

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 20 February 2013

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

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

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

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

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

MR LAU KONG-WAH, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND
AFFAIRS

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

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

| Subsidiary Legislation/Instrument | <i>L.N. No.</i> |
|--|-----------------|
| Dumping at Sea (Exemption) (Amendment) Order 2013 | 15/2013 |

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Impact of Pregnant Mainland Women Whose Spouses Are Not Hong Kong Permanent Residents Giving Birth in Hong Kong

1. **MR JEFFREY LAM** (in Cantonese): *According to the judgment on the CHONG Fung-yuen case handed down by the Court of Final Appeal in 2001, children born in Hong Kong to Mainland women whose spouses are not Hong Kong permanent residents (these women being commonly known as "doubly non-permanent resident pregnant (DNRP) women", and these children known as "doubly non-permanent resident (DNR) children" are entitled to the right of abode in Hong Kong. Since then, the number of cases of DNRP women giving birth in Hong Kong has been increasing year after year. As a result, Hong Kong's healthcare services are under great pressure, and problems such as insufficient school places have also surfaced one after another. It has been reported that although the Government has stepped up its administrative measures, quite a number of DNRP women are still looking for ways to give birth in Hong Kong. In this connection, will the Government inform this Council:*

- (a) *in each year since 2001, of the respective numbers of DNR children born in public and private hospitals in Hong Kong and their respective percentages in the total numbers of live births in Hong Kong, the respective figures on the use of public healthcare services (including the numbers of in-patient attendances and patient days, as well as the numbers of attendances for general out-patient services, paediatric specialist services and the "health and developmental*

surveillance" and "immunization" services at Maternal and Child Health Centres (MCHCs) by DNR children, and the respective percentages of these figures in the overall figures on the use of such services by children; whether the authorities have assessed the demand for the various aforesaid healthcare services by DNR children in the next five years, and its impact on the use of these services by local children; if they have not assessed, whether the authorities will conduct assessments on a regular basis;

- (b) of the respective numbers of DNR children admitted by kindergartens and primary schools in Hong Kong for each grade in the past five years, their respective percentages in the total numbers of students, and the estimated figures in the next five years; and*
- (c) as it has been reported that notwithstanding a significant decrease in the number of cases of DNRP women giving birth in Hong Kong following the implementation of the zero quota policy by the Government in 2013, some intermediaries still arrange for DNRP women to give birth in Hong Kong through various means, and some Mainland websites claim that they can make advance booking of beds for DNRP women to give birth in private hospitals in Hong Kong this year, whether the Government will further step up the relevant administrative measures to address the problem?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank Mr LAM for his question. The Government of the Hong Kong Special Administrative Region (HKSAR) is gravely concerned about the issue of Mainland pregnant women giving birth in Hong Kong and has been making every effort to address this issue. It is the Government's policy to ensure that Hong Kong residents are given proper and adequate obstetric services. The Administration is very concerned about the surge of demand for obstetric services in Hong Kong by non-local women (mainly Mainland women) in recent years, which has caused tremendous pressure on the overall obstetric and neonatal care services. To ensure that adequate obstetric services and neonatal care services are available in Hong Kong and local pregnant women are given priority for obstetric services, we have reserved all beds for obstetric services in public hospitals in 2013 for local pregnant women and urgent cases referred by private hospitals and hence no bookings from non-local pregnant women will be accepted. Private hospitals have also reached a unanimous consensus to stop accepting bookings for obstetric

services in 2013 from Mainland pregnant women whose husbands are not Hong Kong residents.

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

- (a) The total number of live births in Hong Kong and the number of babies born in Hong Kong to Mainland women since 2001 are at Annex 1. It shows that the number of babies born to Mainland women whose husbands are not Hong Kong residents has been increasing since 2005. Hence, the policy implemented in 2013 is necessary.

According to the existing policy, holders of Hong Kong Identity Card and children under 11 years of age who are Hong Kong residents are eligible persons and are entitled to use the public healthcare services.

When a person uses public healthcare services, the Hospital Authority (HA) will make a patient record for him/her for administration purpose. The HA does not keep separate statistical figures on the identities of parents of eligible persons. Hence the HA does not have statistical figures on the number of children whose parents are not Hong Kong residents and who have used various healthcare services in the past, and the respective percentages pertaining to the use of such services by these children in the overall figures. Meanwhile, the MCHCs under Department of Health (DH) have conducted a statistical study on new cases involving infants under one year of age who have used the MCHC services over the past five years, and it is observed that the parents of about 20% of these infants were non-eligible persons (NEPs). The details are set out at Annex 2. As infants may receive different types of services, such as "health and developmental surveillance" and "immunization" services, in the same consultation session, the DH does not have a breakdown of the statistical figures on the numbers of attendances by type of services.

In projecting the future demand for public healthcare services, the HA will take into account a number of factors, including population growth and changes in demographic profile, as well as the demand for healthcare services from those cross-boundary eligible persons.

The HA has, in the past, conducted surveys on the demand for healthcare services from cross-boundary children who are eligible persons. According to the HA's current policy of not accepting from Mainland pregnant women whose husbands are not Hong Kong residents

(Mr WONG Yuk-man stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Mr WONG Yuk-man, what is your point?

MR WONG YUK-MAN (in Cantonese): *A point of order. The Secretary has already spent seven minutes on her main reply while Mr Jeffrey LAM has just used more than two minutes 40 seconds on his main question. Based on the rhythm of the Secretary's reply, she will not be able to read out her main reply within 10 minutes, which violates the provisions of the Rules of Procedure concerning the time limits on an oral question. We discussed this point at the last Council meeting and at a meeting of the House Committee, and I hope the President would make a wise ruling and ask the Secretary to stop replying when she has already spoken for eight minutes.*

PRESIDENT (in Cantonese): Mr WONG, the time limits on an oral question as mentioned by you is not stipulated in the Rules of Procedure. As in the case of the past meetings, if an official spends too much time on the main reply, I will give Members sufficient extra time for their supplementary questions so that an adequate number of Members can ask supplementary questions. I certainly need to remind government officials that the time spent on their main replies should not exceed the time limit specified in the House Rules.

MR WONG YUK-MAN (in Cantonese): *President, we also discussed this issue at a meeting of the House Committee. You just said that the time limits on an oral question are not stipulated in the Rules of Procedure, but our usual practice is to finish dealing with an oral question within some 20 minutes*

PRESIDENT (in Cantonese): Mr WONG.

MR WONG YUK-MAN (in Cantonese): *President, please listen to me first. We cannot finish dealing with an oral question within some 20 minutes because other Members cannot ask supplementary questions within the specified time limit.*

PRESIDENT (in Cantonese): Mr WONG, you are wasting time, please sit down. I have already explained how your question will be dealt with. MR WONG, please stop expressing your views while sitting.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank the President and Mr WONG for reminding me. I would read out my reply as soon as possible.

The HA has, in the past, conducted surveys on the demand for healthcare services from cross-boundary children who are eligible persons. According to the HA's latest estimation based on the current policy of not accepting delivery bookings from Mainland pregnant women whose husbands are not Hong Kong residents, there are some 150 000 children born to Mainland pregnant women in Hong Kong who are now living in the vicinity of Guangdong Province and this figure will increase to 187 000 in 2017. The Government will make a projection on the future service demand based on the findings of the surveys and the past service utilization rates to ensure that all eligible persons can use the public healthcare services they need.

The MCHCs under the DH provide services for eligible children from birth to five years of age. The DH will assess the future service demand having regard to such relevant factors as the total number of births and the number of new cases in the past.

- (b) The records of students' birth information currently kept by the Education Bureau are mainly related to their eligibility for schooling in Hong Kong. Such records do not include classifications of students by "Type I babies", "Type II babies" or those with parents who are Hong Kong permanent residents. We therefore cannot estimate the percentage of "Type II babies" in the total student population.

Notwithstanding, according to the information provided by schools, the number of cross-boundary students studying in kindergartens, primary schools and secondary schools in the 2012-2013 school year is about 7 500, 7 000 and 2 000 respectively. We estimate that majority of these students will continue their studies in Hong Kong.

- (c) To complement the implementation of the "zero quota" policy, law-enforcement departments will continue to step up their interception and enforcement actions against Mainland pregnant women whose husbands are not Hong Kong residents, and to combat cases of Mainland pregnant women coming to Hong Kong to give birth through illegal means. Upon an overall enhancement of the relevant complementary immigration measures since late 2011, the number of Mainland pregnant women gate-crashing the Accident and Emergency Departments (A&EDs) and private hospitals without prior booking has dropped substantially from 150 per month during the period between September and December 2011 to only 22 in January 2013.

A total of 4 202 Mainland pregnant women without prior booking for delivery services at local hospitals were refused entry into Hong Kong by Immigration Department (ImmD) in 2012, representing a significant increase by more than two-fold in comparison with the figure of some 1 900 in 2011.

From October 2011 to December 2012, the ImmD prosecuted 474 Mainland women having overstayed to give birth in Hong Kong with successful convictions and arranged for their repatriation thereafter. In 2012, the ImmD prosecuted three Mainland women who gave birth in Hong Kong through illicit means (one involved in conspiracy to defraud, one making a false representation to an immigration officer, one having in her possession a false instrument and making a false representation to an immigration officer). All Mainland women concerned were convicted and sentenced to imprisonment for terms up to eight months. In January this year, the ImmD prosecuted another Mainland woman for making a false representation to an immigration officer and obtaining delivery services by deception. This Mainland woman was sentenced to imprisonment for 12 months.

Moreover, to combat the problem of Mainland pregnant women gate-crashing the A&EDs to give birth in Hong Kong without delivery bookings, the HKSAR Government established, in February 2012, a liaison mechanism with the Guangdong authorities to enhance the exchange of intelligence. The law-enforcement departments of HKSAR have stepped up their efforts to clamp down on illicit intermediaries assisting Mainland pregnant women to give birth in Hong Kong, including stepping up the inspection of dubious intermediaries and referring doubtful intermediaries to the Guangdong authorities for follow-up actions. The police also closely monitors activities of the intermediaries through cyber patrol and will follow up on any illegal act detected in accordance with the law. In 2012, 12 individuals involved in illicit activities to assist Mainland pregnant women giving birth in Hong Kong (including intermediaries and cross-boundary vehicle drivers) were sentenced to imprisonment for terms ranging from eight weeks to a year.

Since February 2012, the Office of the Licensing Authority (OLA) of the Home Affairs Department, together with the police and the ImmD, has carried out more than 40 inter-departmental blitz operations and conducted over 1 300 inspections at unlicensed guesthouses suspected of offering short-term rental accommodation to Mainland pregnant women who came to Hong Kong to give birth. During that period, OLA has instituted a total of 64 prosecutions against unlicensed guesthouses suspected of contravening the Hotel and Guesthouse Accommodation Ordinance, with 51 persons being convicted by the court. Moreover, OLA is now examining the evidence collected for 45 cases. Prosecutions will be initiated if it is established that there is sufficient evidence to support the prosecutions.

For those Mainland pregnant women whose husbands are Hong Kong permanent residents, or Hong Kong residents who came to Hong Kong on One-way Permits and they have made bookings at local private hospitals for delivery in 2013 under the special arrangements, their identity and their marital relations with their husbands will be subject to stringent verification by the Government in order to forestall anyone posing as spouses of Hong Kong residents for delivery in Hong Kong.

Annex 1

Number of Live Births Born in Hong Kong to Mainland Women

| Year | Number of live births ⁽¹⁾ | <i>Of which number of live births born in Hong Kong to Mainland women:</i> | | | Sub-total |
|-------------------|--------------------------------------|--|--|-----------------------------|-----------|
| | | <i>Whose spouses are Hong Kong Permanent Residents</i> | <i>Whose spouses are not Hong Kong Permanent Residents⁽²⁾</i> | <i>Others⁽³⁾</i> | |
| 2001 | 48 219 | 7 190 | 620 | - | 7 810 |
| 2002 | 48 209 | 7 256 | 1 250 | - | 8 506 |
| 2003 | 46 965 | 7 962 | 2 070 | 96 | 10 128 |
| 2004 | 49 796 | 8 896 | 4 102 | 211 | 13 209 |
| 2005 | 57 098 | 9 879 | 9 273 | 386 | 19 538 |
| 2006 | 65 626 | 9 438 | 16 044 | 650 | 26 132 |
| 2007 | 70 875 | 7 989 | 18 816 | 769 | 27 574 |
| 2008 | 78 822 | 7 228 | 25 269 | 1 068 | 33 565 |
| 2009 | 82 095 | 6 213 | 29 766 | 1 274 | 37 253 |
| 2010 | 88 584 | 6 169 | 32 653 | 1 826 | 40 648 |
| 2011 | 95 451 | 6 110 | 35 736 | 2 136 | 43 982 |
| 2012 (Jan-Nov) | 84 629 [#] | 4 252 | 25 174 | 1 695 | 31 121 |

Notes:

- (1) The figures refer to the total number of live births born in Hong Kong in the reference period counted by the occurrence time of the events (that is, births actually taking place in that reference period).
- (2) Include Hong Kong Non-permanent Residents (Persons from the Mainland having resided in Hong Kong for less than seven years being grouped in this category) and non-Hong Kong residents.
- (3) Mainland mothers chose not to provide the father's residential status during birth registration.

- Not available.

Provisional figure.

Source: Census and Statistics Department

Number of New Cases Involving Infants under One Year of Age Who Received
the Services of MCHCs under the DH

Tabulated below is a breakdown of new cases involving infants under one year of age who received the services of the MCHCs under the DH over the past six years and whose parents were NEPs:

| Year | <i>Number of new cases (under 1 year of age)</i> | |
|------|--|--|
| | <i>Total</i> | <i>Both parents were NEPs (Percentage)</i> |
| 2007 | 58 900 | 10 400 (17.7%) |
| 2008 | 62 300 | 12 100 (19.4%) |
| 2009 | 62 300 | 12 600 (20.2%) |
| 2010 | 66 700 | 14 400 (21.6%) |
| 2011 | 72 200 | 16 600 (23.0%) |
| 2012 | 73 400 | 11 600 (15.8%) |

Notes:

- (1) The above figures are rounded to the nearest hundred and do not include the number of new cases involving infants who were one year old or above, which accounts for around 6% of the total number of new cases each year.
- (2) DH does not have the statistical figures on the number of new cases involving infants whose both parents were NEPs before 2007.
- (3) An infant may receive different types of services, such as "health and developmental surveillance" and "immunization" services, in the same consultation session. DH does not have a breakdown of the statistical figures by type of services.

MR JEFFREY LAM (in Cantonese): *President, since the CHONG Fung-yuen case, the first DNR child is nearly 12 years old now and he is going to attend secondary school. Since then, the number of DNR children is on the increase each year. Starting from 2006, "Type I babies" and "Type II babies" accounted for 40% of live births in Hong Kong, and the problem is really serious. Since we are all very much concerned about this problem, I do not understand why the Government does not have the numbers of DNR children to be admitted by schools in Hong Kong in the future. How then can the Government make*

preparations for school places and sufficient healthcare facilities for Hong Kong residents and DNR children? Can the Government expeditiously collate the information in hand and provide us with these numbers and countermeasures?

SECRETARY FOR EDUCATION (in Cantonese): President, I thank the Member for his question.

There are two very important concepts about definitions. The first concept is babies born to local or non-local parents, and the second concept is cross-boundary students. On the education front, an important factor for consideration is whether the children are born in Hong Kong with the relevant birth certificates. Under the present system, students can be admitted to public schools if they have birth certificates proving that they are born in Hong Kong. This is the premise. As regards other information, they have the right not to provide them even if they are requested to do so. Therefore, there are difficulties in collating the information in this area.

Regarding the second concept, the Member has also expressed concern for school places just now. Crossing the boundary for school is another concept. Many DNR children have moved to Hong Kong and their status has changed. We pay close attention to the issue of cross-boundary students because it will directly affect the distribution of school places, especially primary school places. Over the past few years, in the 2007-2008 school year, there were around 3 500 cross-boundary primary students and there are nearly 7 000 such students in the 2012-2013 school year. The increase is quite substantial. We have just mentioned that, in the current 2013-2014 school year, we already have various special measures for meeting the challenges in respect of school places. We will follow up on the work of the Inter-departmental Committee to identify long and medium term solutions to the problem. We will collect more statistics and try our best to get more information, so as to consider the supporting measures for allocation of school places.

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

MR JEFFREY LAM (in Cantonese): *The part about healthcare facilities has not been answered. My question is about school places and healthcare*

PRESIDENT (in Cantonese): I have not heard your question about healthcare facilities just now. Secretary for Food and Health, do you have anything to add in the area of healthcare?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank Mr LAM for his supplementary question. In the area of healthcare, from the numbers in Annex 2 provided by the DH, we can see that there are increases. We have made estimates in this respect. In requesting for the information, the authorities have not asked for the status of parents. Since the babies are born in Hong Kong, the HA regards them as Hong Kong residents. We have begun to strengthen the paediatric services in New Territories East because we have made the five-year estimates and we also expect that more people will come to Hong Kong to receive healthcare services. At this stage, we know that paediatric services are in great demand. Thus, we will continue to review the situation and strengthen the services, especially in New Territories East.

MR STEVEN HO (in Cantonese): *President, the Chief Executive has stated in the Policy Address announced earlier that he has decided to maintain the "zero delivery quota" policy for DNRP women. However, many DNRP women have come to Hong Kong through various means to give birth. We have just heard the Secretary mention the relevant measures but I would like to clarify one point. As law enforcement is not a unilateral task, how is the communication between the Government and the Mainland authorities and how effective it is? Are there any measures to solve and prevent these problems at root?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank Mr HO for his supplementary question. We have just said that the Government has adopted a multi-pronged approach; for instance, the ImmD, the police and the Home Affairs Department have made efforts in various aspects. We understand that these illegal practices can roughly be divided into a few types: first, overstaying in Hong Kong; second, gate-crashing the A&EDs; third, bogus marriage.

