longest Hours in Asia Pacific". As stated in the Hudson Report, almost half of the employees interviewed worked more than 51 hours per week, which reflected

the prevalence of the problem of overtime work. Moreover, the General Manager of Hudson Hong Kong reminded us that long hours of work did not mean high productivity.

As I have once said, workers demand for standard working hours and overtime pay not because they are lazy or they are mean. In this fast-paced and stressful society where profit-making is the first priority, workers very often agree to work overtime for fear of offending their boss; and as a result, workers are fatigued, mentally distressed and emotionally unstable. They tend to quarrel with their spouse, leading to family disharmony and they may even suffer from chronic diseases. Thus, the implementation of standard working hours provides a regular pattern of work, so that parents can spend more time with their family members to enjoy of the happiness of family life; young workers can have time to learn new knowledge, develop their interests or work as volunteers to help the disadvantaged in need, which will make their lives more meaningful.

Deputy President, when the minimum wage was initially implemented, the labour sector had already discussed the need to promote the legislation for standard working hours. I remember that at that time, the employers' representatives worried that various problems might arise after the implementation of the minimum wage, and thus they were very nervous about and even resisted legislating for standard working hours. Nonetheless, two years have passed and various imaginary problems related to the minimum wage have not emerged. Small and medium enterprises are very well aware that the difficult operation environment is not caused by labour costs; the culprit is still high rentals. I understand that we need to take into account the operation factor in formulating standard working hours, this is, what the standard should be? We also need to deal with the problem on whether some industries should be exempted in order to maintain flexibility and competitiveness.

Prof Randy CHIU of the Hong Kong Baptist University pointed out in a study early this year that 810 000 people in Hong Kong worked more than nine hours a day, and 1.23 million people worked more than 50 hours per week. He also told us that the problem was imminent. In fact, we may not need to catch up with 38-hour working week in Australia or even 35-hour working week in France within a short period of time. However, as we claim that Hong Kong is a cosmopolitan metropolis, apart from benchmarking against the economic success of other countries and dreaming to become the world's best in different aspects,

we should strive to turn Hong Kong into the happiest place in the world for wage earners.

Deputy President, I certainly know that promoting the legislation for standard working hours needs the support of enterprises; we have to listen to their views and initiate extensive discussions in the community. Nevertheless, instead of engaging in wars of words in this Council, at forums and in phone-in programmes, it would be better to introduce a bill to this Council this year, so that we can, on the basis of the discussion on the minimum wage, activate the legislative process and set a timetable and a roadmap. We have to make up for the time lost and lay an important foundation for improving the lives of grass-roots wage earners.

With these remarks, Deputy President, I move the motion.

Mr CHEUNG Kwok-che moved the following motion: (Translation)

"That this Council urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr CHEUNG Kwok-che be passed.

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

DEPUTY PRESIDENT (in Cantonese): As one of the Members, Mr LEUNG Kwok-hung, is not present, I will first call upon Mr Frederick FUNG to speak, to be followed by Mr KWOK Wai-keung, Mr SIN Chung-kai, Dr CHIANG Lai-wan, Mr Michael TIEN and Mr Kenneth LEUNG respectively; but they may not move the amendments at this stage.

MR FREDERICK FUNG (in Cantonese): Deputy President, since the implementation of the minimum wage in May last year, there have not been any chaos or great scourges as prophesied by some members of the business sector and there have not been any closures or layoffs. The minimum wage has not brought any significant adverse impacts on business operation and the employment market. Instead, some one hundred thousand low-income grass-roots workers in Hong Kong have higher wages, and they are no longer the forgotten and exploited group. They have more options and stronger bargaining power, and their lives have been improved. As regards the raising of the minimum wage level, I will propose a relevant motion at the end of the month and I will elaborate my views at that time.

Deputy President, I have repeatedly said that the formulation of the minimum wage is the core issue of the whole movement to strive for workers' interests, which reflects a significant change in the values of the Hong Kong community, from an overwhelming free market to the affirmation of the dignity of workers and the values of labour. If so, formulating standard working hours plays an even more important part of the whole labour movement, and its coverage is even broader, not only taking into account the treatment of grass-roots workers, but also affecting each and every employee, and having positive impacts on their lives. Therefore, this will become the battlefield for the Hong Kong Association for Democracy and People's Livelihood and all concern groups for labour rights. When more people become aware of work-life balance, I believe the Government cannot evade this issue and the business community must also face up to it seriously.

Deputy President, Hong Kong has been entangled in the standard working hours issue for many years; a lot of time has been wasted and numerous wage earners have suffered from health problems and they cannot spend time with their family members. Unfortunately, some members of the industrial and business sectors have deliberately imposed obstructions. They have frequently made various specious arguments, such as violating the free market principles, affecting the flexibility of the labour market, creating operational difficulties for small and medium enterprises, affecting the local business environment and undermining our competitiveness. We were all very familiar with these allegations raised in the course of legislating for the minimum wage. The fact that these intimidations — waves of closures and layoffs — have not emerged after the

implementation of the minimum wage sufficiently proves that the irresponsible arguments presented by the business sector are untenable.

Deputy President, with a predominant number of functional constituency Members in this Council, and the support of the Government which has countless ties with the business community, the community fails to have important and rational discussions on standard working hours. Issues such as social cohesion and consensus, establishing channels for frank communications between employers and employees, establishing *de facto* standard working hours, overtime pay arrangements and the scope of exemptions are worthy of in-depth exploration and discussion by the community. Yet, such discussions have not been initiated.

Deputy President, LEUNG Chun-ying had, during his election campaign for the Chief Executive, pledged that he would deal with the issue of standard working hours, and he stated in his manifesto that he would follow up on the study conducted by the previous government and set up a special committee to study the issue. Nonetheless, the attitude of Chief Executive LEUNG Chun-ying towards the implementation of standard working hours is still very ambiguous, and everything has so far remained stagnant. Perhaps he was only stalling in making the commitment at that time so as to gain the votes of the Hong Kong Federation of Trade Unions.

Does Chief Executive LEUNG understand the urgency of the issue? It is an indisputable fact that all wage earners, no matter they are high-paid and low-paid employees, have to work excessively long hours. As recommended by the International Labour Organization, the average weekly working hours of employees should be approximately 40 hours, and a lot of statistics and surveys in the past showed that the actual working hours per week of Hong Kong employees were well above this level. According to the 2011 Report on Annual Earnings and Hours Survey, the working hours in some industries were exaggeratedly long. For example, the median weekly working hours of employees in the catering industry reached 55 hours; and for employees of Hong Kong-style cafes and Chinese restaurants, it was up to 60 hours; while for employees providing security services, it even reached 66 hours.

Deputy President, this probably reflects how diligent Hong Kong wage earners are. On the contrary, it also reflects that employers have been abusing their dominant positions to take advantage of the goodwill of hard working

employees, wantonly requiring them to work overtime without pay, depriving them of the time for family life and rest. When people have to work excessively long hours, they do not have time to establish family supporting network, and they even have no time for rest and exercise. How can they enhance their quality of life and maintain a healthy family life?

In fact, many countries and regions have implemented standard working hours for many years and there are a lot of experiences that we can draw on. An example is South Korea that members of the Panel on Manpower had visited. We can learn from the valuable experience of South Korea, so as to facilitate a tripartite discussion among the Government, employers and employees as soon as possible, with a view to reaching an agreement on the basic framework of standard working hours. In South Korea, the phased implementation of standard working hours has alleviated the financial burden on employers. The number of standard working hours had reduced from 48 hours per week in 1953 to 44 hours per week in 1991. Between 2004 and 2011, the 40-hour working week had been implemented in six stages within seven years, with large companies and institutions taking the lead in the implementation. As the South Korean Government realized that the implementation of a shorter working week would affect small and labour-intensive enterprises, it had given them the longest transitional period. The phased implementation approach is worthy of our consideration and adoption.

From the experience of legislating for minimum wage, we understand that the process of setting standard working hours, from research to legislation and enforcement, will certainly be beset with immense obstacles. Parties with vested interests will definitely stand in the way. I still believe that, with a common objective and concerted efforts to protect labour interests and promote corporate social responsibilities, as well as the concept of making money in a rightful way, the implementation of standard working hours can be expected soon.

Of course, the study on standard working hours had run up on rocks from the very beginning. When Donald TSANG, the former Chief Executive, proposed in the 2010-2011 Policy Address to study standard working hours, all of us wondered whether the Government was playing the delaying tactics again. We were worried that there would be endless studies or the Government would adopt the same stalling approach as in the case of the minimum wage by launching the so-called voluntary participation or implementing standard working

hours on a trial basis in selected industries only. Nevertheless, we do not expect that the Government had even failed to fulfil its commitment to conduct a study on standard working hours, and it had not reported the result of the study to the Legislative Council within its term of office.

Deputy President, as the former and current Secretary for Labour and Welfare, Mr Matthew CHEUNG must tell the public clearly, has the Government been obstructing or impeding, with the intention of abandoning the policy direction of activating the regulation of working hours, or has the Government been trying to stalling as far as possible, so as to give the business sector a message that legislating for working hours will not be achieved within the foreseeable future, hence the business community needs not be afraid. In any case, what the Government is doing now is aiding and abetting the evil-doer, allowing enterprises to continue to exploit employees such that they have no time for leisure and rest.

Therefore, in my amendment today, I ask the Government to honour its previous commitment to submit immediately a study report on standard working hours to the Legislative Council and to set a clear timetable for the eventual implementation of standard working hours. There should be no more delays. The Government must send a clear message to the public and the business community that setting standard working hours has reached the point of no return and the community must be well-prepared.

Thank you, Deputy President.

MR KWOK WAI-KEUNG (in Cantonese): Deputy President, this is the first time I speak in this Council as a Legislative Council Member and this is also the first amendment to a motion that I propose in this Council. The subject for discussion today is "the regulation of working hours", an issue that the Hong Kong Federation of Trade Unions (FTU) is most concerned about. I very much hope that our amendment will lead to more in-depth, open and comprehensive discussions on the specific arrangements for the implementation of standard working hours throughout the territory, so that all sectors of the community can reach a consensus about legislating for standard working hours.

Deputy President, since the inception of Hong Kong, owing to people's enterprising spirit and willingness to endure hardships, Hong Kong had developed and achieved prosperous economic development in the 1970s and 1980s. At that time, employers were earnest and they provided sufficient compensation to employees for overtime work. Today, though Hong Kong has become an international financial centre, the problem of overtime work without pay has aggravated. We cannot help but ask: why are we lagging far behind our neighbouring regions in terms of the remuneration package and working hours of wage earners. For example, the working hours of employees in Singapore are eight hours a day and 44 hours per week, and the overtime pay is 1.5 times the normal rate. The standard working hours in Taiwan are basically the same, but employees work eight hours a day and 84 hours every two weeks. As regards South Korea which is a bit farther away from Hong Kong, an Honourable colleague has just mentioned that the number of weekly working hours has been reduced in 2011 from 44 hours to 40 hours, while the maximum annual leave of employees has increased to 25 days; the overtime pay is also 1.5 times the normal rate.