Different enforcement departments are taking measures. At present, there is a notification mechanism for enhanced co-operation between the Government and the Guangdong authorities when intelligence has been received. We will also pay attention to the numbers of people gate-crashing the A&EDs each week or each month, and we will immediately take actions under particularly unusual circumstances.

MR CHRISTOPHER CHEUNG (in Cantonese): *President, although no appointments from DNRP women are now accepted, for many Mainland-Hong Kong families, pregnant Mainland women whose spouses are permanent residents of Hong Kong (singly non-permanent resident pregnant (SNRP) women) cannot use the delivery services at public hospitals and can only give birth in private hospitals. In fact, many Mainland-Hong Kong families may not be able to afford the high charges of private hospitals. May I ask the Government if it has considered allowing these SNRP women to use the services of public hospitals? If not, what are the reasons? Has the Government estimated how many SNRP women will use the services of public hospitals? Can the existing hospital services cope with the demands?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank the Member for his supplementary question. The HA has discussed this issue and made a decision. In light of the appointments made by DNRP and SNRP in the past, we know that the relevant services of the HA have been fully utilized. Even though there are fewer appointments by DNRP women, obstetric and paediatric services must be reserved. While providing obstetric services, we must reserve paediatric services such as paediatric intensive care services. Hence, the HA decided to suspend the acceptance of appointments made by SNRP women in 2013 because priority must be accorded to local residents in getting the existing services. Obstetric services need matching paediatric services because newborn babies may need paediatric services. Hence, the HA will not adopt the practice proposed by the Member in 2013 but it will keep the matter in view.

DR LAU WONG-FAT (in Cantonese): *President, it is estimated that DNR children currently attending kindergartens and primary schools in Hong Kong*

will also attend secondary schools in Hong Kong. Has the Government assessed if there are sufficient secondary school places in Hong Kong to meet the needs of these students?

SECRETARY FOR EDUCATION (in Cantonese): President, I thank the Member for his question. We have assessed the situation. I remember that we discussed the issue on secondary school places at a Council meeting a few months ago. We especially wish to retain the strength, schools and teachers, as well as the surplus teaching posts for three years so that teachers can continue to work. We project that we have sufficient school places to meet the needs when more students start going to secondary schools.

MR CHAN HAK-KAN (in Cantonese): *President, at this time last year, the whole community was also discussing the issue of DNRP women giving birth in Hong Kong. I have just heard the Secretary say that the Government has made efforts to combat the intermediaries. Yet, I am not sure if the Secretary has noticed that these intermediaries have changed their tactics. They no longer directly help DNRP women come to Hong Kong to give birth; instead, they arrange DNRP women to give birth in Hong Kong through bogus marriage and bogus study abroad. At present, the Government's combat and co-operation mechanisms focus on Guangdong Province, but the base of these intermediaries have already spread to Beijing and Shanghai. Will there be any loopholes if the Government only co-operates with Guangdong authorities in combating those intermediaries? Has the Government failed to notice that the situation has already changed?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I thank Mr CHAN for his views. We have been monitoring these illegal activities of coming to Hong Kong for delivery with other enforcement departments. I thank Mr CHAN for mentioning that these activities have spread to other places outside the Guangdong Province. We have constantly maintained close co-operation with the relevant government departments to combat these activities. We will strengthen co-operation with other departments and monitor the relevant activities in other places outside the Guangdong Province. I thank the Member for his remarks.

DR PRISCILLA LEUNG (in Cantonese): *President, the Government wants to stop the influx of DNR children coming to Hong Kong for studies. This situation has aroused great concern of many Hong Kong parents as there are insufficient school places. Have the authorities considered establishing schools for Hong Kong children on the Mainland, and recruit outstanding teachers who have been made redundant due to school closures in Hong Kong to provide Hong Kong-style education on the Mainland. Under this arrangement, DNR children can study on the Mainland and the tension of insufficient school places in Hong Kong can be relieved?*

SECRETARY FOR EDUCATION (in Cantonese): President, recently we have made many exchanges on this issue and have obtained information on the latest development. As a matter of fact, there are now six such schools operating in Shenzhen in accordance with the relevant rules of the Shenzhen Education Bureau. These schools adopt the Hong Kong curriculum for conversion and professional exchanges have been made with teachers in Hong Kong. Regarding the effectiveness, we have looked up the relevant information to find out the actual number of Hong Kong people who can be benefited, and if I remember correctly — I will give supplementary remarks later — in the past three years, about 100 students had continued their studies in the secondary schools of Hong Kong through the Secondary School Place Allocation System. Hence, the follow up work will depend on the requirements in many different aspects and other subjective factors. Given the great demand for school places in the future, we have to review afresh the issue and consider various options. We will keep an open mind and hold more discussions with the sector in this regard.

PRESIDENT (in Cantonese): Dr LEUNG, do you have any questions?

DR PRISCILLA LEUNG (in Cantonese): *President, I asked if the Government would play a proactive role in this respect because 200 000 DNR children will flock to Hong Kong.*

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

SECRETARY FOR EDUCATION (in Cantonese): President, we will review afresh the effectiveness, development and concept of this mode to see how a feasible proposal can be devised, and then we will examine how to implement this proposal. According to past records, there are voluntary organizations which had expressed interest in the work. We will conduct a comprehensive review.

PRESIDENT (in Cantonese): We have spent nearly 27 minutes on this question. As the Secretary for Food and Health has taken longer time for the main reply, I have given the five Members extra time to ask supplementary questions. Second question.

Promotion of E-learning

2. **MR CHARLES PETER MOK** (in Cantonese): *President, regarding the promotion of e-learning, will the Government inform this Council:*

- (a) *whether it has plan to grant additional subsidies to schools for purchasing electronic teaching materials as well as computer software and hardware, gearing for the needs in implementing e-learning; whether it has assessed the effectiveness of the Education Bureau One-Stop Portal for Learning and Teaching Resources specially designed for teachers since its launch in May 2012; if it has assessed, of the details; if not, the reasons for that; whether the Government has plan to set up funds to encourage all sectors in the community to develop "Creative Commons contents" and to make such materials available in the public domain on the Internet for teachers and students to use free of charge as they wish; if it has such plan, of the details and the implementation timetable; if not, the reasons for that;*

- (b) *whether the authorities will allocate additional resources to schools for procuring of computer and wireless network equipment of more advanced models, and for upgrading the bandwidth of Internet access services, so as to cope with the massive data traffic when a large number of students go online at the same time, gearing to the promotion of e-learning; if they will, of the details and the implementation timetable; if not, the reasons for that; and*
- (c) *given some comments that the digital divide created by some students not having e-learning equipment will make such students unable to enjoy equal learning opportunities with other students, and that there are also "one computer per student" programmes in foreign countries to provide financial support to students in need, whether the Government has plan to subsidize students from grass-roots and poor families to buy notebook or tablet computers; if so, of the details and implementation timetable of the plan; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): President, the reply to Member's question is as follows:

(a) and (b)

The Government is committed to the promotion of e-learning and has launched three Information Technology (IT) in Education strategies. In 2007, we launched the Third IT in Education Strategy with focus on assisting schools in drawing up and implementing school-based IT in education development plans; and integrating IT into learning and teaching activities so as to improve students' learning effectiveness and empower teachers and students to use the right technology at the right time for the right task in the learning and teaching process.

The major initiatives in the promotion of e-learning which the Member has just mentioned include:

(i) *Developing an "EDB One-stop Portal for Learning and Teaching Resources"*

This portal provides a curriculum-based learning and teaching modules resource bank with appropriate digital teaching resources covering eight Key Learning Areas at all level from Primary One to Secondary Six, General Studies at the Primary level and Liberal Studies at the Senior Secondary level; assessment tasks; curriculum documents and information on professional development for teachers. The portal currently contains over 6 000 pieces of teaching resources and over 1 000 assessment tasks for teachers' reference. The cumulative hit rate of browsing the portal amounts to over 80 000 times while the cumulative rate of downloading materials from the "Assessment Tasks Reference" is more than 30 000 times. We will continue to encourage teachers to make effective use of the resources available on the portal through various means; and will consult the opinions of stakeholders in enhancing the content of the one-stop portal to meet teachers' diversified needs.

(ii) *Provision of Funding Support to Schools on e-learning*

We provide all public sector schools annually with a Composite IT Grant (CITG) at amounts ranging from \$170,000 to \$586,000, depending on the school type and the number of classes. Take the 2011-2012 school year as an example, the total expenditure was over \$320 million. While the average expenditure for primary schools was \$319,000, it was \$411,000 for secondary schools. The grant can be used in expenditure items related to IT in education, such as Internet service fee, upgrading and replacement of IT facilities (including wireless network facilities), purchase of digital resources materials for learning and teaching (including annual subscription/renewal fees for licences and software), and so on. Under the principle of School-based Management, schools can flexibly deploy their resources as appropriate to meet their operational needs for IT in education.

Besides, we disbursed a one-off grant of \$200 million in 2008 for schools to replace and upgrade their IT facilities and provided another one-off grant of \$50 million in 2010 for schools to purchase e-learning resources.

(iii) *Implementation of "Pilot Scheme on e-learning"*

We launched a three-year "Pilot Scheme on e-learning" in 2010 with a funding support of some \$59 million. A total of 61 primary, secondary and special schools participated in 21 research and development projects to explore how e-learning could be implemented in different school settings so as to cater for learner diversity and encourage students to conduct self-directed and life-long learning.

(iv) *Encouraging development of e-learning Resources under "Creative Commons"*

The flexible copyright terms under "Creative Commons" enable creators to reserve some rights on their copyright materials while at the same time allow others to use their copyright materials at no charge and without any registration procedures. We have all along been encouraging various sectors of the community, in particular teachers to develop e-learning resources under Creative Commons and to make use of the platform of Hong Kong Education City for free sharing and exchange.

(v) *Implementation of "e-Textbook Market Development Scheme"*

To further promote e-learning, we launched the "e-Textbook Market Development Scheme" (EMADS) in June 2012 with the objectives of facilitating and encouraging the participation of potential and aspiring e-textbook developers to develop a diverse range of e-textbooks in line with our local curricula; as well as trying out a quality vetting and quality assurance mechanism for e-textbooks through the field-testing of e-textbooks in partner schools with a view to drawing up

progressively a full-fledged Recommended Textbook List for e-Textbooks. We will review and consolidate experience from the development and field-testing of e-textbooks under the EMADS to come up with a set of success factors for the further application of e-textbooks and promotion of e-learning. Based on the review outcome, we will map out our strategy on the way forward in the application of IT in education, including support to schools in the enhancement of their IT infrastructure.

- (c) The Office of the Government Chief Information Officer (OGCIO) launched the five-year Internet Learning Support Programme in July 2011 to assist students from low-income families to procure affordable computers and Internet access service through two implementation agents. The Government also disburses an Internet access subsidy at full-rate of \$1,300 or half-rate of \$650 annually to these families. The Student Financial Assistance Agency reviews the level of subsidy annually in accordance with the market price of Internet access service.

According to a survey on digital inclusion of Hong Kong society conducted by the OGCIO in 2011, around 97% of students from low-income families had computer connected to the Internet at home. This indicates that the majority students from low-income families could conduct e-learning at home.

MR CHARLES PETER MOK (in Cantonese): *President, as evident from the main reply, the Education Bureau has really done a lot work. And yet, the schools still found it inadequate. The speed is low, and there are not enough computers for students. I asked about the implementation timetable, but the Secretary merely briefed us on measures implemented which are still inadequate.*

Concerning parts (b) and (c) of my main question on the re-rolling out of networks for schools and the implementation of the "one computer per student", according to our rough estimation, it requires around \$300 million to strengthen the network of schools and no more than \$400 million to help poor students to

buy notebook computers. Can the Secretary inform us whether there will be any good news for Members, schools and parents in the Budget to be delivered next Wednesday?

SECRETARY FOR EDUCATION (in Cantonese): President, there are two very important points in this supplementary question. Firstly, the "one computer per student" strategy launched in different areas has achieved different effects. According to our understanding, given that our focus is learning and teaching, it may not be necessary for schools to provide all students with computers connected to the Internet. This is a major premise. I have visited a number of secondary schools over the past few weeks to inspect the progress of e-learning. I learnt from some major exchanges that schools do not wish to see students give up exchanges and daily contact with their teachers or classmates after they are provided with computers. Therefore, this involves several perspectives which must be carefully considered. The most important point is that students are provided with computers and networks when they need them.

With regard to the second point, I have just mentioned two partnership and e-book schemes, and the main purpose is to gain a good understanding of the relevant factors and actual situation, with a view to facilitating the formulation of the fourth five-year plan in the coming year.

MR CHARLES PETER MOK (in Cantonese): *President, the Secretary has not answered if the Government will introduce new measures or provide additional funding. I nonetheless believe the answer will be the same even if I pursue. I just want to tell the Secretary that we sincerely hope that new measures will be introduced.*

MR IP KIN-YUEN (in Cantonese): *President, we learnt from the Secretary's main reply that a lot has been done by the Education Bureau, but we have only seen the input factors. We are however not informed of the effectiveness or outcome. Mr Charles Peter MOK just now also said that, at the school level, he failed to see any actual improvements given the various inadequacies, such as low speed and inadequate computers.*

In this connection, my supplementary question is: Will the Secretary inform us if any systematic assessment has been conducted after the implementation of each IT in Education strategy? In the course of assessment, what indicators have been used to assess the effectiveness of e-learning or IT in Education strategies programmes? I trust that Members are concerned about the effectiveness, so I wonder if the Secretary can provide the relevant information.

SECRETARY FOR EDUCATION (in Cantonese): President, I thank the Member for his supplementary question. In the previous three IT in Education strategies which have been implemented, the first one mainly focused on the development of hardware application for the purpose of obtaining the relevant experiences. We have a very special example. A school procured more than 100 sets of iPad but only used them one year later due to the limited time. By that time, those iPad have become obsolete. This is the experience obtained in respect of computer hardware and Internet.

The second one involved teachers' training, and was particularly related to the schools' readiness to use IT. As I have said, many training activities, resources and software had been uploaded to the Internet so as to tie in with the implementation of the second strategy.

The third strategy has already been launched and two pilot projects are underway. I hope and am confident that after obtaining some concrete data, we can then formulate the fourth five-year plan in a more effective and targeted manner.

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

MR IP KIN-YUEN (in Cantonese): *President, I hope that the Secretary can give a specific reply on the actual effectiveness. He has only mentioned the situation of individual schools, but I asked about the effectiveness of the relevant policy in Hong Kong.*

PRESIDENT (in Cantonese): Secretary, the Member asked about the assessment of the authorities on the effectiveness.

SECRETARY FOR EDUCATION (in Cantonese): President, I have mentioned some pilot projects earlier. According to my understanding, the purpose of the assessment is to determine the implementation of the next five-year plan on the basis of a number of factors as well as studies conducted by the academic sector or others. The part mentioned by me just now is concerned with software. Experience has shown that e-learning is not a matter of hardware. Complementary measure is more important.

The second strategy was concerned with the readiness of schools, including that of teachers, which had also been highlighted in the assessment. The third strategy focuses on the actual implementation after it was launched, and two pilot projects have been launched. As I am aware of the need and problem highlighted by the Member, I eagerly hope that when the fourth strategy is launched, there would be a comparison of the overall review and assessment.

MR SIN CHUNG-KAI (in Cantonese): *President, in fact, the Secretary has not answered the entire part of Mr Charles Peter MOK's main question on the re-rolling out of optic fibre network. When e-learning was introduced in the past, schools had no idea of how the equipment should be installed. Nor did they know where the server should be placed. Nowadays, regardless of its popularity, there is wide application of cloud services.*

May I ask the Secretary if action will be taken to improve the IT infrastructure of schools? Specifically, it is the re-rolling out of optic fibre network enquired by Mr Charles Peter MOK earlier. While optic fibres were used when the programme was launched a few years ago, there is widespread use of Wi-Fi and access points nowadays. The upcoming strategy should therefore include cloud services as well. May I ask if the Secretary has such plans?

SECRETARY FOR EDUCATION (in Cantonese): President, this involves two perspectives. Firstly, optic fibre is an important component for data transmission. According to my understanding, many schools are proceeding on

two paths. With regard to the speed, the school that I visited last week has been installed with a bandwidth of 1 000 gigabytes, which enables 300 people to access the Internet at the same time. The speed is pretty high. This is the first part.

The participation of 61 schools in the project is to gauge the effect of different networks on different schools. This is a matter of hardware, especially an assessment of the network. On completion of the pilot project participated by those 61 schools, including special schools, it is hoped that we can have a better understanding of their needs.

MR SIN CHUNG-KAI (in Cantonese): *He has not answered about the cloud services.*

PRESIDENT (in Cantonese): Mr SIN, please state the part which the Secretary has not answered.

MR SIN CHUNG-KAI (in Cantonese): *The part about cloud services, that is, how cloud services would be used in respect of e-learning at schools.*

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

SECRETARY FOR EDUCATION (in Cantonese): President, iCloud or other technologies is part of the project participated by those 61 schools. In addition, there are networks, optic fibre, cloud services, as well as video and microfilming technologies.