It can be seen from the above data that even though standard working hours are determined in different ways with different modes of implementation, the experiences of these neighbouring regions unanimously reflect that legislating for standard working hours will not adversely affect the local economic and employment situation; instead, the measure can help wage earners achieve life-work balance, which will indirectly improve the well-being of the community and employees. It is a pity that the local business community in Hong Kong has failed to identify the problems over the years and has abused the enterprising spirit of Hong Kong people. Businessmen have exploited employees in terms of their time and energy so as to pursue ever increasing profits. Hence, workers have to work longer and longer hours and they do not have time for family lives, leisure activities, rest and further studies, thereby affecting their mental health and people's grievances have intensified.

Undeniably, Deputy President, both blue-collar and white-collar wage earners in Hong Kong work long hours. According to the 2011 Report on Annual Earnings and Hours Survey published by the Census and Statistics Department, for employees in some grass-roots industries, such as security guards and restaurant workers, the average working hours exceeded 60 hours per week, while employees in certain service sectors, such as residential care homes,

supermarkets, retail, building maintenance and caretaking sectors, they had to work more than 50 hours per week. The number of working hours is exaggeratedly high because after deducting travelling and rest time, wage earners will only have one or two hours to spend with their family members. How can they have a normal life, such as taking care of their parents, meeting friends, dating and forming their families? How can they participate in leisure activities to alleviate pressure and regain energy, so as to maintain mental health?

In fact, the problem of long hours of work is not restricted to grass-roots workers, clerical staff, regarded as white-collar workers in the past, also suffer from the same plight. Some banking staff told me that they have to carry out on-street promotional activities on Saturdays or engage in telemarketing of credit cards, insurance and funds, but these additional working hours are often not considered as overtime work. These wage earners dare not voice their angry in order to retain their jobs. Overtime work without pay and unlimited overtime work have become the nightmare of clerical staff. The management often considers overtime work as a kind of staff appraisal, and it is perfectly justified to ask the staff to work overtime. It has never come to their mind that they are exploiting employees' time and private lives. As advocated by the International Labour Organization, it would be desirable to set the working hours of employees at 40 hours a week on average. Nonetheless, how many employees in Hong Kong can really do so? How can employees do so if standard working hours are not prescribed?

Deputy President, the FTU has always thought that, after the implementation of the minimum wage, the next step the Government should do is to implement standard working hours as soon as possible because the two must complement each other in order to achieve the purpose of protecting workers. However, the Government has so far been procrastinating on the implementation of standard working hours and all procedures have been carried out at a snail's pace. The Government has not published the study report on standard working hours that it committed earlier, and it has also been avoiding and evading how to promote standard working hours. The FTU hopes that the current-term Government can understand the urgent needs of wage earners and actively take a leading role to conduct a comprehensive review and consultation on this subject as soon as possible. As such, a consensus can be fostered expeditiously and a bill can be introduced into this Council for deliberation within this legislative session.

In my amendment, my first request is to establish a dedicated committee, comprising representatives of the Government, employees, employers and academics, for consolidating the views of all sectors of society and all industries, devising solutions that are acceptable to all parties and discussing the problems faced by different industries, so as to work out the detailed arrangements for regulating working hours in different industries. In this way, the practical situations of industries will be well considered and a proper work-life balance can be reached.

Finally, the authorities must also openly promote standard working hours, and report to the Legislative Council Panel on Manpower and the Labour Advisory Board, so that the public would be informed of the progress of the work on standard working hours and the legislative roadmap. It should not work behind closed doors, mess things up and keep procrastinating.

Deputy President, promoting and legislating for standard working hours are the main areas of work to be followed up by the FTU in the future, and this is also the focus of my work as a Legislative Council Member for the labour sector in the next four years. So, this amendment today is just a start; we will continue to work hard and perseveringly follow up the issue until we can offer all wage earners in Hong Kong a satisfactory result. I hope the Secretary would understand the plight of wage earners and the labour sector, and legislate for standard working hours as soon as possible, so as to safeguard the value of labour that payment should be given for overtime work. In this way, wage earners can be paid more for making greater efforts.

Thank you, Deputy President.

MR SIN CHUNG-KAI (in Cantonese): Deputy President, I thank Mr CHEUNG Kwok-che for moving this motion. We support Mr CHEUNG Kwok-che's original motion and I have proposed two points of amendment to enrich his original motion.

There are a few important points in the original motion. First, I have proposed in my amendment the standard weekly working hours should be 44 hours, which we consider appropriate. Certainly, compensation must be made

for overtime work and a Member has just proposed that overtime pay must be 1.5 times the normal pay, which also meets our expectation.

Another focal point is the maximum number of weekly working hours. We propose that the maximum number of weekly working hours should be 60 hours to comply with the family-friendly policies. To be frank, even if the maximum number of weekly working hours is 60 hours, it still fails to comply with the family-friendly policies. Not many places in the world have set the maximum number of weekly working hours at 60 hours. The 60-hour working week is in fact rather high; the weekly working hours in European countries are generally 48 hours. In certain countries, a 48-hour working week means an average of 48 working hours per week in 17 consecutive weeks. We recommend that the maximum number of weekly working hours should be 60 hours, so as to have an easy start. Taking into account the local circumstances, we hope that the starting point would be set a bit lower, to be slowly adjusted in the future when the standard has been accepted by people from all walks of life, with a view to gradually reducing the maximum number of weekly working hours to a level that complies with the international standard.

Why do I propose an amendment on the maximum number of weekly working hours? If we only set the standard working hours at 44 hours and that overtime pay must be 1.5 times the normal pay, we will only make employees work overtime on a regular basis, and they can get an overtime pay of 1.5 times the normal pay on top of their basic salary. This cannot ensure a healthy living for employees. Nowadays, many enterprises attach importance to work-life balance; if we only have standard working hours but not maximum working hours, work-life balance will still be affected.

I would like to make one more point. According to international standards, setting the standard working hours at 44 hours is not very satisfactory. This number is already on the high side and there are higher requirements for employees. Some Honourable colleagues have just mentioned that in South Korea, the number of standard working hours has recently been revised to 40 hours while in many European countries, it is just 30 hours or so. For example, in France, the number is only 35 hours. We certainly cannot compare Hong Kong with these countries. Concerning the weekly working hours after deducting meal breaks, the figures provided by the Census and Statistics Department in 2011 showed that the average weekly working hours were 44.3

hours — 44.8 hours for men and 42 hours for women. Hence, the proposed 44-hour working week is in fact consistent with the current circumstances in Hong Kong. In our view, as a starting point, 44-hour working week is more in line with the actual situation. With gradual improvement in the local situation, we believe that there will be room for gradual reduction of this number. I am not going to repeat the points made by some Honourable colleagues, for example, the average number of working hours is 51 hours in the retail industry, 55 hours in the catering industry and 54 hours in the security services industry, and even 60 hours in some other industries, and so on.

However, I would like to take this opportunity to talk about some problems brought about by modern science and technology. All of us have mobile phones and employees of many enterprises have Blackberry. As many companies give Blackberry to their employees, implying that employees have to work at any time and in any place. Many people go to work in the morning or go home at night with their mobile phone in hand. While some of them may watch movies or play games with their phones, many executives may have to take the opportunity to reply to emails and continue to work. Also, many employees make conference calls at home in the middle of the night. When the Census and Statistics Department compiles statistics on working hours, it may often just ask questions about working hours in the workplace, excluding the number of hours of work during their rest time. As a starting point, we have to carefully examine the definition of working hours in the future, so as to determine how working hours can be calculated.

Deputy President, back to our motion today, in addition to the three requirements that we proposed in the amendment, that is, the number of standard weekly working hours should be 44 hours; overtime pay must be 1.5 times the normal pay as compensation, and the maximum number of weekly working hours should be 60 hours, we would like to take this opportunity to express our views on the amendments.

Mr Frederick FUNG proposes setting a clear timetable and we will support his proposal. We will also support the amendment of Mr KWOK Wai-keung from the Hong Kong Federation of Trade Unions, which includes establishing some procedures, making preparations for enacting legislation on standard working hours, and establishing a dedicated committee comprising representatives of the Government, employees, employers and academics. Therefore, we will support these two amendments.

As for the amendments proposed by some other Honourable colleagues, including Dr CHIANG Lai-wan, Mr Michael TIEN and our friend Mr Kenneth LEUNG, we are sorry to say that we cannot support them. We are not specifically against the contents of their amendments; the most important point is that we cannot accept the fact that they have deleted the wordings "to introduce a bill on the regulation of working hours within this legislative session". The wordings have been deleted in the amendments of these Honourable colleagues. If we look up the records of this Council, we will know that the motions on maximum working hours, standard working hours and the minimum wage had been proposed for discussion in the last term and the preceding terms of the Council. The last-term Government claimed that standard working hours would only be handled after the completion of the legislative process of the minimum wage. The current-term Government and even the new Chief Executive, Mr LEUNG Chun-ying, has said that a dedicated committee on standard working hours will be established, as Dr CHIANG Lai-wan has mentioned.

In fact, the current legislative session has just begun and there are eight to nine months to go, surely there is sufficient time for the Government to introduce a bill, and deleting these wordings is just a stalling tactic. Regarding this legislation, we understand that, as Mr Michael TIEN has said, we must very carefully discuss issues such as the definition of working hours and what is meant by overtime pay, and we should also take into consideration the actual working conditions of different industries. If a piece of legislation is introduced into the Legislative Council, we have to meet with different groups, discuss with them and consider their different views. In the legislative process, we need to consider very carefully the issues of concerns raised by Mr Michael TIEN, and I agree very much with what he has said. Many European countries allow certain industries to apply for exemption when defining the standard working hours. So, we really need more time to scrutiny the related bill. If the Government does not introduce the bill this year and it is going to wait until next year or the year after next, it is very likely that the scrutiny of the bill cannot be completed within our four-year term. Deputy President, the Democratic Party has been fighting for standard working hours and maximum working hours for many years, and we will support the motion today.

Lastly, I would like to discuss the amendment proposed by Mr LEUNG Kwok-hung. Mr LEUNG Kwok-hung has proposed a very idealistic situation by adding to the motion the following words "this Council considers that the

number of standard weekly working hours should not exceed 40 hours". Yet, I believe that, as a start, we have to take into account the current situation where most employees work 44 hours a week. We should also consider the shock caused to our society and reduce the impact of legislation, hence we should make improvements slowly. I believe this approach should be better. As far as I remember, in the first few weeks upon the implementation of the minimum wage, we still had to discuss such details as whether meal breaks should be counted. Hence, we need more time to deliberate over the details, so that the same situation would not emerge when standard working hours are implemented.

I so submit.

DR CHIANG LAI-WAN (in Cantonese): Deputy President, after the motion debate on national education just now, I realize that many measures can only be implemented after the aspirations of various parties have been met. The issue concerning national education has been discussed for almost two decades and is only introduced after a consensus has been reached in the community and in this Council; yet things still have gone wrong. So how can issues which still have not reached a social consensus be pursued?

Deputy President, I had worked in a factory in the past. As far as I know, many factory owners offered workers overtime pay; many factories even offered overtime pay of 1.5 times and even two times the normal pay. That was the practice more than two decades ago because workers were generally paid on a piece-work basis and it was easy to work out a more objective system to be complied by workers. However, the overtime work of clerical staff is difficult to quantify because their workload can hardly be calculated on a piece-work basis. How should overtime pay be paid to these staff?

For example, if employees are asked by their employers to send emails to clients after work or on their rest days; can the time spent be regarded as working hours? Let me give another example, if employees handle personal matters online during office hours, such as log in to their personal website, should employers who found them doing so deduct their working hours? Therefore, we must be very careful in considering legislation because employers will naturally have higher demands on employees after the legislation has been enacted, and may even monitor employees whenever possible. I believe the employment

relationship will become tense, which may not be beneficial to our society as a whole.

Concerning the proposal of some political parties to give overtime pay as compensation, I think this may run counter to the family-friendly policy. On the one hand, we point out that working parents do not have time for their family members due to long working hours, and we hope to give them more time to enjoy a good family life. On the other hand, we propose higher overtime pay to encourage working parents to work overtime. I think that is highly contradictory. As a matter of fact, according to a survey conducted by us, many employees prefer taking compensation leave to receiving overtime pay. Thus, we should do a good job in consultation on how to set the standard working hours. Never repeat the incident concerning national education that the consultation results are not accepted after lengthy discussions. That will be meaningless.

Furthermore, I would like to talk about the mentality of employees. Having talked to many wage earners, I found that most of them are very dedicated to their employer. When it is time to get off work, some employees may not leave office if they found that their employers have not left because they think the employers may need help at any time. Of course, some employees do not leave office before their employers for fear of leaving a bad impression. In either case, should employees who stay behind after office hour be regarded as working overtime? Or should we compel these employees to leave office? Hence, the definition of overtime work is rather complicated.

For this reason, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) proposes an amendment, hoping that the dedicated committee on standard working hours with representatives of the Government, employees, employers and academics can consult the views of different stakeholders on standard working hours. We also hope that under the framework of the committee, stakeholders can thoroughly study the various details on regulating standard working hours, and after a consensus has been reached, appropriate measures can be expeditiously taken, such as the drafting of legislation and formulation of related guidelines, so as to implement the committee's decision.

Deputy President, I also want to share a story about how I joined the industry after my graduation from university. I worked in the personnel

department of a factory as my first job. During the peak period when overtime work was required, the daily-rated workers were delighted for they could have 1.5 or two times the normal pay as overtime pay; but monthly-paid employees were unhappy because they did not have overtime pay though they were entitled to year-end double pay and bonus. I had talked to my boss about monthly-paid employees not getting immediate overtime pay. My boss was aware of the situation and he agreed to boost staff morale so that they would be more dedicated in their work. Nevertheless, after much consideration, it was found that the computation of overtime pay for monthly-paid employees was very complicated. Unless all monthly-paid employees were converted to daily-rated workers whose payment was calculated on a piece-work basis, it was difficult to calculate their overtime pay. Hence, my boss finally decided to offer holidays as compensation for overtime work and increase the amount of annual bonus. Up until now, both the employer and employees have considered such arrangement very satisfactory.

It is evident from this story that both employers and employees have vested interests. As employers and employees share some common interest in many labour issues, mutual understanding and mutual accommodation can be attained. We believe that both employers and employees are reasonable persons, and the Minimum Wage Commission has recently reached a consensus through negotiation on the proposal of an hourly wage of \$30. Through the establishment of a dedicated committee on standard working hours, we hope that employers and employees will have closer co-operation and work together to formulate a win-win proposal on standard working hours.

Deputy President, the DAB will abstain from voting on Mr CHEUNG Kwok-che's original motion, as well as the amendments of Mr Frederick FUNG, Mr KWOK Wai-keung, Mr SIN Chung-kai and Mr Kenneth LEUNG, mainly because a lot of issues have not been thoroughly discussed at this stage, and the community has not reached a consensus about the legislative timetable for setting the standard working hours; hence, it is too early to finalize the details of the bill. Yet, the DAB will vote in favour of Mr Michael TIEN's amendment as his ideas are similar to our amendment.

Deputy President, I so submit.

MR MICHAEL TIEN (in Cantonese): Deputy President, I move the amendment because I have great reservations about the proposals of the original motion. I have examined the documents prepared by the Legislative Council Secretariat and found that the regulation of working hours involves a large amount of details. We should not over simplify the related issues or neglect the importance of these details throughout the discussion process, lest the regulation of working hours is just a political gesture of slogan chanting.

Two proposals are raised in the original motion: first, standard working hours should apply to all types of work and industries; second, standard working hours should be expressed on a weekly basis. I think such proposal for regulating working hours is not practicable.

In collaboration with the SME Policy Group of the New People's Party, I have consulted the representatives of small and medium enterprises (SMEs) and professionals, and we found that most people have certain misunderstandings about the regulation of working hours. They think that employees who work overtime without the consent of employers should also be compensated in full. Some employers pointed out that the definition of working hours must first be clarified, otherwise it would be difficult to assess the impacts of the regulation of working hours, let alone whether they should support the legislation.

I support in principle the regulation of working hours, but the following questions must be address properly. First, how many weeks or months should be adopted by the Government as the basis for setting standard working hours, so as to tally with the situation of different industries? The original motion proposes a weekly-basis approach which I have grave reservations. Quite a number of SME employers consider that a monthly-basis approach is more reasonable as the overall working hours of each employee will become more flexible, so as to meet the manpower demands of different operation cycles. Some employers even think that the basis of three or four months should be adopted, so as to tie in with the quarterly demands of different industries.

Let us take some overseas countries as examples. In the United Kingdom, the basis for setting standard working hours is 17 weeks. So long as an employee works less than 48 hours on average per week over a period of 17 weeks, the situation will be acceptable. Furthermore, upon mutual consent by employers and employees, the period for setting standard working hours can be

extended to a maximum period of 52 weeks. The European Union allows its member states to adopt a flexible approach; generally speaking, the maximum period for setting standard working hours is four months.

Second, will it be easy and feasible to set the number of working hours across the board for different industries and types of work? For example, in the United Kingdom, people engaging in public transportation services may not have the same number of working hours as those of workers in general industries. Therefore, different criteria for setting working hours have been formulated for workers engaging in sea, land and air transport industries. This is a precedent in a foreign country, not a casual remark given by me.

Third, how should working hours be defined? Just now, a few Members including Dr CHIANG Lai-wan have raised this issue. The definition of working hours is very complicated. Should on-call hours of healthcare personnel and members of the disciplined services be regarded as working hours? Or should the time spent on official duties at non-designated office hours and locations be regarded as working hours? Such duties may include making conference calls arranged by the bosses at home on weekends, or reporters writing press reports at home. How about the time spent by employees travelling to the workplace and the time spent on replying the employer's telephone calls and emails, should such time be regarded as working hours? An employee has no reason not to reply the call of his boss, right? So, a lot of these issues need to be seriously discussed and verified.

(THE PRESIDENT resumed the Chair)

Fourth, the biggest problem is that the community has not yet discussed the types of work to be exempted and the scope of exemption. As stated in the relevant Legislative Council papers, in western countries such as France and Ireland, the United States, as well as some Asian countries, such as Singapore and Japan, the scope of exemption includes the management and administrative personnel. This arrangement is disputable. How should the line be drawn in connection with the management and administrative personnel of each company? Does it mean that anyone who has subordinates belong to the management class even if he has just one subordinate? This issue should also be discussed.

So, it can be anticipated that it would be highly controversial to specify the scope of exemption. Many SME representatives have indicated that we must first clarify whether the various situations mentioned above should be included within the scope of setting standard working hours, before deciding whether we should support legislating for the regulation of working hours.

Mr SIN Chung-kai has repeatedly mentioned my amendment just now. It seems that he accepted the devils hidden in the details, as mentioned by me. However, he said that he would not support my amendment because a deadline must be set to complete the work within this legislative session. Is there any contradiction? Although he has pointed out that many complex issues are involved, he still insisted on a deadline. If we hastily enact the legislation and the law-enforcement work turns out to be messy and disorderly, Hong Kong would once again suffer from the situation of pushing through a policy without adequate consideration.

Hence, I think my amendment can effectively reflect the flexibility and scope that the Legislative Council should maintain at this stage, so as to facilitate discussions on the regulation of working hours. I hope that my amendment will have the support of Honourable colleagues, thank you.

MR KENNETH LEUNG (in Cantonese): President, the motion on regulating working hours involves the well-being of 3.8 million members of the working population and their families, and it also touches on the main issue of quality of life. Its implications are wide-ranging. At present, an overwhelming majority of economies and regions have already enacted legislation for the regulation of working hours. For instance, in China, Japan and a number of countries in the European Union, the number of standard working hours averages about 40 hours per week. Regrettably, Hong Kong still lags behind in this regard. In fact, the issue of standard working hours not just affects manual workers, many white-collar workers and professionals are also concerned about this legislation. According to a survey conducted by The Professional Commons from May to June this year, nearly 88% of people engaging in the accounting sector worked more than 40 hours a week, among them, 49% worked 41 to 50 hours a week whereas the remaining 39% worked more than 51 hours a week. This survey results reflects that the situation of overtime work is serious among the professional sectors and improvement is urgently called for.

As indicated in overseas experience, legislating for standard working hours is quite complicated, with five big problems to be tackled. First, in setting standard working hours, is it necessary to prescribe on a weekly basis? In setting standard working hours, is it necessary to make flexible arrangements in the light of the characteristics of different industries and types of work? Should special exemptions be provided for people engaging in emergency rescue and relief, such as doctors, medical personnel or those on shift duty, as well as for people engaging in specific professional jobs, such as those working in investment banks, lawyers and accountants? The number of standard working hours varies greatly from country to country. For example, in Belgium, the number of standard working hours is 38 hours, while in Netherlands, which is geographically close to Belgium, the number of standard working hours is 60 hours. Yet, that 60-hour level is actually subject to modification through collective bargaining.