DR KENNETH CHAN (in Cantonese): *President, in recent years, our neighbouring countries in Asia have invested heavily on e-learning, in the hope of developing education towards the general direction of e-learning. Although the project should be implemented in a gradual and orderly manner, we sometimes find it too slow.*

President, I want to focus on the following point, in the Secretary's reply to part (c) of Mr Charles Peter MOK's question, he quoted some data from a survey conducted by the OGCIIO in 2011 on digital inclusion, which highlighted that 97% of students from low-income families had computer connected to the Internet at home. He therefore drew the conclusion that this indicated that the majority students from low-income families could conduct e-learning at home.

I am afraid that the Secretary may have to make some further clarifications. Do the survey findings that those families have computers imply that students can conduct e-learning? Can he give a more specific elaboration as to whether the survey has any substantial evidence that the installation of computers for all families would enable students to access the Internet or conduct e-learning at home? As Members may be aware, computer has many functions and can serve different people.

SECRETARY FOR EDUCATION (in Cantonese): President, our programme concerning low-income families consists of two parts. The first part is the provision of an annual Internet access subsidy, and the second part is concerned with the purchase of computers under a package. The low-income families are only required to pay some \$200 or \$300 per year and will acquire the computer three years later. This is the first point.

The second point is, we noticed from the survey that low-income families have limited space and desktop computers are not suitable for them. Rather, they should use more handy computers, such as iPad. As most of them have Internet access at home, there is no way we can restrict their use.

Furthermore, most schools have sufficient computers with Internet access for students to conduct e-learning during lessons. What is more, many youth centres also provide such facilities. If necessary, students may even use the computers in the nearby youth centres. We do hope that they can have access to such facilities when such need arises. This is what we hope to achieve.

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

DR KENNETH CHAN (in Cantonese): *I have specifically asked the Secretary, in providing information on hardware to this Council, has he conducted any survey on the e-learning behaviour? Let me put the question for the Secretary in this way. Regarding the pilot project currently participated by 61 schools, will the relevant review also look into the learning behaviour of students in addition to issues relating to computer hardware?*

PRESIDENT (in Cantonese): Dr CHAN, you have raised another supplementary question, please wait for another turn.

DR FERNANDO CHEUNG (in Cantonese): *President, e-learning or the so-called assistive technology is very essential to children with disabilities or to special schools. I am aware that in this year's Policy Address, provisions have been earmarked for the special schools to purchase the relevant equipment. But when these students graduate, they will have to use adult services and become disconnected with the state-of-the-art technologies. We have come across a case where a person used to communicate with other people using the available technologies at school, but after he switched to adult services, he could no longer use the computer. As a result, he had not communicated with anyone in five years. We can therefore see how important convergence is.*

May I ask the Secretary if he had liaised with the Labour and Welfare Bureau when providing schools with the necessary resources and technologies, such that technology convergence will be provided to disabled children with special needs? This is very important. I hope that after the meeting, he will attach more importance to the communication with the Labour and Welfare Bureau in this regard, with a view to extending the benefits of these services and technologies to adulthood.

SECRETARY FOR EDUCATION (in Cantonese): President, I thank the Member for his opinion and I will follow up on the matter after the meeting.

IR DR LO WAI-KWOK (in Cantonese): *President, in order to implement e-learning, schools must have sufficient resources for the management of IT*

hardware and software, as well as technical operation. As for the day-to-day operation, some technical staff are required to undertake the specific operation and provide support. We should not rely on teachers alone. In this connection, may I ask if the Government has provided any financial assistance and whether there is sufficient school technical staff to cope with the advancement in e-learning?

SECRETARY FOR EDUCATION (in Cantonese): President, this issue has been taken into consideration. In sum, we notice that individual schools have used the grant to engage the so-called teaching or computer aides. And yet, this has given rise to problems of another perspective. Given the advancement in technologies and constant changes in computer hardware, it would be inefficient for the one or two staff stationing at schools to do the job as the technological knowledge of any one person is very limited.

Therefore, we hope to identify some new models from those two projects. Large-scale, sensible and professional providers, for example, may make special arrangements to implement the project district by district on a contract basis. This is one of the proposals which I have received. Nonetheless, consideration will only be made upon completion of the review. One important point is that, schools need support on various fronts and thus the stationing of just one or two school technical staff may not cope with the need. If it is implemented district by district, better support could be rendered by providers with plentiful resources. After all, this is subject to the result of the review.

PRESIDENT (in Cantonese): We have spent nearly 23 minutes on this question. Third question.

Regulation of Lending Institutions Providing Loans to Young People

3. **DR ELIZABETH QUAT** (in Cantonese): *After consolidating information from various press reports and the dozens of requests for assistance I have received from members of the public, I have learnt that some organizations conducted pyramid selling under the guise of recruitment of marketing staff by marketing companies, and even persuaded job seekers to apply for*

no-income-proof loans with interest rates as high as 47% per annum to buy products. As some of the appointees, being students and young people aged below 25 who lacked economic means, were unable to repay loans amounting to several tens of thousand dollars, their families had to help them repay the loans in the end, and they also reported the cases to the police for assistance. Some of the victims have indicated that they had lowered their guard because the jobs were recommended by their friends, and the frequent broadcast of brainwashing advertisements in the media had misled them into believing that the "instantly approved" no-income-proof loans could really be "borrowed and repaid easily", and coupled with the fact that they did not understand the content of the documents that they had signed, they had eventually run into debts with exorbitant interest rates which they could hardly repay. In this connection, will the Government inform this Council:

- (a) whether any appropriate regulation of advertisements promoting no-income-proof loans is currently in place, or whether lending institutions are required to set upper limits on the amounts of no-income-proof loans provided for students or young people aged below 25; if so, of the details; if not, whether the authorities will consider enacting relevant legislation to prevent students or young people from inadvertently falling into such recruitment and lending traps;*
- (b) whether the authorities have compiled statistics on the number of cases of students and young people aged below 25 borrowing no-income-proof loans from finance companies in the past five years, the total amount of loans involved and the average interest rate of such loans; if they have compiled such statistics, of the details; if not, whether the authorities will compile relevant statistics to evaluate the severity of the problem; if they will not, of the reasons for that; whether the authorities can list the number of complaints similar to the aforesaid cases received from such students and young people in the past five years, the total amount of loans involved and the average interest rate of such loans, broken down by the lending institutions involved; and*
- (c) whether there are measures in place to ensure that lending institutions will explain clearly to borrowers the interest rates of*

loans and the various repayment details, and that the loans will be considered as confirmed only after both parties have signed the documents; if there are, of the details of the measures; if not, whether the authorities will formulate such measures?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, the question raised by Dr Elizabeth QUAT touches on matters under different Policy Bureaux. The Administration's consolidated reply is as follows.

On parts (a) and (c) of the question, at present, except for exempted bodies, anyone wishing to carry on business as a money lender must apply for a licence under the Money Lenders Ordinance (Cap. 163) (MLO) and be subject to the regulation of that Ordinance. Applications for and granting of money lenders licences are determined by the Licensing Court. The Registrar of Companies is responsible for handling administrative matters related to the processing of licence applications and renewals, as well as maintaining a register of money lenders for public inspection. The Police Force (HKPF) is responsible for enforcement work including investigations of complaints against money lenders, and provides opinion to the Licensing Court on licensing matters.

Besides the licensing requirement, the MLO also provides for matters such as the form of loan agreement, interest rate, repayment arrangements, advertisements and the duty of money lenders to give information to borrowers. Regarding advertisements, section 26 of the MLO provides that money-lending advertisements shall show the name and the licence number of the money lender in a conspicuous manner, and state the interest rate proposed to be charged in the manner prescribed by the MLO. On the other hand, the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (Amendment Ordinance) was passed by the Legislative Council in July 2012 to prohibit unfair trade practices that may be deployed against consumers. It applies to both goods and services, including services by money lenders. Under the Amendment Ordinance, if any commercial practice of a trader, including advertising by money lenders, involves the omission or hiding of material information, or the provision of material information in a manner that is unclear, unintelligible, ambiguous or untimely that causes or is likely to cause an average consumer to make a transactional decision that he would not have made otherwise, such

commercial practice constitutes an offence of misleading omission. The Administration is consulting stakeholders and the general public on the draft enforcement guidelines of the Amendment Ordinance with a view to bringing it into operation within 2013.

As for the interest rate and repayment arrangements, under section 18(1) of the MLO, no agreement for the repayment of money shall be enforceable unless a memorandum or note conforming to the stipulated requirements is made in writing by the money lender and signed personally by the borrower before the money is lent. Section 18(2) further stipulates that the memorandum or note shall contain all the terms of the loan agreement and in particular shall set out the contact information of the money lender, the borrower and the surety; the dates and places of the making of the agreement and the loan; the amount of the principal; the terms of repayment; and the rate of interest charged. As regards how the interest rate is expressed, Schedule 2 of the MLO also sets out in detail the calculation of true annual percentage rate of interest.

Apart from the requirements of the relevant legislation, the Administration has taken measures to combat improper debt collection practices. In recent years, the HKPF has enhanced publicity to remind borrowers that they should choose licensed money lenders and consider their own repayment ability carefully, so as to mitigate the undesirable outcomes which the borrowers may have to bear in future. Starting from January 2011, the Licensing Court has also accepted the HKPF's suggestion to impose new licensing conditions when considering applications for money lenders licences. These include requiring money lenders and their debt collection agencies not to harass any person when locating their debtors and not to adopt illegal or improper debt collection practices, with a view to further regulating debt collection practices related to licensed money lenders. Under section 29(1)(c) of the MLO, any licensed money lender who carries on business otherwise than in accordance with the conditions of his licence is guilty of an offence and liable, upon conviction, to a \$100,000 fine and two years' imprisonment.

To guard against deception cases where job seekers were victims as mentioned by Dr Elizabeth QUAT, the Labour Department and HKPF have been making various promotional efforts to alert young people to job traps. These include setting up a thematic webpage on "Beware of Job Traps" on the Interactive Employment Service website; broadcasting an animated cartoon on

outdoor TV walls; issuing press releases and placing advertisements on newspapers; broadcasting announcements of public interest on the radio and television as well as programmes such as the "Police Magazine"; and distributing leaflets at secondary schools, higher education institutes, district offices of the Home Affairs Department, youth centres, mutual aid committees and the Consumer Advice Centres, and so on, which highlight common job traps and the means of identifying them so as to remind young people to stay vigilant and to seek advice from their families and friends when in doubt. Where necessary, they should also seek help from the HKPF or the Labour Department.

On part (b) of the question, we do not have any statistics on the terms on which young people borrowed loans from finance companies. Nor do we have any figures on the number of complaints received from such young people. There are technical difficulties in collecting accurate data on the amount of loans involved and the interest rate of such loans, and this also involves commercial information. At present, we do not have any plan to compile such statistics.

DR ELIZABETH QUAT (in Cantonese): *President, it seems that the Government is still unaware of the seriousness of the problem. I have received dozens of requests for assistance from young people who had attended job interviews at marketing companies, and eventually they were taken to finance companies to borrow loans. Even without any income proof, assets or repayment ability, they could borrow loans amounting to some \$10,000 to \$30,000 with interest rates as high as 47% per annum. How then can they repay the loans?*

Last week, a reporter conducted an undercover operation at these companies and found that there were several hundred people inside waiting. The same tactics were still used. Obviously, this is only the tip of the iceberg, reflecting the Government's current lax monitoring on finance companies, such that they can take advantage of the situation to make money by deceiving young people into taking out loans. Nowadays, finance companies can even provide mortgage loans. How can the authorities impose such lax monitoring on the finance companies?

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) considers that the Government should review the existing MLO in order to

strengthen the monitoring on the operation of finance companies, which includes examining whether these companies and their employees should be put under the regulation of the Hong Kong Monetary Authority, and how restrictions should be suitably imposed on the provision of high interest loans to students and persons with no repayment ability.

May I ask the Secretary how much longer the Government has to wait before actions would be taken; how many more students have to be cheated before it is aware of the seriousness of the problem; and whether the MLO would be reviewed expeditiously?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, as I have pointed out in the main reply, a series of legislation dealing with different aspects are in place to combat unfair trade practices. One of them is the Amendment Ordinance that I just mentioned, which can deal with some unfair trade practices.

Concerning monitoring, there are clear provisions under the MLO to regulate money lenders, as well as the terms, explanatory note and information to be set out in the loan agreement. Persons who need to borrow money should clearly go through all the terms, and no agreement shall be effective unless personally signed by the borrower to confirm the relevant terms for the loan. In my view, as this legal framework provided under the existing laws can already deal with the current situation, there is no need to strengthen supervision.

Nonetheless, I want to point out that the crux of Dr Elizabeth QUAT's question is that inexperienced young people may fall into the traps inadvertently by signing the relevant agreements with the finance companies. Hence, I consider that it is very important to step up publicity in this regard. As I have just mentioned in the main reply, the Government has already conducted various forms of publicity through the HKPF, the Labour Department and various parties. In this regard, I consider that publicity must be enhanced. Here, I would like to make an appeal, and through the DAB as well, that young people should be careful when they apply for jobs, or if they are taken to finance companies. We will step up enforcement against these unfair trade practices.

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

DR ELIZABETH QUAT (in Cantonese): *If the MLO and the Code of Money Lending Practice are so effective, there will not be so many young people being cheated*

PRESIDENT (in Cantonese): Dr QUAT, we cannot proceed with a debate. You just asked whether the Government will review the MLO, and the Secretary has already answered the question clearly.

MR WONG TING-KWONG (in Cantonese): *President, the number of finance companies in Hong Kong is increasing, and they are all over the territory, with advertisements found in different kinds of media. These companies offer no-income-proof loans with exorbitant interest rates to borrowers, yet no consideration is given to their repayment ability at all.*

I would like to ask the Secretary whether the Administration has studied the impact of no-income-proof loans on different sectors of society in Hong Kong?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): We do not have the relevant figures. But Members must understand that under the existing regulatory legislation, what the finance companies should and must do when conducting their businesses is to specify clearly all the terms for the loan, the interest rate, and so on. The relevant regulatory legislation has already provided clearly that finance companies must explain the relevant terms for the loan to the borrower, and no compound interest should be charged, and so on. There is supervision in these aspects. As to whether stringent actions should be taken to prohibit the mode of no-income-proof loan, I think this may not be the best arrangement.

Nonetheless, given that under the present situation, some young people or citizens with little social experience may fall into these so-called traps, I consider that more should be done in respect of publicity. Of course, in case of any contraventions under the MLO, for example, if the lender has adopted unfair trade

practices in debt collection, failed to provide the information as required in the relevant documents, or engaged in other practices in breach of the Code, we will definitely take stringent enforcement actions against them.

MR TAM YIU-CHUNG (in Cantonese): *President, while inexperienced young people and students can fall prey easily, we have recently received a request for assistance in the district involving a borrower who is mildly mentally handicapped. He was deceived into taking out a loan at a very high interest rate which he could hardly afford to repay. He thus approached us to seek our assistance. I would like to ask the Secretary how we should help him, or which government department can provide assistance to this kind of victims?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): There are two ways to deal with such cases. If the victim considers that the lender has not acted with due diligence, he can lodge a complaint with the HKPF. At present, the HKPF is responsible for enforcement in this regard. If there are such cases, we encourage the victims to lodge a complaint with the HKPF so that we can collect the relevant statistics. Depending on the follow-up actions taken by the HKPF, if the complaint is substantiated after investigation, the HKPF will provide its opinions to the Licensing Court which can revoke or refuse to renew the lender's licence. After its actual implementation, the Amendment Ordinance can also regulate unfair trade practices of finance companies.

MR CHAN HAN-PAN (in Cantonese): *President, lenders are now using all opportunities to promote their businesses with advertising slogans such as "buddies to lend you money", "timely loans", "ride on a high speed train to spend to your heart's desire", "borrowed and repaid easily", and so on, which seemingly lower people's guard, and in particular, inexperienced young people whose judgment may be easily affected by these advertisements.*

I would like to ask the Secretary whether the Government has considered imposing control over the airing of advertisements by lenders (particularly during prime-time)?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): I cannot answer the Member's question in this regard because I do not know whether there is any relationship, connection or association between these advertisements and unfair trade practices. Nevertheless, I think this is a question we can discuss. I still consider that publicity and education are very important.

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

MR CHAN HAN-PAN (in Cantonese): *Considering that the problem of "Smoking is hazardous to health" can be dealt with through regulation, the problem of borrowers being unable to repay their loans should in fact be regulated also*

PRESIDENT (in Cantonese): Mr CHAN, please stop expressing your views. The Secretary has already answered your question.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Secretary pointed out in his reply to Dr QUAT's question that deception cases where job seekers are victims are mainly dealt with by the Labour Department and the HKPF through publicity efforts. As we all know, this is not that the authorities should not carry out publicity work, it is obliged to do so; yet the effect of publicity is minimal. If its work is effective, these problems would not have happened all the time.*

The problem must be addressed at root. I would like to ask the Secretary whether the deception cases would be dealt with through covert or undercover operations, in addition to publicity efforts, so that prosecutions would be instituted after identifying the root of the problem, in order to combat these unfair trade practices?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, with regard to enforcement, I think the HKPF would have its own arrangements. Whenever there are problems and complaints lodged by

members of the public, the HKPF would, after receiving these complaints, consider the problems involved and take suitable enforcement actions accordingly.

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

MR LEUNG YIU-CHUNG (in Cantonese): *Just now, I asked the Secretary specifically whether the relevant cases would be dealt with through covert or undercover operations. I certainly know that law-enforcement actions will be carried out, but will such actions be taken by the authorities? The Secretary has not given a clear reply.*

PRESIDENT (in Cantonese): Can the Secretary reply as to whether covert or undercover operations would be conducted?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): I think this is a matter which falls into the scope of the HKPF's enforcement work. The most proper thing to do is allow the HKPF to decide on its own how enforcement actions should be taken.