Apart from protecting grass-roots manual workers, should the legislation concerned cover the management class? That is also a big issue. Moreover, should standard working hours be an across-the-board concept? For those who have special needs, such as pregnant women and employees who need to take care of the old and sick members of their families, should we prescribe for them a set of standard working hours that cater to their special needs?

In addition, if an employee works in excess of the standard working hours, what kind of compensation should be provided? Is it monetary compensation or compensation leave? If monetary compensation is provided, should the amount exceed the normal pay?

Let us draw reference on the various experiences of other countries. For example, in Singapore, which has a similar situation as us, standard working hours is only applicable to employees earning no more than S\$2,000 a month. For countries which are mainly driven by the service sector (especially banking and finance), such as Luxemburg, the statutory working hours is capped at 40 hours a week or eight hours a day, but the working hours can be flexibly extended, upon mutual consent by employees and employers, to no more than 10 hours a day or 48 hours a week. As for Ireland, a knowledge-based economy with focuses on the service sector, high-technology industries, trading and investment, the average working hours is longer, capped at 48 hours. Yet, it is

stipulated in the Irish local legislation that employees having worked continuously for 4.5 and six hours are entitled to a break of 15 and 30 minutes respectively.

Hence, the number of standard working hours has to be prescribed in the light of the unique economic structure, culture and practice of the place in question. Direct reproduction and rigid adoption do not work. Therefore, I believe the legislative work takes time, as careful and comprehensive consultations, as well as discussions and deliberations are needed. Also, the Government should bear in mind the complexity of the legislation concerned and tackle the matter in a serious manner with adequate priority. Despite all these, there is no excuse for any delay. While the legislative process and the subject matters involved are very complicated, there are actually many practices from other countries that can be drawn upon.

In view of the above, I am of the view that for the health and well-being of all employees affected by the legislation and their family members, the Government should devise a clear and reasonable roadmap and timetable for the legislative work. I propose that the Government should set up a committee to conduct a study and consult the public in a year, and table to this Council a bill on the regulation of working hours in the 2013-2014 Legislative Session. I support the motion moved by Mr CHEUNG Kwok-che as well as the amendments moved by Mr KWOK Wai-keung and Mr SIN Chung-kai since the three Members have proposed, in their motion or amendments, the formulation of a clear timetable. Regarding the amendments proposed by Mr Michael TIEN and Dr CHIANG Lai-wan, I would abstain from voting. Thank you, President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I would like to thank Mr CHEUNG Kwok-che for moving this motion today and also the six Members including Mr Frederick FUNG, Mr KWOK Wai-keung, Mr SIN Chung-kai, Dr CHIANG Lai-wan, Mr Michael TIEN and Mr Kenneth LEUNG for moving their amendments.

I would like to emphasize that the Government is fully aware of the concerns of the labour sector about working hours in Hong Kong, and we also understand that many wage earners work long hours. However, there are serious controversies in the community about whether the Government should legislate

for the regulation of working hours. To properly address this issue, the Chief Executive has stated in his manifesto that a special committee comprising government officials, representatives of labour unions and employers' associations, academics and community leaders would be set up to follow up on the study on standard working hours conducted by the former administration. This committee will examine issues relating to employees' overtime work conditions and arrangements as well as legislative proposals on standard working hours.

As several Members have just mentioned, the issue of standard working hours is extremely complex and highly controversial, which may extensively affect employees and involve a wide range of social and economic problems. Legislating for standard working hours may have far-reaching implications on our society in all aspects including our economy, competitiveness and employment situation; thus we must prudently handle the issue. Before making a final decision on this important issue, the community must first have in-depth understanding of the relevant issues and conduct thorough discussions. Employers, employees and various sectors of the community must reach a consensus on the policy objectives, so as to further explore the formulation of a policy direction and its details.

When drawing on overseas experience in the implementation of working hour systems, we understand that in some countries and regions, some of the policy objectives and measures for regulating working hours are closely connected with the local social and economic development, and even the cultural background and employees' aspirations. For example, some employees wish to have a working hour system that will effectively reduce working hours, safeguard their occupational safety and health, as well as improve work-life balance. Some employees wish to have a working hour system that ensures that they would have reasonable compensation for overtime work. Given the different policy objectives, different working hour systems will be created.

To help the community engage in constructive discussions on this complex issue, the Government has especially conducted a policy study on standard working hours, so as to provide a basis for the public to carry out more objective and fruitful discussion. The scope of the study includes the system and experiences of other places in the regulation of working hours, the statistics on the working hours of employees in various trades and industries in Hong Kong, as

well as the general impact assessment for establishing standard working hours in Hong Kong.

We have submitted to the current Executive Council the report prepared by the Government of the last term, and we plan to submit the full report to the Labour Advisory Board by the end of next month. We will then give a full account to the Legislative Council Panel on Manpower and brief Members of the work of the special committee on standard working hours. It is too early to discuss the drafting of a bill on standard working hours and the legislative timetable at this stage.

President, I so submit. I will give a more detailed response after listening to the views of Members. Thank you, President.

MR LEUNG YIU-CHUNG (in Cantonese): President, I would like the Secretary to clarify one point again before I speak. As the amendment proposed by Dr CHIANG Lai-wan states, "given that the Government has announced the establishment of a dedicated committee on standard working hours", I would like to ask the Secretary to clarify his earlier remark: has the Government announced the establishment of a dedicated committee? If not, the ensuing discussion will become completely different. President, I think you should first ask the Secretary to make a clarification, and I will speak afterwards.

PRESIDENT (in Cantonese): Secretary, are you willing to clarify the point raised by Mr LEUNG Yiu-chung?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I am most willing to clarify this point. I would like to point out that Dr CHIANG Lai-wan's amendment is inconsistent with the facts; a dedicated committee has not yet been established. Mr LEUNG Chun-ying, the Chief Executive, promised during his election campaign that he would follow up on the policy study of Government of the last term, and then set up a dedicated committee to follow up further; but a dedicated committee has not yet been established. Just now, I refer to the timetable, which means that we will submit a report to the Labour Advisory Board by the end of next month, and we will then give a full account to

the Panel on Manpower, and will also talk about the work of the dedicated committee. President, I made that point very clear.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, please speak.

MR LEUNG YIU-CHUNG (in Cantonese): President, I hope that you would ask the Secretary to clarify once again

(Mr LEE Cheuk-yan stood up)

PRESIDENT (in Cantonese): Mr LEE, do you have any questions?

MR LEE CHEUK-YAN (in Cantonese): President, a point of order. Is an amendment valid if it is inconsistent with the facts?

PRESIDENT (in Cantonese): Members can make decision on their voting preference based on whether they concur with the amendment; this certainly includes whether the contents of the amendment are accurate or not.

Mr LEUNG Yiu-chung, please continue to speak.

MR LEUNG YIU-CHUNG (in Cantonese): President, there is still a point of order. I think that is unfair because you should check whether the relevant contents are true when you considered allowing the amendment to be proposed. If the contents are completely untrue, but you allow a Member to propose the amendment, it will not only be laughable but it will also affect credibility, and it will create major obstacles to the whole debate. I hope President will give another ruling.

PRESIDENT (in Cantonese): Mr LEUNG, if I have to rule whether the motion or amendment proposed by Members in each motion debate is consistent with the

facts, this will put a lot of pressure on the work of the Secretariat and give rise to much controversy. Please continue to speak now.

(Mr TAM Yiu-chung stood up)

PRESIDENT (in Cantonese): Mr TAM Yiu-chung, do you have any questions?

MR TAM YIU-CHUNG (in Cantonese): According to a newspaper report, the Chief Secretary for Administration, Mrs Carrie LAM, has said that the Government is prepared to establish a committee under the Commission on Poverty. I would like to ask if that is true.

PRESIDENT (in Cantonese): Secretary, do you wish to clarify that again?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, it has been reported by the press that the Chief Secretary for Administration has said that a committee will be set up under the Commission on Poverty, but that committee will deal with poverty alleviation but not standard working hours. What I want to clarify is that there are different dedicated committees to study issues related to poverty, but standard working hours is definitely not within the scope of work of the Commission on Poverty.

PRESIDENT (in Cantonese): Let me reiterate once again, during motion debates, some Members would point out from time to time that the contents of the motions or amendments of other Members are inconsistent with the facts. Should such situation arises, Members who notice the inconsistencies can certainly point out the situation in their speeches, and the Member who has been alleged for making inconsistent facts in his motion or amendment can respond, or his fellow Members from the same party can respond. This debate mechanism can well ensure that Members will not vote on the basis of misunderstandings. Mr LEUNG Yiu-chung, please continue to speak.

MR LEUNG YIU-CHUNG (in Cantonese): President, I am not asking you to deal with a point of order. What you have just said cannot prevent similar things from happening in the future. It seems that the extended meaning of what you have just said is that Members can, in their motions and speeches, say something that does not tally with the facts. This is certainly not a good practice. I think we should handle this problem seriously and this should be the right direction. Even if you cannot give any guidance, direction or instruction, you should encourage Members to look squarely at whether the things said are true facts; otherwise, this will affect

PRESIDENT (in Cantonese): Mr LEUNG, you have made your point very clear. Please speak on the motion now.

MR LEUNG YIU-CHUNG (in Cantonese): President, I think this practice has affected our concept. I really think that the Government has announced the establishment of a committee, but it turns out that some Members or political parties have certain information that is unknown to the public and we are kept in the dark. Originally, I intend to criticize the Secretary for taking no actions, it turns out that he has already taken actions and has set up a dedicated committee, just that we know nothing about that. The whole course of debate has changed.

Though the Secretary has just clarified that a committee has not been established, I still want to criticize him. Just now, we debated on a motion asking Secretary Eddie NG to step down. We mainly censured him for being evasive, taking no actions, and even failing to reflect on himself and face up to the issue seriously. However, as I have known the Secretary for many years, I find that it is incorrect to say that he did not work. He has readily taken actions, for example, he has speedily changed the ex gratia Old Age Allowance to living allowance for the elderly in just three months.

In the 2010-2011 Policy Address, there is a very clear description on standard working hours, which reads: "With the Minimum Wage Ordinance enacted, some suggest it is time to embark on a policy study on standard working hours". But, the following sentence reads: "we must handle this complex and controversial issue with care to strike a balance between the interests of various sectors. I have asked the Secretary for Labour and Welfare to conduct the

study". Unexpectedly, the Secretary has taken a year and a half to conduct a study. Though he has just said that a report will be submitted to the Labour Advisory Board (LAB) next month, I really find this regrettable. The Government has indicated that the Legislative Council has never been consulted in connection with the study. Why is it so?