MR WONG KWOK-HING (in Cantonese): *President, just now, when the Secretary answered Dr QUAT's question, he said that he did not see the seriousness of the problem; I find this regretful. As such, I would like to ask the Secretary through the President to conduct an inter-departmental review to examine whether the current publicity efforts are ineffective and ineffectual, because the lenders have enticed innocent or inexperienced young people by claiming that the loans are "borrowed and repaid easily". I have dealt with one case involving an 18-year old youngster who has borrowed no-income-proof unsecured loans from these "one-stop-shop" or "through-train" finance companies. In the end, he has to file for bankruptcy.*

Therefore, I hope the Secretary can consider adopting some innovative and creative slogans, such as "先使未來錢，將來唔得掂" (spending future money is no good). This is better than the widely-known pun on the name of the Secretary for Education⁽¹⁾. The Administration can launch an extensive publicity campaign with this new slogan of "Spending future money is no good" so as to arouse the awareness among young people. On the other hand, as smoking is hazardous the health, the authorities have thus required the printing of warning words on cigarette packets to warn young people, will the authorities consider adopting a similar publicity approach?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, first of all, I would like to state clearly that I think the problem raised by Dr QUAT is a serious matter; I have not said that it is not serious. I have expressed my views on whether it is necessary to amend the laws because of the occurrence of these cases, and how to impose adequately monitoring, and so on.

Nevertheless, focusing on the matter, I still consider that publicity and education are important because each summer, a number of cases involving job traps would happen, and it is nothing new. In the past, we often heard about credit cards defaults involving young people — not defaults but traps, because they do not know the real situation — hence, it is generally considered the best solution to the problem is to made more targeted efforts in publicity and education in society.

Regarding the use of creative approaches, I of course welcome suggestions from all Members. I believe that even better results would be achieved if Members can complement the Government's publicity efforts in the district level.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary has not answered my question as to whether the Administration will study the use of new approach in publicity?*

(1) The Chinese name of Secretary NG Hak-kim sounds like "no good" in Cantonese.

PRESIDENT (in Cantonese): I have heard the Secretary's clear reply that he very much welcomes suggestions from Members. The Secretary has already stated that he is happy to listen to creative suggestions from all Members.

MR CHRISTOPHER CHEUNG (in Cantonese): *President, just now, a number of Members have stated that there are many cases involving borrowers being cheated and suffering losses. I would like to ask the Secretary why he still considers that it not necessary to step up monitoring under such circumstances? Given that the Securities Ordinance has provided that securities brokers must disclose all risks to customers, I would like to ask the Secretary whether this mode of monitoring can be applied to finance companies? I think this will have a certain effect in terms of warning the young people.*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): This is somewhat like comparing an apple with an orange because each organization and its scope of activity is different. Why do we impose different supervision towards banks and lenders? Because the operation of banks involves the deposits of many customers, and risk management of the entire mechanism is somewhat different. I do not mean that it is not necessary to regulate lenders. We do exercise regulation through the MLO. Insofar as the current situation is concerned, we consider that there is adequate regulation in this regard for the time being. In fact, the question raised by the Member is concerned about publicity and education. In this regard, we can do more. Nonetheless, if the same management approach is adopted, it may not be a good thing for Hong Kong's economic activities.

PRESIDENT (in Cantonese): This Council has already spent over 23 minutes on this question. Fourth question.

Prevention of Abuse of Public Rental Housing Resources

4. **MR NG LEUNG-SING** (in Cantonese): *The number of applicants on the Waiting List (WL) for public rental housing (PRH) has risen sharply in recent years, with the current number exceeding 210 000. Some PRH applicants have*

pointed out that the living environment of quite a number of grass-roots people waiting for PRH is deteriorating, and rental expenditure is also an onerous burden on those people. Yet, the media have reported that the household incomes of some PRH tenants have far exceeded the Waiting List Income Limit (WLIL) but they have not vacated and surrendered their PRH flats, and they even leave their flats unoccupied or sub-let the flats for gain. For example, some PRH tenants who have been earning a monthly income of more than \$70,000 to \$80,000 over the years may continue to occupy their PRH flats under the current Housing Subsidy Policy (HSP) because their assets have not exceeded 84 times of the WLIL. There have been comments that such a situation is unfair to the large number of people waiting desperately for PRH and has already aroused their concerns and dissatisfaction. In this connection, will the Government inform this Council:

- (a) of the respective numbers of cases of making false declarations of household income and assets, leaving PRH flats vacant, illegal sub-letting of flats and other kinds of abuse of PRH resources in the past three years;*
- (b) given that the 2013 Policy Address has mentioned that the "Housing Department (HD) will step up its efforts to combat the abuse of PRH resources", whether the Government has formulated tougher measures to combat the abuse of PRH resources; if it has, of the anticipated effectiveness of such measures; and*
- (c) regarding those PRH tenants whose household incomes have far exceeded the WLIL and therefore can afford to rent private housing, whether the authorities will consider demanding them to vacate and surrender their PRH flats, so as to expedite the allocation of PRH flats to people who are currently on the WL, thereby ensuring a rational allocation of PRH resources?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, according to the Government's housing policy, the Hong Kong Housing Authority (HA) would provide PRH for low income families who cannot afford private rental accommodation. The HA always works to ensure the rational allocation of limited public housing resources to the households that are

most in need. In 1987, the HA has implemented the HSP. This was followed in 1996 by the Policy on Safeguarding Rational Allocation of Public Housing Resources. The policy objective of these measures was to reduce the level of subsidy given to those less in need. Pursuant to the policies, PRH tenants with both household income and assets exceed the prescribed income limits (that is, exceeding the WL income limits by three times) and assets limits (that is, exceeding the WL income limits by 84 times), they have to move out from their PRH flats.

Under the prevailing mechanism, tenants who have lived in PRH for 10 years or longer are required to declare to the HD their household income biennially. The HD's front-line management staff will conduct initial checking on the income and assets declarations from all PRH tenants. In addition, the HD's Central Team will carry out in-depth investigations on randomly-selected cases, suspected cases and all cases paying double-rent.

At the same time, the HD has put in place effective measures to detect tenancy abuse cases, which include non-occupation, unauthorized occupation and illegal use of premises. Front-line management staff may detect PRH tenancy abuse through their day-to-day management duties or during the biennial flat inspections, and will refer any suspected cases to the Central Team for in-depth investigation.

My reply to the questions raised by Mr NG Leung-sing is as follows:

- (a) There are various reasons for the HA to recover PRH flats which include households surrendering their flats after purchasing flats from private market or through the Home Ownership Scheme, death of single tenants, self-surrender by elderly tenants after admission into elderly homes and recovery of flats by the HD due to tenancy control actions, and so on. It is also the case that in the course of investigation into tenancy abuse cases, some PRH households might voluntarily surrender their flats to the HD. Others simply abandon the flat and cease to pay rent upon finding out that they are being investigated, since they are well aware that the flat will be recovered due to tenancy abuse. The HD eventually recovered the flat because of rent-arrears. As it is difficult to classify the relevant cases, the HD does not keep the breakdown of the statistics. On the

whole, the HA on average recovered some 7 000 PRH flats from existing tenants for reallocation to the WL applicants. Among these recovered PRH flats, some 400 flats were recovered through the issue of Notice-to-quit as a direct result of investigations into tenancy abuse, of which about 75% are non-occupation cases.

- (b) To accomplish the HD's commitment to tackle tenancy abuses, in 2013-2014, we plan to implement the following additional measures:
- (i) To redeploy 30 extra experienced estate staff to the Central Team to step up action to tackle tenancy abuses and to conduct 5 000 additional checkings of tenants' income/assets declarations;
 - (ii) To carry out a two-week special Inspection Operation in 30 blocks, selected from six management districts in accordance with individual circumstances of estates such as complaint cases, manpower resources, and so on, by front-line management staff in mid-2013 to further the level of understanding of tenants' occupancy conditions and to detect suspected tenancy abuse cases;
 - (iii) To conduct intensive patrols in older PRH estates which are more prone to tenancy abuse;
 - (iv) To conduct online patrols of the world wide web with a view to detecting cases of sub-letting of PRH flats;
 - (v) To step up monitoring measures by security guards to detect suspected abuse cases since mid-2013;
 - (vi) To hold partnering functions with all the Estate Management Advisory Committees to promote tenants' awareness of the value of public housing resources and to encourage tenants and the public to report suspected abuse cases; and
 - (vii) To strengthen the education and promotion programme to promote awareness of the need to respect and husband carefully public housing resources.

- (c) As mentioned above, tenants who have been living in PRH for 10 years or longer are required to declare their household income biennially under the HSP. Those with household incomes exceeding the prescribed income limits are required to pay 1.5 times or double net rent plus rates. Tenants who opt not to declare income levels will be required to pay double net rent plus rates. For tenants paying double-rent, they are further required to declare their assets biennially to determine their eligibility of continuous stay in PRH. If their assets exceed the prescribed limits, they have to move out from their PRH flats by end March of the year. According to the HD's figures, as at end December 2012, about 3% of PRH households are paying additional rent or market rent (please refer to the Annex for details). In the last year, 80 well-off tenants were required to move out from PRH.

Annex

| | <i>Number of PRH households paying 1.5 times net rent plus rates</i> | <i>Number of PRH households paying double net rent plus rates</i> | <i>Number of PRH households paying market rent</i> | <i>Total</i> | <i>Percentage of all PRH households</i> |
|-------------------------|--|---|--|--------------|---|
| As at end December 2012 | 19 251 | 2 588 | 31 | 21 870 | 3% |

MR NG LEUNG-SING (in Cantonese): *As mentioned in the main question, there are now over 210 000 applicants on the WL for PRH; as such, some PRH tenants are earning as much as \$70,000 to \$80,000 a month, and according to statistics, these people belong to the 3% who have the highest income in Hong Kong.*

Therefore, it is worth asking the Government, is it reasonable and justifiable for the authorities to make greater efforts to help those needy families who have been waiting for PRH for years by asking some tenants, including a Member of this Council, who holds an official position and receives as much as \$70,000 to \$80,000 a month paid out of the public pocket, but still lives in a PRH flat built by public funds and enjoys double public benefits, to vacate their PRH

flats for reallocation to families on the WL with more urgent needs, so as to achieve the goal of seeking public justice? Will the authorities be able to do so?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as I have said in the main reply, the PRH tenants with both household income and net assets exceeding the prescribed income limit and asset limit are required to move out from their PRH flats. The authorities have adopted two criteria, one being the income level and the other the asset limit. When both criteria are reached, the tenants concerned will have to move out. This is our long-standing practice with respect to the relevant policy and we have not given special consideration to the status of the tenants.

DR LAM TAI-FAI (in Cantonese): *President, in his question concerning the abuse of PRH cases, Mr NG Leung-sing requested the Government to provide "the respective numbers of cases of making false declarations of household income and assets, leaving PRH flats vacant, illegal sub-letting of flats and other kinds of abuse of PRH resources in the past three years" but the Government's reply was that "as it is difficult to classify the relevant cases, the HD does not keep the breakdown of the statistics". I certainly do not understand the difficulties of classification, nor do I agree that there is difficulty to classify the cases. As a matter of fact, the police provide a detailed breakdown of crimes each year, revealing the respective numbers of cases of indecent assault, robbery or murder. Hence, I do not understand why the HD cannot keep the relevant breakdown of the statistics.*

Therefore, I would like to ask the Government whether it considers that the HD adopts sloppy and outdated approach in managing the case statistics. As this will affect the Government in examining and formulating policies, combating the abuse of PRH resources and utilizing the resources properly, may I ask the Secretary whether he agrees that the HD's approach and system is sloppy and outdated; if so, whether he will request the HD to, starting from tomorrow, conduct afresh the analysis, classification, and computation of cases?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as Dr LAM Tai-fai has said, it is certainly possible to carry out certain

classification of cases. However, as I have said in the main reply, it depends on how detailed the classification work is required and we have not deliberately made very detailed classification in the past.

However, to give Members a general idea, I can provide the following figures: of the 400-odd cases involving PRH flats being recovered on grounds of tenancy abuse that I just mentioned, 333 cases, or 75%, involved non-occupation in the past five years; 36 involved illegal use of premises; 19 involved sub-letting of the unit and 12 involved making false representation. These are the breakdown of the figures in a broader sense.

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

DR LAM TAI-FAI (in Cantonese): *President, what I am asking is a detailed breakdown because Mr NG Leung-sing's main question is clear*

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

DR LAM TAI-FAI (in Cantonese): *I asked the Secretary whether there was a detailed analysis of the cases involving making false representation, non-occupation and very serious cases of illegal sub-letting, rather than the simple figures cited by him just now.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we can provide a breakdown of the respective number of cases under each of the four major categories in each of the past five years. I will provide the relevant information after the meeting. (Appendix I)

MR IP KWOK-HIM (in Cantonese): *The Secretary stated very clearly in the first paragraph of the main reply that the policy of the HA is to provide PRH for low income families who cannot afford private rental accommodation so as to*

meet their housing needs. The Secretary insists that under the current policy, it is necessary to meet two criteria, that is, first, the income exceeding the income limits by three times; and second, the assets exceeding the income limits by 84 times. Will the Government consider reviewing this policy?

As Mr NG Leung-sing has just mentioned, for some people earning over \$80,000 a month, such as the Member of the Legislative Council mentioned just now who travels on a private car and frequents Lan Kwai Fong, they still live in PRH flats. Is this not forcibly occupying a PRH flat? As many people are now waiting desperately for PRH, are our public resources being used rationally? Can the authorities allocate more PRH flats to people in need as soon as possible? Will the Government consider conducting a comprehensive review of this policy again, in particular the requirements concerning the income exceeding the income limits by three times and the assets exceeding the income limits by 84 times?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, according to past records, when the Policy on Safeguarding Rational Allocation of Public Housing Resources was launched in 1996, both the Legislative Council and the HA had thoroughly discussed the whole issue. The reason why it was finally decided to adopt the two criteria concerning the monthly income exceeding a certain prescribed limit, as well as the assets exceeding 84 times of the income limits was that the Government thought that if a tenant was required to move out, he would need to find another reasonable accommodation; and if the tenant had certain assets, he could well afford to purchase a flat or he could use his assets to pay rent or mortgage.

If only the income is counted, as the change in economic environment may affect the income, it may not be fair to a family without any assets. Hence, we have to look at this issue from a holistic perspective, and under the public housing policy, we have to ensure that the low-income families in Hong Kong have a decent home. Of course, most of the tenants are required to undergo the income and means tests before they move into PRH flats. Therefore, if tenants who have lived in PRH flats for 10 years or more have their financial position improved to a level that exceeds the limit, they will have to pay additional rent or even vacate their PRH flat eventually.

MR CHAN KAM-LAM (in Cantonese): *President, I have great doubts about the well-off tenant policy because as a matter of fact, the current income and asset limits are on the low side, which is particularly unfair to households with an income of only \$20,000 or \$30,000. However, in handling high income earners, I consider that this policy should be reviewed, especially the asset limits. What is the amount involved with reference to the 84 times? President, I can provide some figures here. For a one-person family, the asset limit is \$203,000, 84 times of that is \$17 million; for a family of three, the asset limit is \$359,000, 84 times of that is about \$30 million; and for a family of four, the asset limit is \$418,000, 84 times of that is \$35 million. On this basis, I want to ask the Secretary, if someone has assets worth 84 times of the relevant asset limits, can he not find a suitable private housing unit? Actually even 10 times of the relevant limit is already a considerable sum. Therefore, I hope that the Secretary will review if this is a reasonable amount.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, the figures quoted by Mr CHAN Kam-lam are not correct. The 84 times refers to 84 times of the WLIL. Hence, for a family of two, the WLIL is \$13,410 and multiplying it by 84 we will get an amount of about \$1.13 million, which is relatively reasonable.*

MR CHAN KAM-LAM (in Cantonese): *President, the Secretary may have mistaken because I was talking about the income and assets limits.*

PRESIDENT (in Cantonese): *Secretary, is the asset limit a multiple of the income?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, we base our calculation on two factors. The first is the income level exceeding three times of the income limit and the second is the tenant's assets exceeding a prescribed asset limit. The prescribed asset limit is 84 times of the WLIL.*

MR LEUNG CHE-CHEUNG (in Cantonese): *We have all along criticized that the current well-off tenant policy has caused nuisance to PRH households. In our view, the Government should target at a handful of tenants rather than the majority. According to the figures provided by the Government, the well-off tenants take up a rather small proportion. Hence, is it reasonable to conduct the means test biennially? Would it be more reasonable to conduct the test, say, every five years?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, under the present policy, tenants who have lived in PRH for 10 years are required to go through the income and means tests for the first time. For tenants paying double-rent, they have to undergo the tests biennially. When conducting the tests, the authorities will require the tenants to produce all kinds of information and data. In order to ensure the rational allocation of public housing resources, we think this is a right balance because tenants who have to undergo the test do not necessarily mean that they have to vacate their units. In addition, if no checking mechanism is in place, the public will also be concerned and question how the Government should strike a balance. On the one hand, there are many applicants on the WL, and on the other hand, some tenants may no longer have to live in PRH flats in consideration of their assets and other related factors. Therefore, in formulating this policy, the authorities have tried to strike a balance between both sides, so as to minimize the nuisance caused to tenants on the one hand and convey the relevant message on the other.

MR MARTIN LIAO (in Cantonese): *President, in the main reply, the Secretary said that under the HSP, tenants who have lived in PRH for 10 years or longer are required to declare their household income biennially. Since the household income can change significantly in 10 years, I would like to ask whether the authorities will review this policy and shorten the duration from 10 years to five years or even a shorter period of time?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we are aware of such view in the community. Some people query if it is possible to shorten the period, so that the authorities need not wait till the tenants have lived in PRH for 10 years before conducting the checking for the

first time. In the course of the current review of the Long Term Housing Strategy, the Long Term Housing Strategy Steering Committee will also consider this view raised by Members. We have not yet come to any conclusion but we have also considered this issue.