The Legislative Council set up a subcommittee the year before last and it had specifically paid a duty visit to South Korea to study the implementation of standard working hours there. In fact, we had published a report but the Government had not discussed with us, nor asked us for any details. It only said that a study had been conducted and the results of the study would be submitted to the LAB. Has the Government considered the issues that we have considered in conducting the study? I really do not know the answer. The Donald TSANG Government had clearly stated in the Policy Address that this issue was very controversial and it was essential to study it further. We are really worried that the Government would most probably examine the complexity of the matter, and eventually nothing would come up. This worries me most.

However, the problem is, we really do not know why the Government has not discussed with us, especially Members of this Council, about the direction of development in the past year or so, and I am greatly disappointed. In any case, many Honourable colleagues have spoken earlier on standard working hours, and it seems to me that most of them support the motion and none of them have raised opposing views. The problems lie in the technical issues which should be discussed. This is definitely true. When we implemented the minimum wage, many people said that a lot of technical issues had to be addressed. I agree and in fact, many problems had to be resolved, such as the criteria for determining the minimum wage and how to deal with people with disabilities, and so on. I believe that the problems involved are no less complex than those related to standard working hours. Nonetheless, it is most important for the government to ascertain the need to implement the minimum wage.

The problem is that the Government is now evading the issue and it does not have a clear direction concerning when it will implement standard working hours, as well as the details, so that we can voice our views. I do not know whether the Government will do so. Will it consider in this direction? The situation will not be the same if that is the case. Nonetheless, we still do not know anything; it can be said that we have been kept in the dark. So, the

Secretary should not only submit the report to the LAB, he should also present the report to us, so as to give us a clearer idea about the Government's direction.

We all know that working hours in Hong Kong are very long, almost the longest in Asia. If we do not tackle the adverse effects of long working hours on family life and health of workers, our economic development will also be affected. The productivity of workers will certainly become lower when they are tired. The Government must understand that there are other effects on society; for example, when workers are tired, they may get sick easily and they need medical consultation, hence pushing up the medical expenses, which will lead to a series of problems. For this reason, the Government should formulate expeditiously the principle for setting the standard working hours, and we should then discuss the details together. I agree that we should not procrastinate any longer and we should implement standard working hours as soon as possible.

MR WONG KWOK-HING (in Cantonese): President, let me start off by first presenting a doggerel to Secretary Matthew CHEUNG. I have already attached the poem on this bottle, which reads as follows: "When can I finish work, never know, Work without pay, a miserable blow; Family friendly, a sheer talk, Legislation enactment, please don't stall". Secretary, this piece of doggerel applies aptly to you, a well-known workaholic. I hope you would start legislating for standard working hours as soon as possible.

Secretary, I do not want to go too theoretical. I just want to cite three real cases to illustrate to you why it is necessary to speed up the legislation work, as well as its urgency, necessity and importance.

The first case relates to this Legislative Council Election. I received a complaint via my pager right after I left the polling station following the announcement of the election results. What was the complaint about? A contract staff of the Registration and Electoral Office called me from the polling station, hoping that the new-term Legislative Council would expeditiously enact legislation for standard working hours. They also asked if I knew that they as contract staff got no overtime pay for the vote-counting work carried out overnight.

Members who have participated in this election would know how heavy the workload of polling staff is. They have to work overnight, yet it turns out that the contract staff of the Registration and Electoral Office cannot receive overtime pay. They are only granted compensation leave at a later time. Through the airwaves, I would like to tell all contract staff of the Registration and Electoral Office that the second motion debate moved today right after this Legislative Council commences its work is to raise this case for them. I hope that the Secretary will, after getting aware of this issue, follow up with the Government before enacting legislation to help the contract staff of the Registration and Electoral Office fight for their entitled overtime pay. I hope the Secretary will not forget this when he gives his response later.

President, when it comes to the second case, I would also like to explain to all of you the importance of enacting legislation for standard working hours. Hong Kong Tramways, which provides services on the Hong Kong Island, has unreasonably exploited its employees. Employees used to be compensated 1.5 times their normal wage after working 8.5 hours. However, since 2002 the company had gone "stingy" and overtime pay would only be offered to employees who had worked nine hours. This is a blatant exploitation. After campaigning by employees, slight adjustment was made last year to grant overtime pay after 8.5 hours of work. That is one issue.

Another issue is that Hong Kong Tramways has purposely adopted some measures to adjust the overtime compensation. Since 2002, the company has stipulated that only employees who have worked in the company for 10 years shall be entitled to overtime pay equivalent to 1.5 times the normal wage rate. As for other employees, for every extra hour they work, they only receive 1.25 times the normal wage rate. Only those who have worked for 10 years are entitled to overtime pay of 1.5 times the normal wage rate. As remarked by employees of Hong Kong Tramways, for those who join the company at the age of 50 and retire at the age of 60, they can only receive overtime pay at 1.25 times their wage rate throughout their service years.

Hong Kong Tramways exploited its employees in this way. Do you accept such practice? Do Members in this Chamber, who are employers in the business sector, endorse such practice by Hong Kong Tramways? Does the Government endorse the way Hong Kong Tramways exploits its employees? I

hope that the Secretary for Labour and Welfare will take this issue seriously and respond accordingly as it is obviously an unreasonable exploitation.

President, the third case I am going to mention is even more absurd. The Hong Kong Association of Banks recently received a complaint from a bank employee who pointed out that a bank has set standard working hours since April this year. That is amazing! We should give it a big hand right away. The bank has even imposed rules on standard working hours, which sounds terrific! However, it turns out that the standard working hours are calculated on a monthly rather than daily basis. Besides, it covers only those working days employees are called to work by their supervisors. It is all up to the supervisors to decide when employees are required to go to work. Employees must comply with such decisions and only then will their working hours be counted. When they are not required to go to work, they have to be on call at home, but such on-call hours do not count as working hours. Employees have to accumulate sufficient working hours in a month in order to be eligible for overtime pay. This so-called standard working hours actually amounts to no overtime pay. What is more unacceptable is that when employees take sick leave or when female employees take maternity leave, they will violate the rules imposed by the employer on standard working hours. Claiming overtime compensation for that month is then totally out of the question.

In view of the three real-life examples mentioned above, does the Secretary agree that the Government is obliged to expeditiously enact legislation for standard working hours? The Secretary has briefly responded that he will submit some documents to the Labour Advisory Board by the end of next month before tabling them at the Legislative Council. Yet, I hope this workaholic Secretary will speed up the legislation work on setting standard working hours. He has to be "obsessed" with this work and has to make more efforts to do a better job, so that employees will not be unreasonably exploited. Also, we hope that Members of the business sector will take this exploitative situation seriously.

MR CHAN KIN-POR (in Cantonese): President, many people describe "minimum wage" and "standard working hours" as twin brothers; since "minimum wage" has been successfully delivered, "standard working hours" should also come to birth. I have all along supported minimum wage, and since the legislation for minimum wage has been successfully enacted, it is time for us

to study the implementation of standard working hours. In fact, I believe most people from the commercial sector will not oppose to offering better treatment to employees so long as such treatments are affordable by them. They concern about the standard working hour system because they worry that the uncertainties brought about by the legislation will be out of their budget, leading to operational difficulties. Dr CHIANG Lai-wan and Mr Michael TIEN have, from their own practical experience, mentioned some grey areas that may arise in implementing standard working hours. What we have to do now is to eliminate such uncertainties by seeking a scheme which is acceptable to all parties and thereby creating a win-win situation for employers and employees.

In 2009, I moved a motion urging the Government to promote a new occupational culture campaign for work-life balance, and the motion was unanimously agreed by Members of the Legislative Council. The purpose for moving the motion was to urge the Government to encourage employers to launch certain measures, so that employees can, in addition to work, also pay attention to personal and family life with a view to relieving them from the stress that may arise from work-life imbalance. In fact, generally speaking, Hong Kong people work excessively long hours. According to the information of the Census and Statistics Department, the median weekly working hours of employees in Hong Kong was 45 hours. The working hours of employees engaging in retail, accommodation and food service industry are even longer, up to 51 hours per week. Moreover, a recent survey showed that over 50% of respondents, who were management staff, worked over 51 hours per week, which was the highest in the Asia-Pacific region.

In my view, if we can achieve work-life balance, we would have a happier family and society will be more harmonious. This is the ideal situation. Yet, in reality, the working style of Hong Kong people in the past was in a morbid state, people only cared about their work and forgot their lives. Now that we have to move out from the morbid state, we need time for adjustment and for changing the old mindset of the public and employers. At present, the minimum wage legislation has been implemented for a period of time, various sectors in society have accustomed to it gradually, many grass-roots people are getting benefits from the new legislation, but on the other hand, more and more people concern about exceedingly long working hours. Actually, all of us understand that we will move forward in the direction of setting standard working hours.

As I have said before, the promotion of standard working hours will increase the burden of employers, and many problems will arise in implementation, but the system of standard working hours will also benefit employers. In fact, a lot of overseas studies have confirmed that the enhancement of the physical and mental well-beings of employees will help enhance the overall productivity. Therefore, while enterprises may seem to suffer from increasing financial burden on the surface, they will eventually benefit because of a higher productivity. At the same time, the Government should also consider the provision of incentives such as tax concession, so as to make the arrangement more acceptable to employers.

The complexity of standard working hours is much greater than minimum wage. The crux of minimum wage is mainly related to how the level of minimum wage should be formulated, but in formulation the standard working hour system, many more complex issues have to be taken into consideration, such as how to set the standard working hours, the compensation level of overtime work, the maximum weekly working hours, as well as the specific arrangement for employees to opt out of the regulation, on condition that they are not threatened to do so. All these issues are controversial, or they will give rise to many uncertainties which caused great anxieties to employers.

At the same time, most companies in Hong Kong are small and medium enterprises (SMEs), and flexibility is of utmost importance to them. If their needs are not considered when introducing standard working hours, SMEs will be tremendously affected, thereby disallowing them to have sufficient resources for staff deployment to face the changes in the market. Another problem that should be handled cautiously is the different nature of various trades. For example, standard working hours may be implemented more easily in the manufacturing and transportation trades, but there are greater difficulties in the service industry. Hence, we should also consider whether an across-the-board measure should be adopted in dealing with different industries. Lastly, as the standard working hour system is rather complicated, according to overseas experience, a longer transitional period is very often needed in order to avoid the impact to employers. The abovementioned issues warrant our further studies.

All in all, when we study the issue of standard working hours, we should take into account the views of employees and employers, I agree that a dedicated committee comprising employees, employers and members from all walks of life

should be set up, so as to work out a scheme and foster consensus. Today, some Members put forward some specific proposals, but I consider that it is too early to propose any scheme, the best way is leave the dedicated committee to conduct in-depth studies on the matter, so as to ensure that the concerns and problems raised by employers can be resolved, and employees and employers are happy to promote the standard working hour system.