MR YIU SI-WING (in Cantonese): *I would like to ask if the authorities have analysed the situation about PRH tenants' incomes exceeding the WLIL; if so, whether it will consider posting on the Internet the information of the PRH households whose incomes exceed the limits significantly so as to enhance the transparency and at the same time enhance the deterrent effect.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we do not have such a practice. If it is determined that a PRH household needs to pay additional rent during the checking, whether it is 1.5 times or double rent, or the PRH household is finally required to vacate his flat, it is all done strictly in accordance with the procedures. If a tenant violates the tenancy or refuses to move out, we will issue a Notice-to-quit and it is also done according to the procedure. We have not published any personal particulars of the relevant tenants via the Internet or other channels.

MR YIU SI-WING (in Cantonese): *President, I believe that at present*

PRESIDENT (in Cantonese): Mr YIU, please refrain from making an argument. If you think the Secretary has not answered your question, please repeat your supplementary question and I will make the judgment.

MR YIU SI-WING (in Cantonese): *I think that the Secretary has not answered my supplementary question regarding whether the authorities have analysed the incomes of the tenants, that is, to conduct an analysis on the incomes of the tenants whose incomes have exceeded the WLIL.*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, when inspecting a tenant's income, we will follow the aforesaid criteria and see if his income has exceeded the level of a certain multiple of the WLIL. This should be a fair way to check his income and other information in other aspects. If a tenant's actual income does not exceed the level set in the WLIL, we will not say that his income exceeds the limits, we will conduct a fair analysis.

PRESIDENT (in Cantonese): This Council has already spent 23 minutes 44 seconds on this question. Fifth question.

Incidents of Patients Being Sexually Assaulted in Public Hospitals

5. **DR HELENA WONG** (in Cantonese): *President, I have recently received a complaint from a nurse who said that two years ago, there was an incident of a mentally-ill male patient in a strait jacket being sexually assaulted by another patient in a ward of the public hospital in which the nurse worked, and that after receiving the report on the incident by the nurse, the management of the hospital neither alerted its supervisor nor reported the case to the police, but found fault with the nurse's work in the past year or so. Recently, it has been reported in the press that there was another incident of a mentally-ill patient being sexually assaulted in that hospital. In this connection, will the Government inform this Council if it knows:*

- (a) *the number of incidents of patients being sexually assaulted which occurred in the general wards and psychiatric wards of each public hospital in each of the past five years (set out in table form); whether public hospitals have guidelines and mechanism for handling incidents of patients being sexually assaulted; if they have, of the contents; if not, the reasons for that;*
- (b) *whether the Hospital Authority (HA) has reviewed the management, operation, monitoring facilities and staffing arrangements of the wards of public hospitals, so as to prevent the recurrence of sexual*

harassment and sexual assault incidents within hospitals as well as to protect the rights and dignity of patients; if it has, of the details; if not, the reasons for that; and

- (c) *the HA's procedures for handling complaints lodged by hospital staff about hospital matters and whether such complaints are merely referred back to the staff's serving hospitals eventually for handling by themselves; if so, of the reasons for that; and whether there is any mechanism to ensure that hospitals will not find fault with the staff who have lodged complaints; if there is such a mechanism, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, thanks to Dr WONG for her question. The HA attaches great importance to patients' safety and dignity. For all conducts or complaints which may compromise a patient's safety and dignity, the HA will deal with them seriously according to the established procedures. My reply to the three parts of the question is as follows:

- (a) Sexual assault is a serious matter involving criminality. The HA has all along been handling such incidents seriously. When there are cases involving sexual assault, the HA will report them to the police and provide assistance to the affected patients and their family members.

Since 2007, the HA has launched the Advanced Incident Reporting System, under which sexual assault is categorized as one of the reportable incidents. Apart from reporting to his/her immediate supervisor, the staff member concerned is required to report the incident through the System to the HA management and the HA Head Office so that they are made aware of the incident as soon as possible, and where necessary, can take appropriate action to safeguard the interests of the patient.

Moreover, the HA has established the Central Committee on Hospital Security to review various aspects of the security issues of hospitals, including potential security problems associated with sexual assault cases. Members of the Committee include

representatives from the Quality and Safety Division, Business Support and Development Division, Nursing Services Division and Corporate Services Division of the HA's Head Office, as well as the seven Hospital Clusters. The Committee seeks to formulate service standards, policies and guidelines; monitor the security work of hospitals; and implement relevant improvement measures to ensure patients' safety and dignity.

According to the HA's record, between 2007-2008 and 2011-2012, there were 13 reported cases of patients being sexually assaulted in public hospitals, among which seven occurred in psychiatric wards and six in general wards. These cases had been reported through the Advanced Incident Reporting System and the Central Committee on Hospital Security. Out of these 13 cases, 12 had been reported to the police. The remaining one which occurred in psychiatric ward, according to record, involved a patient under the influence of mental conditions having physical contacts with another patient of the same sex in the same ward. Healthcare personnel at that time took immediate action by offering appropriate clinical arrangement. The patient contacted and the family members refused to report the case to the police.

- (b) All wards of hospitals are attended by ward attendants 24 hours a day for taking care of patients. The HA has also put in place various safety measures including ward entrance control and surveillance system. On the premise of protecting the privacy of patients, the HA has installed convex mirrors and closed-circuit television in appropriate locations to enhance safety monitoring.

Security staff will patrol the hospital and ward areas regularly so as to provide support to wards as and when necessary. The HA will review its security operation from time to time to prevent unlawful conducts.

- (c) The staff complaint and appeal mechanism and relevant handling procedures have been prescribed in the human resources policy of the HA. Upon receipt of a staff complaint, the HA will, having regard to relevant mechanism and procedures and the nature of the

complaint, refer the case involving matters of individual hospital or cluster to that hospital or cluster for investigation and reverting to the complainant on the result.

If a complainant is not satisfied with the investigation results, he/she may lodge an appeal to the respective Cluster Chief Executive or Hospital Governing Committee. Subject to the content and nature of the complaint, the Cluster Chief Executive or Hospital Governing Committee may set up an independence committee where necessary to investigate the appeal case and make a report and recommendations to ensure that the case is dealt with fairly.

If the complainant is still not satisfied with the appeal results, he/she may further lodge an appeal to the Staff Appeals Committee under the HA Board, which comprises non-executives appointed by the HA Board, for a final decision.

Apart from the above mechanism, the HA Head Office will monitor the handling of complaints by hospitals. Such monitoring measures include requiring all hospitals to report regularly the details, investigation progress and results of staff complaint cases. The Head Office will also submit an annual report to the Human Resources Committee under the HA Board.

It is clearly stated in the HA's human resources policy that staff members will not be punished if they lodge a complaint in good faith and with reasonable grounds. Complainants may make an appeal if they feel they have been unfairly treated and the HA will handle it seriously in accordance with the relevant procedures.

DR HELENA WONG (in Cantonese): *President, the Secretary has not answered my question in her reply just given. My question was about the number and distribution of sexual assaults occurred in each hospital over the specified time period. Yet, in the main reply, the Secretary has only said that there were a total of 13 cases, with seven of them occurred in psychiatric wards. I hope that she will supplement the distribution of these cases to let us know if something has gone wrong in a particular hospital.*

Besides, regarding the reporting system mentioned in part (a) of the Secretary's reply, we all agree that as sexual assaults are unacceptable and involve criminality, these cases must be reported and directed to the police. However, in the complaint cases that I have come across, the hospitals concerned had not reported the occurrence of these cases, including the two cases which occurred in May 2011 and November 2012 respectively. Both of them occurred in the psychiatric wards of the Tai Po Hospital and yet they were not reported.

In view of this, I would like to ask the Secretary whether the reporting system is selective. How come some of the cases were not reported? Can the Secretary please explain this question?

In addition

PRESIDENT (in Cantonese): Dr WONG, you may only ask one supplementary question.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Thank you, Dr WONG. Please let me first answer the first part of the supplementary question. I have just stated that among the 13 cases of sexual assault occurred in the past five years, six occurred in general wards and seven in psychiatric wards. For cases occurred in psychiatric wards, they involved Castle Peak Hospital, Kwai Chung Hospital and Shatin Hospital. As for cases occurred in general wards, they involved Pok Oi Hospital, Pamela Youde Nethersole Eastern Hospital, Queen Elizabeth Hospital and Tseung Kwan O Hospital. We may provide detailed supplementary information in table form if required. (Appendix II)

The second part of the supplementary question is about the reporting system. The reporting system adopted by the HA is voluntary in nature and has its own established procedures. Certainly, the HA has explained to its staff the circumstances under which they have to report sexual assaults in the hope that they will make such reports voluntarily. I must emphasize that it is a voluntary reporting system.

(Dr WONG raised her hand in indication)

PRESIDENT (in Cantonese): Dr WONG, has your supplementary question not been answered? You have just raised your hand. Do you want to follow up your question?

(Dr WONG indicated that she did not intend to follow up her question)

DR JOSEPH LEE (in Cantonese): *President, the Secretary has just supplemented the distribution of these cases among various hospitals. Yet, we know that there are child and adult patients in hospitals. I hope that the Secretary can later provide additional data to tell us whether adults and children were addressed differently in these 13 cases.*

However, my supplementary question is not on the figures. Instead, I would like to ask if the HA has formulated different guidelines to handle adult and child cases, given that there are both adults and children in hospitals? Just now, the Secretary has not stated how sexual harassment is handled in her reply. Have the staff members received any special training to avoid and handle these cases? Is there any difference in handling adult and child cases?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Thank you, Dr LEE. Regarding the figures just given in response to the first supplementary question, I have not provided a breakdown of adult and child cases. We may later provide supplementary information on this point. (Appendix III)

The second supplementary question is about whether there is any special arrangement. In fact, all the wards of the HA are attended 24 hours a day. For wards with special needs, such as psychiatric wards and children's wards, additional security devices like convex mirrors and closed-circuit television have been installed for safety monitoring. Security staff will also patrol the hospitals regularly to help patients in need as and when necessary.

As regards whether there is any staff training, I believe the HA has regularly provided its staff with patient safety training.

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

DR JOSEPH LEE (in Cantonese): *My supplementary question is indeed very straightforward, and the Secretary should not have repeated her answer in the main reply. Do hospitals have different training and arrangements for handling adult and child cases?*

PRESIDENT (in Cantonese): Secretary, are there different arrangements for handling adult and child cases?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Special security arrangements are in place to enhance safety monitoring of psychiatric and children wards. We particularly care about children because they may not always be able to protect themselves. Therefore, we have strengthened our protection to children.

MR ALBERT HO (in Cantonese): *President, in the main reply, the Secretary has stated that, among the 13 reported cases suspected of involving sexual assault, one of them was not reported to the police because the patient contacted and the family members had refused to report the case to the police. I am really appalled to know about that. I cannot believe the Bureau can give us such an answer. Firstly, the patient in question was mentally ill and did not have self-care ability. At the time of the incident, the patient was put under the care of the HA. Even if the family members of the patient refused to report the case to the police, the HA should have taken care of the safety, rights and dignity of the patient. How could it succumb to the objection of the patient's family and hold back from reporting the case to the police? It is simply unbelievable. President, for all I know, the nurse who revealed this case was retaliated. It really makes me shocked.*

I would like to ask the Secretary whether you will ask the hospital concerned to conduct an independent investigation in a fair or even open manner so as to give an account to the public, and guarantee that incidents like

concealing the truth unreasonably without reporting it to the police and retaliating against staff members who disclose the truth will not happen again.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I would like to thank Mr HO for his supplementary question. I can tell you more about the case mentioned in the main reply. As a matter of fact, the hospital had explained the whole incident to the patient's family who, in response, said that they understood what had happened. After that, the hospital set up an independent ad hoc group to conduct an in-depth investigation. This ad hoc group comprised Chief Executives of other hospitals, Chief of Service of Department of Psychiatry, Operations Manager of Department of Psychiatry and the representatives of the Risk Management Department. In this incident, we must respect the feeling of the patient's family. Also, as I have just said, an ad hoc group was formed to follow up this incident.

The HA has its established procedures and we cannot comment on individual cases here. However, the HA has its established mechanism, including the Staff Appeals Committee just mentioned.

We would like to thank Dr WONG for providing us with additional information and we will hand it to the HA for follow-up actions.

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

MR ALBERT HO (in Cantonese): *She has not answered my question. The patient in question did not have self-care ability and relied on the care of the HA*
.....

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

MR ALBERT HO (in Cantonese): *yet, the hospital did not report this incident to the police. The remark just given by the Secretary has indeed*

suggested that it is fine for the hospital not to have reported this case to the police, and that hospitals will continue to take this approach, that is, they will not report similar cases to the police whenever they face the objection of family members of the patient. This is the point that I want to bring out with my previous supplementary question.

PRESIDENT (in Cantonese): I am not sure which part of your supplementary question, in your view, has not been answered. Let us see if the Secretary has anything to add.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Okay, I see. Thank you, Mr HO. My point in the previous reply is: For the case stated in the main reply, while we know the mentally-ill patient might not have sufficient self-care ability, this patient has a family and hence we had to contact them and give them an account after the incident. Of course, the situation may vary from case to case. However, I believe the HA will always ensure patients' safety and dignity, and handle every case seriously.

MS EMILY LAU (in Cantonese): *President, the Secretary has just replied that the relevant incident reporting system is voluntary in nature. I do not understand why it can be voluntary. Hospitals should have reported every incident. If the reporting system is voluntary in nature and allows people in the know to decide whether or not to report the incidents, this system will just exist in name. Is that right?*

I would like to ask the Secretary to explain why the reporting system is voluntary. Are there many cases that go undetected? The figures provided by the Government may not have fully reflected the real picture.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Thank you, Ms LAU. This voluntary reporting system was established a few years ago, in the year of 2007. Why did the HA establish this voluntary reporting system? It was because the HA did not want to add pressure to its staff by introducing a mandatory reporting system.

In addition to this voluntary reporting system, the HA have also laid down different guidelines for its wards, clusters and Head Office to ensure patients' safety. Under this reporting system, there were 13 reported cases of sexual assault as stated just now. As for other general reportable events, tens of thousands of cases had been reported. They might be categorized into serious incidents, serious untoward events, and so on. The HA will review this reporting system from time to time and provide training to its staff so that they will know that it is their duty to report the occurrence of incidents and that making such reports will not get them into trouble at work.

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

MS EMILY LAU (in Cantonese): *If it is how the system works, the true picture cannot be revealed. Does it mean that the voluntary reporting system only exists in name? Do you understand what I mean?*

PRESIDENT (in Cantonese): Secretary, does this voluntary system only exist in name?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): We understand your question. I do not think the HA will consider this system as existing in name only because since 2007, the HA has learnt about many different cases under this system, and has well handled many cases. It has also handled the cases reported through this system with various established internal guidelines and mechanisms. Meanwhile, the HA has set up a safety and risk management unit to constantly review the issues reported by hospitals in different clusters, including sexual assault and other medical incidents.

DR KWOK KA-KI (in Cantonese): *President, it is a miracle that there were only 13 cases from 2007 onwards. It is simply unbelievable that the figure provided by the HA can be so much lower than the same type of figures recorded under the mandatory reporting system adopted internationally. This situation*

proves that the system exists only in name as suggested by a number of Members just now.

The incident occurred in Tai Po Hospital has already become a scandal. It makes people feel that the protection given by the HA to its patients, especially mentally-ill patients, is far from sufficient. My supplementary question is: Is it time for the HA to change its so-called "voluntary reporting system", and immediately make reporting and follow-up mandatory?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Thank you, Dr KWOK. Perhaps, I have not made it sufficiently clear that hospitals are required to report serious or major incidents, though the reporting of other cases is generally voluntary as I have just stated. In case of major incidents — I can provide you with some additional information here — management staff of risk management and other relevant departments are not only required to report these incidents, they also have to review the incidents and take necessary actions. For example, under this system, sentinel and serious untoward events will be automatically reported to the HA's Head Office and other offices for immediate response. Perhaps, I have not made this point clear in my earlier reply. Here, I repeat once again that major incidents must be reported.

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

DR KWOK KA-KI (in Cantonese): *President, my question is about the number of sexual assault cases and yet the Secretary has only talked about other cases in her reply. I would like to ask the Secretary: For sexual assault and other similar cases, should the voluntary reporting be changed to mandatory reporting and follow-up?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Thank you, Dr KWOK. The HA considers sexual assault a serious matter. Therefore, sexual assault cases must be reported.

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

Secretary, you have mentioned "Advanced Incident Reporting System" in your main reply. Is this name a little bit misleading? I note that this reporting system is known as "Advanced Incident Reporting System" in English. However, adding the alphabet "d" at the end of the word "Advance" does not give the meaning of "early". I suggest that the Government should consider whether this name is proper or not.

Last question seeking an oral reply.