I so submit.

MR WONG TING-KWONG (in Cantonese): President, following the implementation of the minimum wage, the business sector clearly understands the need to regulate working hours. As a member of the business sector, I understand that the sector also wishes that employees can receive reasonable treatment and have the incentive to work hard, so as to maintain our competitiveness. However, it is not easy to formulate effective regulations on standard working hours as the impacts are profound and extensive. So, this issue must be carefully studied and discussed, and standard working hours should only be implemented after the community has reached a consensus.

President, the complexity of formulating standard working hours cannot be underestimated. While employees hope to achieve work-life balance and avoid working excessively long hours, there are views that standard working hours will dampen the enthusiasm of employees, and even affect the operating costs of enterprises, the business environment and competitiveness. At present, there are more than 72 trades in our society; the nature of different industries and trades differs and the structures of various types of work are complicated. Technically, it is relatively easier to set the working hours for employees in the retail and catering industries. However, for some industries, such as design, teaching, accounting, transportation services, for people engaging in clerical work, as well as for reporters and doctors who have to undertake on-call duty, the nature of work and effectiveness cannot only be considered on the basis of the number of working hours.

I opine that the formulation of standard working hours is not as simple as that described in the original motion; thus, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) has moved amendments to specify that the future dedicated committee on standard working hours must comprise representatives of employers, employees, academics and the

Government, so as to ensure its extensive representativeness. The committee should thoroughly study the details about regulating working hours, and consider a series of questions so arisen. For instance, how many hours of work should be deemed as standard working hours? Should there be an across-the-board definition or should different working hours for various industries and sectors be prescribed? Can employees refuse to work overtime? Will there be compensation for overtime work? If so, what are the means of compensation? How is the level of monetary compensation determined? Are employees allowed to sign a "non-compliance" agreement to voluntarily work longer hours? Are there any special types of work that are exempted? How to ensure that employers and employees would comply with these agreements?

President, I emphasize that the study should comprehensively take all aspects into careful and prudent consideration, so as to avoid creating only a large framework, as in the case when the minimum wage was formulated, which caused a lot of controversies in implementation. For example, some technical issues such as the calculation of paid meal breaks have not been handled properly; thus, many employers were criticized by trade unions as "unscrupulous employers". As the saying goes, "once bitten, twice shy"; since the business community is on its guard against the regulation of working hours, there must be sufficient publicity, explanations and consultations, so then the community can understand more about the merits and demerits of standard working hours. There must also be sufficient channels for reflecting the views of various industries and trades, as well as people from all walks of life.

President, I believe that the significance of regulating working hours will be more far-reaching than implementing the minimum wage, especially for those small and medium enterprises (SMEs) which are less financially sound and have lower "resistance" power. Apart from increasing the wages of employees, employers have to keep records of the employees' working hours, which will increase the administrative costs of SMEs. In addition, as employees are entitled to more rest time, this may also lead to a labour shortage problem in SMEs, and coupled with an uncertain economic outlook, it will be even harder to implement measures to regulate working hours. Hence, I hope the committee to be set up would have more discussions about the impacts on SMEs.

President, the implementation of standard working hours sounds pleasing to the ear but it is easier said than done. At present, various parties are just

conducting preliminary studies on these problems; so the DAB and I remain open-minded, and we would like to listen to more views. In addition to the SAR Government, the related organizations and individuals in the community are also obliged to express their concerns, with a view to reducing conflicts, and improving the relevant policies and the implementation.

I so submit, President.

MR POON SIU-PING (in Cantonese): President, today is the first working meeting of the Legislative Council of the new term. I am very glad that the discussion on "legislating for the regulation of working hours" can commence at the first working meeting of this Council. As a freshman of this Council and a representative of the labour sector, I wish to make known my basic stance on legislating for the regulation of working hours through today's debate.

When campaigning for the Chief Executive, Mr LEUNG Chun-ying did not say much about the policy on protection of employees' rights and interests in his manifesto. However, in mentioning legislating for the regulation of standard working hours, the Chief Executive said that "A special committee comprising of government officials, representatives of labour unions and employers' associations, academics and community leaders will be set up to follow up on the study on standard working hours conducted by the current administration. This committee will examine issues relating to employees' overtime work conditions and arrangements as well as legislative proposals on standard working hours.". I agree in principle the direction of legislating for standard working hours. However, the defect of the manifesto was that it did not set a timetable for pushing through the legislation on standard working hours so as to demonstrate the SAR Government's determination to introduce a relevant policy. There was also a lack of measures to alleviate the problem of Hong Kong employees working excessively long hours before the enactment of legislation for standard working hours.

The Federation of Hong Kong and Kowloon Labour Unions (FHKKLU) to which I belong has a firm and clear stance towards the proposal of legislating for standard working hours. In June 2010, in the last legislative term, a motion amendment proposed by Ms LI Fung-ying from the FHKKLU on legislating for standard working hours was passed. That was the first time in the history of the

Legislative Council that a motion of this nature was passed. Later, the then Chief Executive, Mr Donald TSANG, instructed the Labour and Welfare Bureau to conduct a study on standard working hours. I have to stress that getting the Government's consent to conduct a study on the regulation of standard working hours is an achievement attained through the joint efforts of all those who care about labour rights and interests.

It has never been easy to campaign for the improvement of employees' rights and interests and I will not underestimate the obstacles lying ahead in legislating for the regulation of standard working hours. The Panel on Manpower of the last legislative term paid a duty visit to South Korea last July to learn its experience in implementing standard working hours. It was a precious opportunity for Hong Kong to draw on the experience of other country in implementing the relevant policy. But when I read the name list of the participants, I could not find any representatives from the business sector or representatives of employers. That clearly reflected the attitude of the business sector in Hong Kong regarding the regulation of standard working hours.

President, I urge the Chief Executive to establish a broadly representative committee as soon as possible to push through the legislation for standard working hours. I have no intention to overlook the complexity in regard to the implementation of standard working hours in Hong Kong. South Korea began campaigning for a 40-hour working week in 2004 and it took six stages spanning seven years to fully implement the policy. As regards how long Hong Kong needs to implement standard working hours and how to achieve that, I believe most of the people who support this course are willing to engage in rational discussions. On the premise of regulating working hours through legislation, there is much room in the community for thorough discussion, so as to foster a consensus. At this stage, I am open to any suggestions on the regulation for working hours and I will listen humbly to the views of any organizations. However, the SAR Government must show us its determination to enact legislation for the regulation of working hours, set a timetable for the legislation work and encourage various social strata to pursue this goal.

I so submit.

DR KWOK KA-KI (in Cantonese): President, I am very grateful to Mr CHEUNG Kwok-che of the Labour Party for raising this issue at the first motion debate in this legislative term. Having heard the speeches of the Members belonging to the business sector and the Secretary just now, the only message I get is that they will "stall the issue as long as possible". They think that since the discussion on standard working hours has started not long ago, they can continue to stall it under various excuses. However, everyone knows that the discussion on standard working hours started a long time ago.

The Committee on Occupational Safety and Health of the Labour Advisory Board formulated a set of guidelines in 2003 — guidelines again — the Secretary should be very clear about that, the guidelines required employers and employees to set a reasonable and healthy standard working hours. Nine years have passed since 2003; the situation of working hours in Hong Kong has not been improved but has even aggravated. The Oxfam conducted a survey in 2005 and found that 80% of employees in Hong Kong considered that the problem of overly long working hours was serious, and 60% of the wage earners interviewed thought that legislation should be enacted immediately or as soon as possible. Another seven years has passed since 2005, I wonder how long this discussion will go on. As many colleagues have said, before LEUNG Chun-ying had won the election, he promised to implement standard working hours in his manifesto. But I can see that the situation today is far from ideal. Although many labour unions, including Members of the Hong Kong Federation of Trade Unions, say that this issue is very important, we all know that the chance of this motion getting passed in the voting later on or tomorrow is rather slim.

However, it does not matter, as this Council is dominated by Members from the business sector or functional constituencies, they always oppose motions on protection of employees' rights and interests. This is nothing new. The crux of the problem lies with the Government. If the Government keeps adopting an attitude of procrastination on handling matters it has committed to address, including setting up a committee and promoting legislation, and if it deals with the issue with the mentality presently adopted by the Secretary, which is to evade or stall as far as possible, this proves once again the LEUNG Chun-ying Government and his team are indebted to the working class, the most vulnerable group in society.

Just now, many Members from the business sector have pointed out the difficulties involved, they have also mentioned the plight of the business sector in that apart from having to think about getting profits, the sector also has to discuss about how to enact legislation for standard working hours. Please do not forget, many countries had already legislated for standard working hours in the last century and other countries including Australia, Japan and South Korea, which Hong Kong is often compared to, are now in the process of legislation. Hong Kong always claims to be an international city in Asia with a high productivity per capita and the Government also talks about advancing Hong Kong into a city of high standard; yet, with respect to the protection of employees, in particular on important and pragmatic issues such as working hours, the Government is extremely evasive.

Last week, we all deeply sympathized with the victims of the maritime disaster in waters off Lamma Island. I wonder if Members are aware, the ferry captain of Hong Kong Kowloon Ferry Limited has to work for 24 hours and then rest for 24 hours. I do not know what the conclusion of the investigation report will be, but as a doctor, I know that everyone needs to have sufficient rest in order to make sound judgments. It is not right to require an employee to work for 24 hours, especially when the work is so important. The work involves people's lives and now dozens of lives had been lost. Had there been regulation on working hours, I believe that the "Sea Smooth" Incident might not have happened. I ask Members not to be hypocrites; whenever a disaster has happened, they will stand forward and say that consideration should be given to improving the situation, yet when we talk about the need to regulate working hours, they say that it is not feasible as many difficulties are involved.

I remember that when we discussed the minimum wage in the past, the difficulties cited then were not much different from the ones we are talking now. The employers and the business sector stressed on the difficulties encountered and nothing would work at whatever level the hourly wage was set. Some employers even said that if the hourly wage was set at \$28, no one knew how many people would lose their jobs. Mr Michael TIEN is not present in the Chamber now. He should still remember that he had said that there would be mass layoffs and closures. Fortunately, things did not turn out that way. Implementing the minimum wage has not caused the chain effect of closures of enterprises or more employees losing their jobs. Instead, the actual income of

the grassroots has increased. It also helped the Secretary — he talked about alleviating poverty and that goal was achieved.

However, the poverty we are talking about now does not only express in terms of money. It also involves the formulation of a "family-friendly" policy and the poverty alleviation policy is not merely about money. As we all know, the focus is how working parents and family members can take care of other family members in a society which is sufficiently well-off. Without legislating for standard working hours, I believe that it will be hard to protect their rights and interests.