Public Transport Services in New Territories East

6. **MR CHAN HAK-KAN** (in Cantonese): *President, to alleviate the overcrowding in train compartments and reduce passengers' waiting time, the MTR Corporation Limited (MTRCL) last year increased the train trips of a number of railway lines, except for East Rail Line (EAL) and Ma On Shan Line (MOSL). On the other hand, as we could see, while the overall patronage of the Kowloon Motor Bus Company (1933) Limited (KMB) has reportedly been dropping in the past 10 years, the patronage of bus routes for the North District in the same period has increased by 20%. Quite a number of residents of New Territories East (NTE), particularly those from the North District, have relayed to me that the aforesaid situation may be attributed to over-loading of the EAL and MOSL, resulting in some NTE residents switching to travelling by bus. These residents have also pointed out that at present the bus services between the North District and urban areas are seriously inadequate, causing great inconvenience to them. In this connection, will the Government inform this Council:*

- (a) *of the respective patronage of the EAL and MOSL and, among such figures, the respective numbers of passengers travelling to and those not travelling to Lo Wu and Lok Ma Chau Control Points, in the past five years; whether it knows why the MTRCL did not increase the train trips of the two railway lines last year, as well as whether the MTRCL has assessed if the train compartments of the two railway*

lines are overcrowded during peak hours and if the existing train trips can meet the demand; if the MTRCL has assessed, of the details; if not, the reasons for that;

- (b) of the respective patronage of KMB throughout the territory and in the North District in the past five years; the 10 most patronized bus routes in the North District and the respective average patronage of these routes; apart from the trial run of restructuring the bus routes in the North District, the other specific plans of KMB (such as increasing bus trips and adding bus routes) to ameliorate the inadequacy of bus services between the North District and urban areas; and*
- (c) of the existing mechanisms which the Transport Department (TD) has in place for co-ordinating the services provided by the various public transport operators for residents in NTE, particularly the North District referred to by me; whether the TD has plans to conduct in this year passengers' satisfaction surveys on the services provided by public transport operators; given NTE's rising population, whether the authorities will request the public transport operators to provide the residents with more convenient and diversified transport services according to the actual situations?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):

President, it is the Government's public transport policy to use railways as the backbone, with franchised buses providing feeder service as well as direct service to destinations not served by railways. Other public transport modes play a supplementary role to allow passengers to have choices. The TD has been making plans for public transport services according to this policy, taking into account district developments and demographic changes.

Our reply to the questions raised by Mr CHAN is as follows:

- (a) When determining the service frequency of various railway lines including the EAL and MOSL, the MTRCL will consider such factors as patronage, carrying capacity, waiting time of passengers,

the railway network expansion plan, and so on, with a view to meeting demand. In the light of passenger growth, the MTRCL has adjusted the service frequency during the morning peak hours since 2009 by operating short-haul trips from stations such as Tai Po Market and Fo Tan to pick up Hung Hom-bound passengers waiting at busy stations.

Patronage and train loading of the EAL and MOSL from 2008 to 2012 are at Annex I.

Currently, during the morning peak hours on weekdays, the EAL trains run at an average headway of about two minutes and 45 seconds at the busiest section (Fo Tan Station to Hung Hom Station) while the MOSL trains operate at an average frequency of about three minutes. During peak hours, some passengers, particularly those waiting at Sha Tin Station or Tai Wai Station, may not be able to get on the first train arriving at the platform.

As shown in Annex I, in 2012, the average loading of the EAL trains during morning peak hours on weekdays was 71%. This is similar to the situation of other busier railway lines such as Tsuen Wan Line and Island Line. The majority of passengers crowd at the central part of the train. The MTRCL has undertaken to strengthen platform management and divert passenger flow to both ends of the train, with a view to alleviating the crowdedness. As a matter of fact, the MTRCL employed more than 200 additional Platform Assistants in the past two years for the EAL and MOSL to ensure smooth passenger flow during peak hours. The MTRCL will closely monitor the situation and will increase the manpower if necessary.

Currently, as the EAL is limited by its signalling system, and that it also has to cater for the Guangdong-Kowloon Through Train, it is unable to increase train frequency. Immediate procurement of new trains would have little help, as the current train frequency of the EAL has almost reached the limit of the signalling system. When the Tai Wai to Hung Hom Section of the Shatin-to-Central Link

(SCL) is in service in 2018, it is estimated that approximately 23% (about 74 000 passengers per day) of the southbound passengers from the New Territories will switch to use the SCL to travel to urban areas, thus diverting passenger flow. The signalling system of the EAL will be upgraded in 2020 under the SCL project to enable an increase in train frequency. The overall carrying capacity will further increase by about 12 000 passengers per day when the SCL Hung Hom to Admiralty Section is in operation.

Before the commissioning of the first section of the SCL, it is expected that the Express Rail Link (XRL) will come into service in 2015. The Government will monitor whether the demand for Guangdong-Kowloon Through Train service will be reduced by then. If so, we will explore whether rail capacity could be released to strengthen local EAL service.

- (b) In the past five years, the average daily patronage of the KMB dropped by about 4%, from about 2.7 million in 2008 to about 2.58 million in 2012. However, over the same period, the patronage of KMB routes in the North District rose by about 7%, from about 164 000 to about 175 000. In 2012, each of the 10 most patronized bus routes serving the North District, as shown in Annex II, handled a passenger volume ranging from about 6 500 to 18 000 on average every day.

The bus services of the KMB in the North District have been enhanced in recent years. Examples include the strengthening of services for route 270A (Sheung Shui to Tsim Sha Tsui East) and route 373A (Fan Ling to Wan Chai) during morning peak. The frequency of route 373A has also been further increased and its service hours extended.

In 2013-2014, an "area approach" will be adopted to rationalize bus routes in the North District. Some routes with low utilization, with alternative means of transport, or routes which are overly circuitous or overlap with other route(s) will be rationalized. The resources so

spared will be deployed to routes with higher demand, including the consideration of introducing new external routes to the urban area. Details of the rationalization proposals are being formulated and are expected to be available in three months' time for consultation with the North District Council. Meanwhile, preliminary district consultation has begun.

- (c) The TD will continue to closely monitor and co-ordinate different types of public transport services through examining operational data, conducting site inspections, and taking into account views of the District Councils and the public. Services will be strengthened at an appropriate juncture according to demand.

Passengers' travelling patterns will change following the commissioning of new rail lines. The TD will carry out consultancy studies in advance and conduct district consultation in order to rationalize the arrangements for the different transport services.

The SCL will be commissioned in 2018 to meet the population growth of the NTE. It is hoped that traffic will be further improved by then. Over 10 enhancement proposals for bus services will also benefit the NTE in 2013-2014, and the TD will consult the North District Council. In fact, in the past five years, three new franchised bus routes, four new green minibus routes and four new residents' service routes have been introduced in the NTE.

The MTRCL carries out passenger surveys regularly. Respondents are generally satisfied with safety and reliability of the MTR, sufficiency of passenger information, and cleanliness of train compartments. Franchised bus companies also conduct passenger surveys every year. Passengers are generally satisfied with bus captains' compliance with traffic regulations, travelling speed and driving skills.

Annex I

Patronage and Train Loading of the MTR EAL and MOSL
in the Past Five Years

| | | 2008 | 2009 | 2010 | 2011 | 2012 |
|------|--|---------|---------|---------|---------|-----------|
| EAL | Average daily passenger flow | 892 000 | 891 000 | 942 000 | 980 000 | 1 022 000 |
| | Average daily passenger flow to and from Lo Wu Station | 224 000 | 223 000 | 232 000 | 235 000 | 240 000 |
| | Average daily passenger flow to and from Lok Ma Chau Station | 31 000 | 35 000 | 42 000 | 50 000 | 60 000 |
| | Average passenger flow during peak hours* (with carrying capacity of 82 500 per hour in one direction during peak hours) | 52 000 | 50 900 | 56 400 | 57 000 | 58 900 |
| | Average train loading during peak hours* | 63% | 62% | 68% | 69% | 71% |
| MOSL | Average daily passenger flow | 97 000 | 106 000 | 120 000 | 127 000 | 135 000 |
| | Average passenger flow during peak hours* (with carrying capacity of 26 800 per hour in one direction during peak hours) | 11 800 | 11 900 | 14 100 | 14 500 | 14 900 |
| | Average train loading during peak hours* | 44% | 44% | 53% | 54% | 56% |

Note:

* Based on the hourly passenger flow between the two busiest stations of the railway line. The train loading is calculated from the prevailing actual train frequency and passenger flow per hour.

Ten most patronized bus routes serving North District in 2012

| | <i>Routes</i> |
|-----|---|
| 1. | 270 (Tin Ping Estate, Sheung Shui to Tsui Lai Garden, Sheung Shui (circular route)) |
| 2. | 270A (Sheung Shui Bus Terminus to Tsim Sha Tsui East (Mody Road)) |
| 3. | 273 (Wah Ming Estate, Fan Ling to Fanling Station (circular route)) |
| 4. | 273A (Choi Yuen Estate, Sheung Shui to Wah Ming Estate, Fan Ling (circular route)) |
| 5. | 273B (Ching Ho Estate, Sheung Shui to Sheung Shui Station (circular route)) |
| 6. | 276 (Sheung Shui Bus Terminus to Tin Tsz Estate, Tin Shui Wai) |
| 7. | 276A (Tai Ping Bus Terminus, Sheung Shui to Tin Heng Estate, Tin Shui Wai) |
| 8. | 277X (Luen Wo Hui, Fan Ling to Ping Tin, Kwun Tong) |
| 9. | 278X (Sheung Shui Bus Terminus to Tsuen Wan (Nina Tower)) |
| 10. | 279X (Luen Wo Hui, Fan Ling to Tsing Yi Station) |

MR CHAN HAK-KAN (in Cantonese): *President, the daily overcrowding at the EAL is nothing new. The Secretary said that passengers at Tai Wai or Sha Tin Station may not be able to squeeze into the train compartments, yet he has not put it correctly because actually, passengers at Sheung Shui or Fanling Station are already unable to get on board. The Government's existing transport policy accords priority to railways, but the SCL will not come into service until 2018, while the works for the Northern Link (NOL) have not yet commenced. The Government has also advised that a number of new housing estates will be built in the North District, and a housing estate will also be constructed in Sha Tau Kok to house more than 100 000 people. As a result, I am really very worried that the railway network will break down. May I ask whether the Secretary will consider the other way round, using the public bus services in the North District to alleviate the current crowdedness at the railway lines?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, the EAL is indeed crowded in peak hours, especially during the*

morning peak hours. As quoted by me just now, the EAL's train loading during peak hours was 71%, which was relatively high among the MTR rail lines. We agree that there is room for improvement. However, currently, as the EAL is limited by its signalling system, we are unable to increase the train frequency. We hope that upon the commissioning of the XRL in 2015, some cross-boundary passengers who used to take the EAL will take the XRL instead. Moreover, after the SCL comes into service, the local traffic will certainly be greatly improved. In the short run, we must pay attention to how different modes of public transport can complement one another.

Just now Mr CHAN suggested using the public bus services more. That is also our purpose in rationalizing the bus routes with the "area approach". We wish to conduct a study based on the whole area and cancel those routes which are not cost-effective with lower patronage or reduce their service frequency, so as to release resources for investing in routes which are needed or adding new routes, in the hope that residents can benefit as a whole.

MR GARY FAN (in Cantonese): *President, Secretary Prof Anthony CHEUNG has mentioned in his reply a number of times that the SCL will come into service in 2018, and that the carrying capacity will thus increase by 12 000 passengers per day. However, after the SCL comes into service, the trains of the whole EAL will be shortened from 12 compartments to nine compartments. In other words, the carrying capacity of each train will be reduced. May I ask the Secretary, at present EAL trains run at an average headway of about two minutes and 45 seconds, based on this frequency, actually to what extent can the EAL's service frequency be raised upon the commissioning of the SCL?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we estimate that upon the commissioning of the SCL, the EAL's service frequency will be raised from the current frequency of 20 train trips to 27 train trips per hour. Therefore, although the trains will be shortened from 12 compartments to nine compartments, generally speaking, the overall carrying capacity will increase by 12 000 passengers per day due to the increase in train trips by shortening the train frequency from every three minutes to every two minutes.

PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered?

MR GARY FAN (in Cantonese): *President, the Secretary said that the carrying capacity will increase by 12 000 passengers per day. This carrying capacity of 12 000 passengers is not brought forth by increase in train frequency after the trains are shortened from 12 compartments to nine compartments, is that right? This capacity of 12 000 passengers is added on top of the current carrying capacity, is that right?*

PRESIDENT (in Cantonese): Secretary, can you clarify?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, that is right. The carrying capacity will increase by 12 000 passengers when compared with the present capacity.

Besides, I would like to add one more point. Just now I said in the main reply that during the construction of the SCL, we will at the same time upgrade the EAL's signalling system. It is hoped that after 2020, the carrying capacity of the whole EAL system will increase. By then, there will be room for a further increase of 10%. This is our estimation.

MR CHAN CHI-CHUEN (in Cantonese): *President, the Secretary has stated in part (a) of the main reply that when determining the service frequency, the MTRCL will consider patronage and carrying capacity. Having taken a closer look, I do not understand what is actually meant by carrying capacity and how it is different from patronage. Did the Secretary mean freight capacity? I am not clear about this. Could the Secretary explain?*

Anyway, I need to bring up the matter of freight capacity because apart from the usual passengers, there are many visitors between Guangdong and Hong Kong and "parallel traders" who take the EAL, and their freight is one of the main reasons for the crowdedness in train compartments. I know the MTRCL has enforced restrictions on luggage size and weight, but such an approach may not be able to effectively solve the problem of overcrowding in train compartments because freight which was carried by 10 people before is now

split up — since the restrictions have become higher — and carried by 20 people, thus giving rise to 10 more passengers in effect.

Hence, I would like to ask whether the Policy Bureau will request the MTRCL to count in the freight capacity as well instead of merely taking patronage into account when it reviews and looks into the crowdedness in train compartments. Are there any statistics or assessment in this regard? The 71% mentioned by the Secretary relates to passengers, but the figure will be bigger if freight is also taken into account. May I ask if there are any control measures?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I thank Mr CHAN for raising this point. What I mentioned in the main reply are patronage and carrying capacity, which are two different things.

Concerning freight, actually the purpose of the EAL trains is not to carry freight. Nevertheless, of course we have got to allow passengers to carry luggage, especially when the EAL has many cross-boundary passengers. For this reason, we allow passengers to carry a small amount of hand baggage. However, the purpose is not to encourage passengers to bring with them a large amount of luggage. Currently, to combat the problem of "parallel traders", we have taken measures to check luggage weight and enforce the luggage weight restriction at stations along the EAL.

We understand that a train compartment full of standing passengers cannot be described as desirable, and there should be room in train compartments. Hence, we have conducted assessment on train loading, and our objective is not to fill up train compartments fully, since this is unreasonable in real life.

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

MR CHAN CHI-CHUEN (in Cantonese): *He has not answered my question as to whether assessment has been made on freight capacity, that is, the impact of luggage carried on train compartments. Will he request the MTRCL to conduct assessment in this regard?*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the EAL trains are not freight trains, but we allow passengers to carry a small amount of luggage. Of course, we will pay particular attention to whether passengers carrying a large amount of hand baggage will make train compartments overcrowded during peak hours, and we have tightened the restrictions in view of the problem of "parallel traders".

However, during major festivals, even ordinary visitors who are not "parallel traders" or the general public may bring along some more luggages. The staff at the MTR stations will act accordingly to ease the passenger flow.

MR CHAN CHI-CHUEN (in Cantonese): *Will statistics be compiled in the future on overcrowding in train compartments caused by the amount of luggage carried?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, at present, we have not done such work. Nonetheless, we will monitor the situation and see if a lot of passengers will carry luggage in the future. If such a situation arises, of course we will have to face this new problem or consider adopting new measures to deal with such a problem.

MS STARRY LEE (in Cantonese): *President, the Secretary may also be aware that freight carried by the EAL has become an increasingly common phenomenon. I hope the Secretary will think it over and decide whether the Administration should immediately work out the extra freight loading at the present stage.*

President, I would like to follow up one point. As the Secretary has mentioned a number of times, he anticipates that upon completion of the SCL, the passenger flow will be eased. First, I would like to point out that the SCL mentioned should refer to the Sha Tin to Hung Hom Link, which will only come into service in 2018, while the actual SCL will not be available until 2020. I would like to point out that even after the SCL comes into service, actually it will only render a little help to the EAL's southern section. The northern section,

especially the section between University and Sheung Shui, will become a bottleneck, causing the trains to be even more crowded. Has the Government assessed how serious the above situation will be?

According to the document released by the Government earlier, consultation would be conducted on the construction of the NOL to ensure that the NOL would serve the function of diverting the EAL traffic. What is the Government's present stance? Will it start the NOL project earlier?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, all along, we have paid close attention to the traffic condition in the North District. Hence, as I have said in my reply to Mr CHAN Hak-kan's question earlier, we will monitor the traffic condition in the North District and study in a comprehensive manner how railway can complement other modes of public transport, with particular regard to its co-ordination with public bus services, with a view to improving local and cross-district transport services.

As for the proposal on the NOL, we are currently conducting a review of the railway development strategy. In the Stage 1 public engagement exercise carried out last year, we had sought the views of various sectors on regional railway corridors, covering the proposal on the NOL. Later, we will announce the Stage 2 public engagement exercise which will cover transport links in certain districts.

We hope that the consultant will be able to compile the results of the public engagement exercises of the two stages into a single proposal on future railway development within this year. Thus the NOL is one of the projects under our consideration. However, the final decision will depend on the cost-effectiveness, development of the community to be served, population growth, as well as local and overall public opinions received by us during the course of public consultation.

MR POON SIU-PING (in Cantonese): *Passengers who travel by railway really have a hard time with such crowdedness. Just now the Secretary said that improvement of the EAL and even the MOSL would have to wait until the completion of the SCL. As stated in the Secretary's main reply, it is because "the current train frequency of EAL has almost reached the limit of the signalling system". In other words, it has not reached the limit yet. It is only near the*

limit. I would like to ask the Secretary whether the Government and the MTRCL can take one more step forward in respect of the train frequency, since we have to wait several years for the problem with passenger flow can be improved. The present train frequency is every two minutes and 45 seconds. Is there any room for raising the frequency?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, to prepare the reply to this question, I had asked the MTRCL for comments, and it advised that the EAL's current signalling system has basically reached its limit. In other words, even if there are more trains, there cannot be any more increase in train frequency because the system has already reached the limit. Of course, upon the commissioning of the XRL in 2015, we can study whether the service frequency of the Guangdong-Kowloon Through Train can be adjusted downward. In this way, there may be more room for the railway lines.