I do not see how difficult it will be to set the standard working hours. Many representatives from the business sector query how the working hours of clerical staff or those engaging in telemarketing will be defined. These questions are in fact asked for the sake of asking. The concept of standard working hours is nothing new. The governments in many places and many labour-related organizations have put forth clear guidelines and definitions concerning the legislation and its implementation, and no more excuses are allowed. The Government and the Secretary simply cannot fail to honour their promises again this time, they should set the standard working hours as soon as possible within a pragmatic period of time. This is the heartfelt wishes of this Council and the general public.

With these remarks, I so submit.

MR YIU SI-WING (in Cantonese): President, as the representative of the tourism sector, I would like to talk about standard working hours from the perspective of the tourism industry. Tourism is one of the four economic pillars of Hong Kong. Besides travel agents, other relevant industries include hotel, transportation, catering, retail, tourist attraction, entertainment, and so on, are also involved.

There are over 1 600 travel agents in Hong Kong, the majority of them are small and medium enterprises (SMEs). In recent years, because of the keen competition within the tourism industry, all travel agents, big or small, have to face the problems of high operation costs, low gross profit and small profit. The phenomenon of travel agents charging very low package tour fares is a clear

indication of the difficulties faced by various tourism-related industries. Every trade and industry has different nature of work. If the tourism industry imposes regulation on working hours at an inappropriate time, its operation will be even more difficult, it will be harder to control costs and will also give rise to more labour disputes. For example, when a tour escort accompanies a tour group outside Hong Kong, he is in fact in a state of working 24 hours a day, irrespective of whether he is on the plane, in the hotel and during the time for free activities. If employers and employees have different interpretations of the actual working hours, disputes are inevitable.

By the same token, a tour guide from Hong Kong may leave the tour group to take a short rest during the time for free activities or when the tour group is disbanded. Yet, he may receive telephone calls from members of the group or from the escort accompanying the group for enquiry or for follow-up actions. How should these working hours be calculated?

Let me give another example. Clients of the tourism industry are very often corporates, and they may contact the staff of travel agents during non-office hours or even late at night to seek help for matters such as not being able to board the plane or failure to check in hotel room. Can the staff refuse to provide service? How should their working hours be calculated if they provide service?

As there are insufficient parking spaces in tourist areas and coaches are frequently caught up in serious traffic congestions, coach drivers very often cannot get off work as scheduled. If the duty is not clearly defined, how should their working hours be calculated?

Most of the travel agents in Hong Kong are SMEs. If their staff's working hours are regulated, their operation costs will definitely surge. In the end, big companies who have the means will transfer the costs to consumers while SMEs which cannot afford to do so can only wind up their business. This will affect most people's opportunity to start a business and very often lead to monopolization by big companies.

At the same time, in order to bear the cost arising from the regulation of working hours, some enterprises may split up the work of some staff or reduce the staff's benefits. As a result, the actual income of employees will be reduced and their productivity lowered.

The concept of regulating working hours is good and to some extent it can enhance people's living quality but it also involves many problems. For instance, when to implement the regulation? How should standard working hours for different types of work be determined? How do various industries in society reach a consensus? The key point is to adjust the policy according to the actual situation. Any mishandling can easily lead to standoffs between employers and employees and even cause social division, which will be detrimental to the economy of Hong Kong.

We are now experiencing a global economic recession and the sluggish economy in Europe, the United States and Japan can hardly revive in the near future. Even the economy of China that has enjoyed a rapid growth in the last few years has obviously slowed down this year. Hong Kong's neighbouring countries such as Singapore and other developing countries continue to attract foreign investments and improve their business environment. If Hong Kong is still blind to the dangers facing us today, including sky-high rents, rising operation costs, soaring prices, spiralling inflation and escalating social conflicts which will all dampen foreign investors' desire to invest, once the domino effect is triggered off, people's livelihood will be affected. In the face of so many uncertainties, I do not think this is the right time to legislate for the regulation of working hours.

I so submit.

DR LAM TAI-FAI (in Cantonese): President, Hong Kong practises capitalism, respects the principles of free market and strives for success in commercial and industrial development. Unfortunately, many businessmen are criticized as money-minded and profit-oriented. I very much agree that enterprises have to, in the course of pursuing economic growth, act in a fair and just manner, protect the interests of the working class and ensure the livelihood of the impoverished grassroots.

From our experience in enacting legislation for the minimum wage, we know that it had to go through adequate public consultation and numerous negotiations between employers and employees before a consensus could be reached. In view of that, if we are to enact legislation for the regulation of working hours, we should allow ample time for society to study, discuss and

negotiate. It cannot be achieved in one go as the legislation will have far-reaching impacts on the overall interests and long-term development of Hong Kong.

The Government earlier advised that the Labour Department had completed the study on the policy on standard working hours and would submit the report to the Labour Advisory Board and this Council. Therefore, before reading the report and conducting a public consultation, I do not consider it appropriate to set a deadline hastily and demand the Government to introduce a bill within this legislative session. If we insist on doing so, the room for consultation and discussion by various sectors of society will be reduced, and in turn it will bring about more conflicts and standoffs.

Any legislative exercise has to be carried out at the right time. As the world economy is experiencing a slowdown in the last two years, and Hong Kong, being a small and highly externally-oriented economy, will definitely not be able to withstand the effect of any negative factors and the small and medium enterprises (SMEs) will be hit even harder.

Although the United States' unemployment rate has dropped to 7.8% recently, even with the introduction of QE3, it is still a far way off before its economy fully recovers. The European debt problem will not be fixed in a short time. Many countries have already plunged into economic recession. For instance, the unemployment rate of Spain and Greece has risen to 25%. Besides, the economy of the Mainland has slowed down. The IMF predicts that China's growth rate will drop to 7.8% this year. Actually, many SMEs have told me about their plights as the number of orders received drops, turnover decreases substantially and costs rise sky high. It is evident that the prospects of SMEs are worrying.

In the face of the uncertain prospects of the global economy, when is the best time for introducing the legislation to regulate working hours? We need to consider more thoroughly. Furthermore, we should also consider whether SMEs have the ability to cope with the conditions after the legislation is enacted. I hope that everyone will rationally discuss and consider this issue.

President, it is no doubt that the health and family life of employees are very important, but I have reservation over the mandatory introduction of legislation to regulate working hours because overly strict regulation will reduce

SMEs' operational flexibility, increase their operation costs and in the end affect their competitiveness. If SMEs' room of survival is reduced, workers have a lesser chance for promotion and wage increase. We know that SMEs employ more than 1.2 million workers. They are not only the pillar of Hong Kong's economy but also the pillar of employment and livelihood of this community. If SMEs cannot withstand the pressure, I can tell you that it will deal a heavy blow to Hong Kong's economy and people's livelihood. Both employers and employees are actually on the same boat and one cannot survive without the other. If we ignore the actual hardships of SMEs during the economic slowdown and rashly introduce legislation to regulate working hours, in the end employers and employees will both lose.

Mr Frederick FUNG's amendment retains the strict demand in the original motion that the Government should introduce a bill within this legislative session. In my view, before a thorough consultation and studies have been conducted, we should not have a pre-established stance and a preset deadline for the Government to introduce a bill. Hence, I am against his amendment.

Mr KWOK Wai-keung's amendment requests for the establishment of a dedicated committee comprising representatives of the Government, employees, employers and academics to carry out the preparation work such as surveys and studies on legislating for standard working hours, and so on. This also implies we are to study the details of the legislation before public consultation is conducted and the community reaches a consensus. I think this is too rash and hence I object his amendment.

It is proposed in Dr CHIANG Lai-wan's amendment that after the committee established by the Government has reached a consensus, the Government can take measures to draft the legislation. I am certainly against it. Firstly, the Government has yet to establish a dedicated committee and hence all hypothetical questions should be opposed. Besides, even if the committee has reached a consensus, I do not think that is adequate. We must obtain the consensus of the whole community and give priority to the interests of the entire community.

Both the amendments of Mr SIN Chung-kai and Mr LEUNG Kwok-hung put forth the actual figures for the standard weekly working hours and the amount of overtime pay. But is it unrealistic to draw a conclusion before consultation?

Even if they have made reference to other places when they put forth those figures, but considering that Hong Kong has its unique background, environment, social and economic conditions, we cannot rigidly apply and indiscriminately copy the practice of other places. Hence I also oppose their amendments.

Mr Michael TIEN's amendment urges the Government to have sufficient consultation with all industries and trades before introducing a bill. However, before any conclusion can be drawn from the consultation, how can Mr Michael TIEN be able to foretell the results and is certain that the Government will introduce a bill? Perhaps after consultation, it is found that there is no need for regulation by legislation, then why will it be necessary to introduce a bill? Mr Kenneth LEUNG's amendment requests to extend the time limit for the introduction of the bill by one year. I think there is a stance to set a time frame and therefore I will also oppose it.

All in all, to achieve a sustainable economic and social development in Hong Kong, it needs the full and sincere co-operation between employers and employees. Because of the far-reaching impacts of standard working hours, we must study and handle the issue very carefully; otherwise it will be too late for anything but regrets. I hope that while we concern ourselves with the working class, we should also care for SMEs at the same time as they also need the concern from the Government and the public.

President, I so submit.

MR TANG KA-PIU (in Cantonese): President, just now some Members, especially those from the business sector, queried if legislation was feasible or if legislation was the only option. As a Member from the labour sector, I can assure you that the answer is in the affirmative. As stated earlier, the implementation and definition of standard working hours were more complicated when compared with those of the minimum wage, and it also involved every industry and trade in Hong Kong.

The implementation of the minimum wage is comparatively easier. During the discussion of the minimum wage in 2002 and 2003, the Government took the initiative to implement the minimum wage system for outsourced cleaning workers and security guards. It had taken the first step and established

the mode for implementation. It also proposed to implement the minimum wage through voluntary participation and no legislation would be introduced for the time being. However, the effect of voluntary participation was not satisfactory.

Even the minimum wage system, which is easier to implement and to be complied with, cannot be implemented on a voluntary bases, let alone the system of standard working hours which is far more complicated. Therefore, the labour sector thinks that legislation is the only option. Through legislation, the problem, which all Members have reached a consensus, can be solved; and that is, the long working hours of workers is detrimental to their health and their relation with their family. This point is crystal clear. All Members, be they representing functional constituencies, small and medium enterprises (SMEs) or consortia, consider that the current working hours is too long, and it jeopardizes the physical and mental well-being of workers and their family relationship.