During my discussion with the MTRCL, I also asked if we could upgrade the signalling system to allow more train trips. However, the MTRCL stated that it would take time to upgrade the signalling system, especially for a railway which was already in operation. According to the MTRCL, the whole process from design, procurement to commencement of service would take seven years. As a result, it was unable to help us in terms of the length of time. Nevertheless, this is exactly the reason why we wish to upgrade the EAL's signalling system while we plan the SCL.

MR FRANKIE YICK (in Cantonese): *As shown by Annex I of the Secretary's main reply, the average train loading of the EAL and MOSL during peak hours is 71% and 56% respectively. From the operator's perspective, these figures are still far from reaching the full capacity. It is also mentioned in the main reply that more than 200 additional Platform Assistants were employed for the EAL and MOSL in the past two years to ensure even distribution of passenger flows in train compartments. However, the problem remains unsolved because, as the Secretary has admitted earlier, there are still passengers who cannot get on the first train arriving at the platform, while the EAL's system cannot be upgraded until 2020.*

Besides, as indicated in part (b) of the Secretary's main reply, in recent years, the KMB has enhanced some of its bus services. For instance, route 373A (Fan Ling to Wan Chai), which initially served only during peak hours, later extended its service hours, increased its frequency, and so on. The

Secretary has also mentioned that rationalization of bus routes is being carried out under an area approach.

In this connection, may I ask if the pace can be quickened? It is because he said it would take three months to complete this proposal, then the District Council would be consulted, and only then would it be implemented. I guess this will not be achieved until early next year. I would like to ask whether the Administration can conduct such rationalization earlier for those bus routes which are expected to be rationalized, and then make further adjustment during the overall study under the area approach. Besides, I have another suggestion which I hope the Government will consider. For train loading mentioned by me just now, will it be better if the calculation is made on a half-hourly basis instead of an hourly basis? It is because usually the peak time will not be as long as an hour.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, regarding the calculation of train loading during peak hours, we currently use one hour as the unit and make such calculation based on the train frequency and passenger flow between the two busiest stations. This average train loading of 71% can be considered high. Therefore, as mentioned by a few Members earlier, during peak hours, some passengers at certain stations along the EAL are indeed unable to get on the first train arriving at the platform. Hence, the deployment of Platform Assistants to divert passengers to get on board from both ends of the platform should be of some help.

Nevertheless, can we make use of other transport modes to alleviate the situation on the whole, especially in the North District? The rationalization of bus routes under the "area approach" which we will conduct in the North District later will deal with this problem. In fact, the work has already begun. We are doing some preliminary district consultation and liaison work, and we have got a draft in our mind. Yet we wish to map out the details before negotiating with the District Council. We wish to join efforts with the District Council as well as the bus operators, particularly the KMB, to put the recommendations in this proposal into practice within this year.

PRESIDENT (in Cantonese): Mr YICK, since this Council has spent 25 minutes on this question, I cannot let you raise any more follow-up questions. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Impact of Implementation of Policy on Multiple-entry Permits on Livelihood of Hong Kong Residents**

7. **MR WONG KWOK-KIN** (in Chinese): *President, it was reported that as parallel traders (quite a number of them being the Individual Visit Scheme (IVS) travellers) had recently snapped up infant milk formulas in Hong Kong and transported them to the Mainland, there was an inadequate supply of infant milk formulas. There were also reports that some 30% of Shenzhen residents visited Hong Kong at least once a month for shopping and the goods they bought included daily necessities such as infant milk formulas, personal care items, pharmaceuticals, and even Lunar New Year gifts, resulting in a tight supply of such goods. On the other hand, the Chief Executive stated in his election manifesto that he would request the Central Government to extend the "Multiple Entries per Year" (that is, "multiple-entry permits") arrangement currently available to Shenzhen residents under the IVS to cover other cities in the Pearl River Delta (PRD). He said he would enhance clearance efficiency at our boundary checkpoints to facilitate the PRD residents progressively changing the nature of their visits from occasional tourism to frequent visits for daily consumption spending. In this connection, will the Government inform this Council:*

- (a) *given the reports that some shop operators hoarded goods and sold them at higher prices to visitors from the Mainland, rendering local residents unable to buy daily necessities at normal prices, of the authorities' measures to combat such trade practices;*
- (b) *whether it has assessed the impact on the livelihood of Hong Kong residents brought about by the change in the pattern of the PRD residents spending in Hong Kong from occasional tourism to frequent visits for daily consumption spending, as proposed by the Chief Executive; whether the Government is implementing the proposal; and*
- (c) *given that some members of the public have relayed that the current situation has deviated from the policy intent of the "multiple-entry permits", but the Secretary for Security has said that it is not feasible*

to cancel the policy across the board, of his specific justifications; whether the authorities will consider discussing with the Mainland authorities concerned to revise the policy on "multiple-entry permits" in order to alleviate the problems of nuisance and imbalance in the supply of and demand for daily necessities caused by parallel traders' shopping in Hong Kong?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, since the implementation of the IVS in July 2003, there has been a marked increase in Mainland visitor arrivals every year, boosting the development of the tourism, retail and catering industries in Hong Kong and contributed to the overall Hong Kong economy. In view of the significant increase in the number of visitor arrivals, the Government is monitoring closely the arrival pattern of visitors with a view to exploring measures targeting at parallel trading activities.

Our replies to the questions raised by Mr WONG Kwok-kin are as follows :

- (a) Hong Kong is a free economy. Generally, traders will provide various goods in the light of the demand and supply situation, and make suitable adjustments in view of changes in the situation. The Government is committed to enhancing market transparency, so as to facilitate consumers' informed decisions on the basis of adequate information and protect their own interest. Since 2008, the Commerce and Economic Development Bureau has been providing funding to the Consumer Council for conducting regular price surveys. At present, the Consumer Council provides information on the prices of products for daily uses to consumers through various regular price surveys. The Consumer Council will also continue to conduct dedicated researches and surveys according to consumers' needs and market trends, with a view to monitoring different trade practices and advising consumers on issues for attention.

In fact, the demand and supply of products for daily uses is essentially a market behaviour which the Government normally would not intervene. Yet, under very exceptional situation, for

example the recent situation where there was a supply chain failure in the market of formula products, the Government had decided to intervene and announced on 1 February to adopt a series of special measures to stabilize the supply of infant formula products. Besides, if consumers discover undesirable trade practices of retailers, they may make complaints to the suppliers. The Consumer Council also maintains a complaint hotline. Depending on the situation of the cases, the Consumer Council would inform the Government and relevant suppliers upon receipt of such complaints. If the practices of the retailers raise the question of law abidance, relevant government departments will seek to take law-enforcement actions.

(b) and (c)

The priority of the Government is to solve livelihood problems that Hong Kong people face and are concerned about. In this connection, since September last year, the Government has made it clear on certain occasions that, when considering the way forward of the IVS, the major premise is to take into account amply the overall capacity of Hong Kong to receive tourists, and to avoid affecting the living of the Hong Kong people. The Government is assessing the overall capacity of Hong Kong to receive tourists. The areas taken into account include the handling capacity of boundary control points, receiving capacity of tourist attractions and the public transport system, supply of hotel rooms, economic effects of the IVS, and its impact on the livelihood of the community, and so on. Upon completion of the assessment, the Government will commence liaison with the relevant Mainland authorities to exchange views in this aspect.

The Security Bureau is of the view that it is necessary to consider carefully the impact of cancelling multiple endorsements across the board on visitors with genuine need for frequent travel between the two places and its effectiveness on combating parallel trading activities. Regarding combating parallel trading activities, the Security Bureau will continue to take targeted measures, including enhancing co-operation with the Mainland authorities and

| <i>Typhoon shelter/sea bay</i> | <i>Fireboat</i> | | | | | | | | <i>Speed boat</i> |
|--|-----------------|----------|----------|----------|----------|----------|----------|----------|-------------------|
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> | <i>8</i> | |
| <i>New Yau Ma Tei Typhoon Shelter</i> | | | | | | | | | |
| <i>Sam Ka Tsuen Typhoon Shelter</i> | | | | | | | | | |
| <i>Shaukeiwan Typhoon Shelter</i> | | | | | | | | | |
| <i>To Kwa Wan Typhoon Shelter</i> | | | | | | | | | |
| <i>Tuen Mun Typhoon Shelter</i> | | | | | | | | | |
| <i>Yim Tin Tsai Typhoon Shelter</i> | | | | | | | | | |
| <i>Tai O</i> | | | | | | | | | |
| <i>River Trade Terminal (Tuen Mun)</i> | | | | | | | | | |
| <i>Sea bay near godown in Chai Wan</i> | | | | | | | | | |
| <i>Tuen Mun Cafeteria Beach</i> | | | | | | | | | |

- (b) *given that in the blaze it took as long as about 20 and 40 minutes respectively for the first speed boat and fireboat to arrive at the fire scene after the call, whether it has assessed if this situation was one of the reasons for the ravaging or sinking of the vessels; if the assessment outcome is in the affirmative, whether it will conduct any review and what are the details of such review; if it has not, of the reasons for that;*
- (c) *given that some fishermen have relayed that in the blaze the water pressure of the fire hoses on the speed boats was even weaker than that from the hoses of water supply vessels, rendering it difficult to put out the fires expeditiously, and electronic system failure has happened in some fireboats in the past, whether the Fire Services Department (FSD) will conduct a comprehensive review on the equipment of the fireboats and speed boats; if it will, of the details; if not, the reasons for that;*
- (d) *given the increased fire hazards during the fishing moratorium in the South China Sea and some festivities (for example, the Lunar New Year, Tin Hau Festival as well as the Spring and Autumn Ancestral Offerings Ceremonies) when a large number of fishing vessels return to berth at the typhoon shelters, whether the FSD will put in place fire-fighting measures which are more effective (for example,*

deploying fireboats to station at various typhoon shelters and sea bays round-the-clock) or other measures before the next peak season when fishing vessels return to berth, with a view to preventing the spread of vessel fires at typhoon shelters; if it will, of the details; if not, the reasons for that; and

- (e) *given that some fishermen have relayed that fireboats are not stationed at typhoon shelters at present, save for the Aberdeen and Cheung Chau typhoon shelters, and Fireboat No. 5 berthed at Tuen Mun River Trade Terminal even has to service the water areas of the entire New Territory West, rendering some sea bays and typhoon shelters beyond the reach of fireboats, thus jeopardizing the safety of the vessels, whether the authorities will purchase more fireboats of newer models and set up a "fireboat fire station" at each sea bay and typhoon shelter and deploy at least one fireboat to station at each sea bay and typhoon shelter; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, My reply to the five parts of the question is as follows:

- (a) The time it generally takes for various fireboats and fire speedboats of the FSD to arrive at the typhoon shelters or sea bays within their main service areas from their respective fireboat stations or berths is set out at Annex.
- (b) At 10.50 am on 19 January this year, the Fire Services Communication Centre received a fire call reporting that there was a fishing vessel fire at the Tuen Mun Typhoon Shelter. The FSD immediately despatched two fire speedboats and three fireboats, which were nearest to the incident scene, for fire-fighting and rescue operation.

The first speedboat arrived at the scene at 11.09 am (that is, 19 minutes⁽¹⁾ after the receipt of the call). It activated the water

(1) The concerned fire speedboat took a longer time to arrive at the Tuen Mun Typhoon Shelter than what is normally required as there were more vessels on the sea than usual.

monitor on the board for fire-fighting and commenced rescue and search operation. In the meantime, a marine police launch and a customs launch equipped with fire-fighting equipment also discharged water to assist in extinguishing the fire. At that time, Fireboat No. 5 was carrying out fire service duties in other parts of its service area. After receiving the fire call, it immediately headed towards the scene and arrived 40 minutes afterwards.

The FSD pointed out that according to the fire call, the fire at the concerned fishing vessel was already vigorous at that time and was spreading to the adjacent fishing vessels because of the wind. As the hull and deck of the fishing vessels were made up of a large amount of fiberglass materials and there were several explosions involving liquefied petroleum gas cylinders on the vessels, the spreading of the fire was intensified and caused severe damage to four fishing vessels. One of the fishing vessels had already leant to right at the early stage of the fire and the fire had caused damage to its hull, leading to severe water ingress into the hull and the sinking of the vessel.

- (c) The FSD conducts overall review on its marine fire-fighting and rescue strategies in Hong Kong as well as the related equipment from time to time. The present fire-fighting and rescue equipment of the FSD for handling marine incidents are of similar standards to those used by other advanced regions. The fire speedboat that first arrived at the scene in the incident was equipped with one water monitor and fire-fighting hoses and other equipment. Its fire pump can discharge water at a maximum rate of 450 litres per minute and with a reach of 26 m. Fire speedboats have higher speed and offer greater flexibility for operation, thereby enabling speedier arrival of firemen at the scene for fire-fighting and rescue operation.

The Marine Department (MD) is responsible for the maintenance and repair of all the FSD's vessels. It also prepares regular maintenance schedule for each of the vessels to ensure that the equipment on them is kept in good condition.

- (d) A larger number of vessels will return to berth at the typhoon shelters during fish moratorium and festive periods. In the light of this, the FSD will deploy vessels to major typhoon shelters during morning, noon and evening sessions daily to conduct inspection and broadcast fire safety messages to remind fishermen of fire safety. In view of the increased fire risks in the Tuen Mun Typhoon Shelter during fish moratorium and the Lunar New Year holidays, the FSD will also particularly deploy fire speedboat and firemen on standby and conduct inspection at the Shelter, with a view to strengthening its fire safety during the those periods.

Moreover, the FSD and related departments will organize thematic talks on fire prevention to remind fishermen about the use and maintenance of electrical installations on vessels and teach them the correct way to use a fire extinguisher, and so on. This will help to strengthen their fire safety awareness and prevent fire. On the other hand, the FSD will also conduct fire drills at sea in collaboration with the police and the MD so as to enhance the efficiency of fire-fighting and rescue operation.

The FSD will continue to monitor the number of fishing vessels berthed at individual typhoon shelters during fish moratorium and the periods leading up to and after various festivals, and will consider deploying fire speedboats and firemen on standby and to conduct inspection at the shelters so as to provide more efficient fire-fighting and rescue services in case of a fire.

- (e) At present, the FSD takes into consideration the overall risk assessment of different regions, including the distribution of vessels, utilization of shipping channels, existence of high risk facilities on the sea and along the coastline, and so on, in deciding the location of fireboat stations and the stationing of fireboats. On whether a fireboat would be deployed at a particular typhoon shelter, it depends on whether the concerned shelter is at a strategic location within that water area, and whether it may provide a suitable berth for the fireboat, for example, whether the water depth of the shelter is sufficient, and so on. The FSD has deployed fireboats at the Aberdeen and Cheung Chau Typhoon Shelters as they facilitate the

| Typhoon shelter/sea bay | Fireboat ⁽²⁾ | | | | | | | | Fire Speedboat |
|---------------------------------|-------------------------|-------|-------|-------|-------|-------|-------|-------|----------------|
| | No. 1 | No. 2 | No. 3 | No. 4 | No. 5 | No. 6 | No. 7 | No. 8 | |
| To Kwa Wan Typhoon Shelter | / | / | / | / | / | / | / | 8 | 12 |
| Tuen Mun Typhoon Shelter | / | / | / | / | 15 | / | / | / | 13 |
| Yim Tin Tsai Typhoon Shelter | / | / | / | / | / | / | / | 45 | 20 |
| Tai O Sheltered Anchorage | / | / | / | / | 46 | / | / | / | 5 |
| River Trade Terminal (Tuen Mun) | / | / | / | / | 10 | / | / | / | 8 |
| Sea bay near godown in Chai Wan | / | / | / | / | / | / | / | 12 | 19 |
| Tuen Mun Cafeteria Beach | / | / | / | / | 15 | / | / | / | 12 |

Notes:

- (1) In general, when the FSD receives a call of marine fire incident, it will deploy, apart from fire speedboats, at least two fireboats which are nearest to the incident scene for operation. The table above shows the time generally required for fireboats and fire speedboats to arrive at the typhoon shelters within their service areas. In addition, the on-shore fire stations near the shelters will also deploy fire appliances to provide speedy support, for example, fire appliances of Tai O Fire Station can arrive at Tai O Sheltered Anchorage in five minutes to carry out fire-fighting operation for vessels near the berths.
- (2) Fireboats No. 2 and No. 7 are currently deployed at North Point Fireboat Station and Airport Rescue Boat Berth respectively. They do not have specific service areas. The FSD would deploy them to different areas of Hong Kong waters for operation according to the operational needs. Fireboat No. 6 is deployed at Tsing Yi Fireboat Station and is responsible for waters near Tsing Yi and Ma Wan, including oil terminals, oil tanker berths and dockyards, and so on, in Tsing Yi. The typhoon shelter within its service area is not mentioned in the question. In addition, the FSD has two command boats deployed at the Airport Rescue Boat Berths. They are dedicated to handle incidents happened in the waters near the airport.