Some Members also said that this is not the right time for legislation because of the uncertain economic prospects and that we have to consider the situation of SMEs. Of course, there is one hidden reason, that is, we have to consider the interests of consortia. Actually, consortia have plenty of options and they do not need our concern. If Hong Kong's business environment is really that bad, consortia would have already withdrawn. Therefore, it is the SMEs that we need to take into consideration. However, according to our experience in implementing the minimum wage, from the first motion debate formally proposed by the Federation of Trade Unions (FTU) in this Council in 2004, which sparked the discussion and concern of the whole community, to the enforcement of legislation in May 2011, the whole process took seven years. How many economic cycles have come and gone during that time? The answer is that Hong Kong has experienced two economic cycles.

Hong Kong is an open economy. If it is not the right time now, when is the right time? Hong Kong changes too quickly and under the influence of globalization, there is not a so-called most appropriate time. Since all of us agree that the working hours of Hong Kong people is too long, and we also agree that, as I have emphasized before, the long working hours will have various negative effects, why do we not make an effort to tackle the problem? Therefore, we have also reached another consensus, that is, we all wish to carry out the discussion. We fully understand that during such kind of debate, we can hardly voice out all the views of the sector within the seven-minute speaking

time, hence we hope that a dedicated committee would be established. However, the labour sector and the Labour Party, a member of which is the mover of the original motion, both agree that a timetable should be set. We truly hope that the Government will introduce a bill within this legislative session so that we can discuss the details and the legal definition.

Speaking of the legal definition, just now Members have talked about the enforcement problems faced by different industries and trades, the definition of "working hours" and whether lunch time should be counted. All these issues had already aroused controversies when discussing the minimum wage. At what level should overtime pay on holidays be set? Can employees choose not to work overtime? Or is it that employees have to work overtime as requested by employers as long as an overtime pay system is put in place? Concerning the above issues, if they are not discussed in detail in the legislative process, no conclusion will ever be drawn and the discussion will never come to an end. Therefore, we believe that only through legislation, setting the timetable for legislation, and establishing a dedicated committee to push forward the relevant work will it facilitate the reaching of a consensus.

I would like to share with you a case to illustrate that we are fully aware of the complexity involved in setting the standard working hours. I live in Tung Chung. A single mother living in the same district has complained to me a few times. She lives with her daughter and she works in a high-end fitness centre as a helper, responsible for helping female clients and even playing with the children of the clients. She often complains that she works six days a week, nine hours a day on weekdays, and sometimes even up to 11 hours on Saturdays and Sundays. She can only have her day off from Monday to Friday, or even from Monday to Thursday, but her daughter goes to school from Monday to Thursday. Because she cannot have her day off on any other day, it is impossible for her to go out with her daughter as she wishes. She questions why she is in such a situation. She grudges that she has to play with children from families of the upper social strata on Saturdays and Sundays in order to make a living, while her daughter has to stay at home. When she has her day off, her daughter is at school. On her day off, she can only see her daughter when she returns home from school at 4 or 5 o'clock in the afternoon, leaving them little time to enjoy each other's company.

This example explains once again why the labour sector has such a strong aspiration for setting standard working hours. The question is not simply an issue of direct remuneration for service, but whether employers have respected the right of the working class or the general public to enjoy a holiday and the right to use their own time. It is not simply a question of getting paid and having adequate food and clothing, but also a question of whether people can lead a decent and holistic life in this affluent society of ours.

From this example we know that in some countries, overtime pay is not just calculated at 1.5 times the normal rate. It may be clearly stipulated that the pay for working on Sundays is 1.7 times the normal rate and in some countries, the rate is even double the normal rate. Hence, the FTU or the labour sector understands clearly that many complicated problems have to be resolved when implementing the standard working hours. Even for the example I cited earlier concerning overtime pay, it may also involve the discussion on various details.

I notice that neither the original motion nor the amendments have prescribed any figures. They have not pointed out what the maximum working hours per week should be or how overtime pay should be calculated. Although Mr Frederick FUNG's amendment has mentioned the maximum hours of overtime work, it has not put a cap on working hours. However, we hope that some principles should be formulated to facilitate the discussion of the society, so that constructive discussion can be conducted, with a timetable as the basis. We should draw on the practice of Singapore which we always look to as our competitor as legislation in this respect has been enacted; we should also draw on the practice of South Korea which has set the standard working hours and has excellent economic performance. Hence, eventually, the working class will enjoy the fruit of economic success and at the same time have time to spend with their children and other members of their family. Thank you.

(Dr CHIANG Lai-wan stood up.)

PRESIDENT (in Cantonese): Dr CHIANG Lai-wan, what is your point of order?

DR CHIANG LAI-WAN (in Cantonese): President, I would like to make an important clarification.

PRESIDENT (in Cantonese): Is it because your earlier speech has been misunderstood and you want to clarify?

DR CHIANG LAI-WAN (in Cantonese): Yes.

PRESIDENT (in Cantonese): Is it related to the Secretary's saying just now that the contents of your speech were inconsistent with the facts?

DR CHIANG LAI-WAN (in Cantonese): Yes.

PRESIDENT (in Cantonese): As it will affect Members' debate on your amendment later on, I allow you to clarify.

DR CHIANG LAI-WAN (in Cantonese): Thank you, President. It is stated in my amendment that, "given that the Government has announced the establishment of a dedicated committee on standard working hours". The source of information for this reference is the reports of the six newspapers that I have on hand, including the *Oriental Daily*, *Ming Pao*, *Sing Tao Daily*, *Headline Daily*

PRESIDENT (in Cantonese): Dr CHIANG, you should only clarify how the Members or officials who spoke after you have misunderstood your speech.

DR CHIANG LAI-WAN (in Cantonese): Just now some Members, such as Mr LEUNG Yiu-chung, said that the authorities have not declared the establishment of the dedicated committee. However, in fact the establishment of the dedicated committee was announced on 12 July this year and many newspapers had

reported on that, unless all others have misunderstood. Let me cite a simple example. Several major newspapers such as *Ming Pao* stated, "Mr Matthew CHEUNG advises that a dedicated committee will be set up"; and *Headline Daily* also reported, "Mr Matthew CHEUNG indicates that a dedicated committee will be set up".

PRESIDENT (in Cantonese): Your clarification is very clear.

DR CHIANG LAI-WAN (in Cantonese): Do I need to continue?

PRESIDENT (in Cantonese): Very clear already.

DR CHIANG LAI-WAN (in Cantonese): I have to make sure that Secretary Matthew CHEUNG has admitted

PRESIDENT (in Cantonese): Do you think the Secretary or other Members have misunderstood your speech.

DR CHIANG LAI-WAN (in Cantonese): I very much wonder why it is so interesting that Mr LEUNG Yiu-chung and Mr LEE Cheuk-yan Is my speaking time for clarification up?

PRESIDENT (in Cantonese): Dr CHIANG, your speaking time was already up but according to the Rules of Procedure, if your speech is misunderstood by the Members or officials who speak after you, you can make a brief clarification. I have already given you the chance to clarify. Please sit down now.

DR CHIANG LAI-WAN (in Cantonese): Thank you, President.

MISS ALICE MAK (in Cantonese): While it is good to reach a consensus in the community, I do not know when "consensus" has become an excuse for the Government to put off or evade the work that it does not want to undertake, saying that there is no consensus in the community. However, if the Government has always stayed put without taking the first step, when can the community reach the so-called consensus?

I have been listening to the speeches of Members, especially Members from different sectors. Honourable colleagues from the commercial sector said that to introduce legislation for standard working hours, it was necessary to determine the working hours for different types of work or to define whether employees volunteer to work overtime once again, a consensus have not been reached on these issues. However, that involves the legal definition in the ordinance. I wonder if colleagues were aware that when the authorities legislated for the minimum wage, the trade board of each trade discussed what should be exempted or included in the ordinance concerning the minimum wage based on the practice of that particular trade. Hence, we should not use this as an excuse to evade legislating for standard working hours.

Just now I even heard some colleagues misinterpret misunderstand — I do not know if they misunderstand or misinterpret — that the legislation for standard working hours as to entice wage earners to work overtime. As a matter of fact, the ultimate goal of setting standard working hours is to discourage wage earners to work overtime for no pay. I would like to ask the Honourable colleagues present here and Secretary Matthew CHEUNG, do they want see some 3 million wage earners in Hong Kong working overtime day after day with no pay.

If we do not want to see our wage earners being unfairly treated constantly and work overtime continuously without pay, we have to enact legislation for standard working hours as soon as possible. The so-called problems concerning the lack of consensus or different types of work or trades should be handled by the proposed committee comprising four parties. As regards issues such as the implementation procedure and timetable, as well as what industries and trades should be exempted should be dealt with in the next stage of work. Although we understand that small and medium enterprises may be affected, it is most important to ensure that our society will not force wage earners to work overtime

continuously without pay. Therefore, we need to legislate for the implementation of standard working hours as soon as possible.

As a matter of fact, many Members in this Chamber had, during their election campaign, stressed that they would fight for the rights and interests of women and speak out for them. When campaigning for legislation for standard working hours, the Hong Kong Federation of Trade Unions (FTU) has taken into account the impact of long working hours on the working women, and there are over 370 000 working women in Hong Kong. The latest statistics published by the Census and Statistics Department showed that women work over 55 hours a week on average. If Honourable colleagues claim that they care about the rights and interests of women, and that they care about the services provided by society for women, I hope they will also care about the difficulties and pressure faced by working women who work long hours. It is our hope that our request for legislating for working hours will help those women.

The FTU conducted a survey in April and May this year on the pressure of life faced by women and we found that among the 400-odd respondents, over 50% of the female respondents were under various degrees of pressure of life. The greatest source of pressure varied for different age groups with work being the greatest source of pressure for young women aged between 18 and 39; financial problems for middle-aged women and care for the family and financial burdens for women aged over 60. These figures tell us that women in Hong Kong are under various pressures. Working women need to take care of their family and children when they return home from work. If they are required to work overtime day after day without pay, there is little time left for them to take care of their family at home.

I wonder if Members present here have heard that many people in Hong Kong say it is better to have daughters because they will take care of their parents. However, the figures I just quoted indicate that women today have to work over 55 hours a week, coupled with the commuting time between their home and workplace every day, they have little time left for their parents and children at home. Therefore, we hope that the implementation of standard working hours not only benefits the working women but also their family who need their care because women are the carers for their family.

Furthermore, for single working women in Hong Kong, legislating for standard working hour is even more important. Long working hours not only affect their chance of making friends but more importantly, their chance of pursuing further education. Therefore, I hope that the Government will enact legislation for standard working hours as soon as possible so as to allow carers of families and all working women to enjoy a balanced life and can take good care of their families. I ask the authorities not to use "consensus" as an excuse again to evade this issue. Thank you, President.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): It is now over 10 pm. I now declare the meeting suspended until 9 am sharp tomorrow.

Suspended accordingly at four minutes past Ten o'clock.