Air Pollution Caused by Discharge of Fireworks

9. **MS CYD HO** (in Chinese): *President, at present, there are nightly fireworks displays at the Hong Kong Disneyland and it has been the practice of the Government to arrange for fireworks displays on major festivals and celebration ceremonies. Some academics have pointed out that the discharge of fireworks can cause serious air pollution. In this connection, will the Government inform this Council:*

- (a) *of the chemical substances emitted from the discharge of fireworks; which of them are air pollutants;*
- (b) *of the impact of such pollutants on public health;*
- (c) *how it measures the quantity of pollutants emitted from the discharge of fireworks; of the respective quantities of pollutants emitted from the National Day Fireworks Display held on 1 October*

2012 (which lasted for about 23 minutes) and the New Year's Eve Countdown Pyrotechnic Show held on 31 December 2012; and whether it has calculated the total quantity of pollutants emitted from the discharge of fireworks at the Hong Kong Disneyland in 2012; if it has, of the results; and

- (d) whether the authorities will consider reducing the frequency of fireworks displays and stepping up regulation of such activities, so as to reduce the emission of pollutants; if they will, of the implementation timetable; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) and (b)

Respirable suspended particulates (RSP) containing a very small amount of heavy metals are the main air pollutants emitted from the discharge of fireworks. According to the environmental impact assessment (EIA) study carried out by the Hong Kong Disneyland in 2000, the fireworks display will not cause such air pollutants to exceed the relevant local and international standards. To minimize the use of harmful heavy metals and their impacts on the environment, the environmental permit issued by the Environmental Protection Department (EPD) has stipulated that the fireworks must not contain mercury, chromium, lead, zinc, nickel, manganese and arsenic. In addition, for hosting fireworks displays on special days, the Home Affairs Bureau has included in the application guidelines for fireworks display requiring sponsors not to purchase and use fireworks containing these harmful substances, and use as far as possible environmentally friendly fireworks and launching technology to minimize impact on the environment.

To ascertain whether their fireworks displays meet the relevant environmental requirements, the Hong Kong Disneyland conducted fireworks display tests to monitor their environmental impacts before commencing operation. The monitoring results tallied with the assessment of the EIA report, indicating minimal impacts of the

fireworks displays on air quality. The Theme Park Limited conducted air quality monitoring again during operation, and the air quality data obtained at Discovery Bay showed that air quality there was basically similar to that as measured in the nearby EPD's Tung Chung air quality monitoring station.

The hosting of fireworks displays in important festivals and celebrations are few and will last for a short duration involving high-altitude fireworks discharge above the sea. In general the air pollutants tend to disperse easily and hence have limited impacts on air quality and public health.

- (c) We have not assessed the emissions from the National Day Fireworks Display and the New Year's Eve Pyrotechnic Show as they lasted for a short duration and their impacts on the overall air quality were insignificant. As regards the fireworks displays of the Hong Kong Disneyland, an assessment of the emission of pollutants was made in its EIA report. According to data in the EIA report, the annual emission of RSP from the fireworks display would not exceed 6 tonnes. This accounted for 0.1% of Hong Kong's total emission of RSP in 2011.
- (d) The National Day and the Lunar New Year Fireworks Displays have been held in Hong Kong for many years. These fireworks displays and nightly fireworks display at Hong Kong Disneyland help attracting visitors to Hong Kong. If we suddenly stop organizing these activities, it might have a negative impact on the local consumer market and the tourism sector.

The authorities will carefully examine all applications of fireworks display to ensure that these activities are only restricted to days of "particularly important" to Hong Kong. Previously approved fireworks displays include celebrating the fifth, 10th and 15th anniversary of the establishment of the Hong Kong Special Administrative Region and the 2009 East Asian Games opening ceremony.

Elderly Health Care Voucher Pilot Scheme

10. **MISS ALICE MAK** (in Chinese): *President, in 2009, the authorities launched the Elderly Health Care Voucher Pilot Scheme (Pilot Scheme) to encourage the elderly people to select the private primary care services in the community that most suit their needs, with a view to alleviating the pressure on public healthcare services. Some members of the public have pointed out that although the authorities have already enhanced the Pilot Scheme for a number of times, with the number of elderly persons in Hong Kong increasing every year, the effectiveness of the Pilot Scheme is still dubious. In this connection, will the Government inform this Council:*

- (a) *of the respective current numbers of elderly persons belonging to the age groups of 65 to 69 and 70 or above, broken down by the 18 District Council districts (18 districts); the respective projected numbers of elderly persons belonging to these age groups in each of the coming five years;*
- (b) *of the annual numbers of elderly persons who used the Health Care Vouchers (HCVs) since the Pilot Scheme was launched, broken down by 18 districts, as well as their percentages in the total number of eligible elderly persons in the respective years;*
- (c) *of the current number of healthcare service providers enrolled in the Pilot Scheme, with a breakdown of the number of practices of such healthcare service providers by 18 districts and the 10 healthcare professions participating in the Pilot Scheme (set out in the table below);*

| District Council district | Number of practices of the healthcare professions participating in the Pilot Scheme | | | | |
|---------------------------|---|-------------------------------|-------|-------------|-------|
| | Western medical practitioner | Chinese medicine practitioner | | Optometrist | Total |
| Central and Western | | | | | |
| Eastern | | | | | |
| | | | | | |
| Yuen Long | | | | | |

- (d) *of the number of healthcare service providers who have withdrawn from the Pilot Scheme, and whether it knows the reasons for their withdrawal;*
- (e) *whether it has compiled statistics on the number of elderly persons who used up all the HCVs in one go in each year since the Pilot Scheme was launched; if it has, of the figures; if not, the reasons for that;*
- (f) *whether it has put in place any mechanism for compiling statistics on the average service charges of the various healthcare professions concerned, so as to assess whether the value of the HCVs is sufficient for paying the relevant service charges; if it has, of the details of the mechanism and the respective average service charges of the healthcare professions concerned; if not, the reasons for that; and*
- (g) *as the authorities indicated at the meeting of this Council's Panel on Health Services held on 19 November 2012 that "the authorities would continue to review the effectiveness of the HCV Scheme including the eligible age", when the review will be completed and the results published; of the major factors to be taken into account by the authorities, apart from the financial implications, when they consider whether the eligible age will be lowered?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to the question raised by Miss Alice MAK is as follows:

- (a) According to the "Projections of Population Distribution, 2010-2019" published by the Planning Department in 2010, the population projections for the age groups of 65 to 69 and 70 or above by District Council districts in 2013 and the following five years are at Annex A.
- (b) The yearly figures on the numbers of HCV claim transactions by districts, the number of elders who used HCVs and their percentages in the total number of eligible elders for the period from 2009 to 2012 are at Annex B.

- (c) As at the end of 2012, there were a total of 3 627 qualified healthcare service providers enrolled in the Pilot Scheme, involving 4 945 places of practice (as a service provider can register more than one place of practice for accepting use of HCVs). The numbers of enrolled healthcare service providers broken down by places of practice/districts and healthcare professions are at Annex C.
- (d) As at the end of 2012, a total of 336 enrolled healthcare service providers withdrew from the Pilot Scheme. The most common reason is that the enrolled healthcare service providers have changed employment (for example, working for another medical group).
- (e) As at the end of 2012, the number of elders who used up all HCVs in one go when they used HCVs for the first time is as follows:

| <i>Year</i> | <i>Number of elders who used up all HCVs in one go when they used HCVs for the first time</i> |
|-------------|---|
| 2009 | 36 370 |
| 2010 | 9 084 |
| 2011 | 5 653 |
| 2012 | 2 942 |

- (f) During the first three years of the Pilot Scheme (that is, 2009 to 2011), enrolled healthcare service providers were not required to input information on the amount of fee they charged into the eHealth System for voucher claims. Starting from 2012, service providers are required to input the relevant information into the enhanced system, including the voucher amount used by elders and the amount of additional fees collected by service providers. We will compile the relevant statistics and analysis after collecting sufficient data.
- (g) We have just doubled the amount of HCVs to \$1,000 per year since 1 January 2013 and will convert the Scheme from a pilot project into a recurrent support programme for the elderly in 2014. After the Scheme has operated as a recurrent support programme for some

time, we will conduct a further review to examine the response of the eligible elders and the participation rate apart from assessing the longer-term financial sustainability of the Government.

Annex A

Projected Hong Kong Resident Population by District Council Districts

| Age Group District | 2013 | | 2014 | | 2015 | | 2016 | | 2017 | | 2018 | |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | 65-69 | ≥70 | 65-69 | ≥70 | 65-69 | ≥70 | 65-69 | ≥70 | 65-69 | ≥70 | 65-69 | ≥70 |
| Central and Western | 10 800 | 29 800 | 12 500 | 30 900 | 14 600 | 31 800 | 15 600 | 33 400 | 16 000 | 35 400 | 16 200 | 37 300 |
| Eastern | 27 900 | 72 600 | 31 600 | 73 600 | 35 900 | 74 800 | 39 500 | 76 700 | 40 500 | 80 600 | 41 800 | 84 600 |
| Southern | 11 400 | 30 600 | 12 800 | 30 600 | 14 200 | 31 000 | 15 600 | 31 400 | 15 900 | 32 900 | 16 700 | 34 000 |
| Wan Chai | 6 600 | 21 400 | 7 900 | 22 100 | 9 000 | 22 700 | 10 100 | 23 300 | 10 600 | 24 500 | 11 300 | 25 700 |
| Kowloon City | 17 500 | 48 100 | 19 400 | 49 500 | 21 400 | 50 700 | 22 700 | 52 200 | 23 300 | 54 600 | 23 500 | 57 400 |
| Kwun Tong | 28 500 | 75 500 | 30 100 | 75 300 | 32 800 | 75 100 | 35 000 | 75 100 | 36 400 | 76 400 | 37 100 | 77 800 |
| Sham Shui Po | 17 100 | 50 100 | 18 500 | 50 600 | 20 600 | 51 200 | 22 100 | 51 800 | 23 500 | 53 100 | 24 800 | 55 400 |
| Wong Tai Sin | 18 700 | 55 400 | 20 200 | 54 800 | 21 900 | 54 300 | 23 300 | 53 800 | 24 100 | 54 100 | 25 100 | 54 400 |
| Yau Tsim Mong | 14 700 | 36 600 | 16 600 | 38 100 | 18 800 | 39 400 | 20 300 | 41 300 | 20 700 | 43 600 | 20 500 | 46 600 |
| Sha Tin | 27 300 | 52 500 | 30 800 | 53 800 | 35 000 | 55 400 | 39 100 | 57 400 | 41 800 | 60 300 | 44 200 | 63 400 |
| Tai Po | 10 600 | 23 700 | 12 300 | 24 500 | 13 800 | 25 600 | 15 600 | 26 400 | 17 100 | 27 700 | 18 800 | 29 100 |
| Sai Kung | 14 500 | 28 800 | 16 100 | 29 800 | 18 000 | 30 800 | 20 000 | 31 500 | 21 400 | 33 300 | 22 300 | 35 500 |
| North | 10 600 | 25 700 | 12 100 | 26 300 | 13 600 | 27 200 | 15 100 | 28 000 | 16 500 | 29 200 | 17 700 | 30 600 |
| Kwai Tsing | 24 500 | 52 900 | 25 800 | 53 700 | 27 600 | 54 000 | 28 900 | 54 600 | 29 500 | 55 900 | 30 200 | 57 600 |
| Tsuen Wan | 12 100 | 29 100 | 13 000 | 30 000 | 14 300 | 30 800 | 15 200 | 32 000 | 15 600 | 33 400 | 16 100 | 35 000 |
| Tuen Mun | 20 100 | 34 100 | 22 400 | 35 400 | 25 800 | 37 000 | 29 300 | 38 500 | 31 800 | 40 900 | 33 000 | 43 800 |
| Yuen Long | 17 100 | 41 800 | 19 300 | 43 200 | 22 100 | 44 500 | 24 700 | 46 100 | 26 700 | 48 300 | 29 000 | 51 000 |
| Islands | 4 800 | 11 600 | 5 500 | 12 000 | 6 200 | 12 500 | 7 000 | 12 900 | 7 400 | 13 900 | 7 900 | 14 500 |
| Total | 294 800 | 720 300 | 326 900 | 734 200 | 365 600 | 748 800 | 399 100 | 766 400 | 418 800 | 798 100 | 436 200 | 833 700 |

Source: Projections of Population Distribution 2010-2019, Planning Department.

The numbers of HCVs claim transactions by districts,
the number of elders who used HCVs and
their percentages in the total number of eligible elders for
the period from 2009 to 2012

| District | <i>Year</i> | | | |
|--|-------------|-------------|-------------|-------------|
| | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> |
| Central and Western | 16 150 | 18 059 | 22 360 | 34 482 |
| Eastern | 35 759 | 45 142 | 54 549 | 82 776 |
| Southern | 13 671 | 18 507 | 19 738 | 30 393 |
| Wan Chai | 6 339 | 9 857 | 12 351 | 19 909 |
| Kowloon City | 20 738 | 29 804 | 36 237 | 55 653 |
| Kwun Tong | 32 948 | 53 947 | 67 589 | 104 498 |
| Sham Shui Po | 25 886 | 37 421 | 44 682 | 67 372 |
| Wong Tai Sin | 32 933 | 50 661 | 60 237 | 90 441 |
| Yau Tsim Mong | 20 345 | 28 351 | 33 632 | 50 493 |
| Sha Tin | 26 078 | 36 967 | 45 695 | 67 784 |
| Tai Po | 13 635 | 17 459 | 20 055 | 31 625 |
| Sai Kung | 12 736 | 18 764 | 23 681 | 36 794 |
| North | 10 068 | 15 697 | 20 475 | 30 217 |
| Kwai Tsing | 30 904 | 43 875 | 50 774 | 77 152 |
| Tsuen Wan | 16 653 | 26 279 | 33 464 | 52 366 |
| Tuen Mun | 20 120 | 30 488 | 36 860 | 57 621 |
| Yuen Long | 12 117 | 19 517 | 25 846 | 40 283 |
| Islands | 1 794 | 3 052 | 5 118 | 7 553 |
| Total | 348 874 | 503 847 | 613 343 | 937 412 |
| Number of elders who used HCVs | 190 109 | 300 292 | 387 297 | 470 912 |
| Percentages in the total number of eligible elders | 29% | 45% | 57% | 66% |

Annex C

Number of enrolled healthcare service providers
by places of practice/districts and healthcare professions
(as at 31 December 2012)

| Profession District | Medical Practitioners | Chinese Medicine Practitioners | Dentists | Occupational Therapists | Physiotherapists | Medical Laboratory Technologists | Radiographers | Chiropractors | Nurses | | Optometrists (Part I) | Total |
|------------------------|-----------------------|--------------------------------|----------|-------------------------|------------------|----------------------------------|---------------|---------------|-----------------|-------------------|-----------------------|-------|
| | | | | | | | | | Enrolled Nurses | Registered Nurses | | |
| Central and Western | 139 | 91 | 37 | 4 | 27 | 3 | 5 | 13 | 1 | 2 | 8 | 330 |
| Eastern | 143 | 83 | 41 | 8 | 19 | 0 | 0 | 0 | 0 | 2 | 10 | 306 |
| Southern | 39 | 36 | 9 | 0 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 88 |
| Wan Chai | 117 | 128 | 40 | 5 | 37 | 3 | 2 | 0 | 1 | 5 | 45 | 383 |
| Kowloon City | 126 | 54 | 21 | 3 | 36 | 1 | 0 | 1 | 1 | 18 | 58 | 319 |
| Kwun Tong | 188 | 141 | 60 | 8 | 11 | 10 | 8 | 1 | 3 | 19 | 4 | 453 |
| Sham Shui Po | 88 | 110 | 11 | 5 | 13 | 4 | 1 | 0 | 1 | 0 | 1 | 234 |
| Wong Tai Sin | 74 | 81 | 22 | 0 | 4 | 0 | 0 | 0 | 0 | 1 | 58 | 240 |
| Yau Tsim Mong | 272 | 208 | 65 | 12 | 94 | 14 | 9 | 17 | 2 | 15 | 81 | 789 |
| Sha Tin | 109 | 76 | 23 | 2 | 19 | 0 | 0 | 1 | 1 | 4 | 26 | 261 |
| Tai Po | 72 | 82 | 27 | 1 | 3 | 2 | 2 | 0 | 2 | 13 | 2 | 206 |
| Sai Kung | 98 | 57 | 8 | 5 | 14 | 3 | 2 | 0 | 0 | 3 | 7 | 197 |
| North | 61 | 42 | 7 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 113 |
| Kwai Tsing | 103 | 66 | 21 | 3 | 10 | 0 | 0 | 1 | 1 | 2 | 57 | 264 |
| Tsuen Wan | 121 | 110 | 12 | 4 | 21 | 5 | 6 | 6 | 1 | 5 | 6 | 297 |
| Tuen Mun | 93 | 110 | 9 | 2 | 7 | 0 | 1 | 0 | 0 | 2 | 2 | 226 |
| Yuen Long | 110 | 53 | 15 | 0 | 5 | 0 | 0 | 4 | 0 | 2 | 2 | 191 |
| Islands | 33 | 11 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 48 |
| Total | 1 986 | 1 539 | 430 | 62 | 325 | 47 | 37 | 44 | 14 | 93 | 368 | 4 945 |

Provision of Rehabilitation Services for Injured Employees in Public Hospitals

11. **DR LEUNG KA-LAU** (in Chinese): *President, at the meeting of the Panel on Manpower of this Council held on 23 May 2012, some members expressed the concern that the rehabilitation service providers appointed by insurers might not be able to give an objective assessment on injured employees, as they might protect the interest of the insurers, and members therefore suggested that insurers should provide financial assistance to the Hospital Authority (HA) to strengthen*

the HA's rehabilitation services for injured employees instead. The Commissioner for Labour responded that "LD [the Labour Department] had secured the agreement of the HA and the insurance industry to put on trial in December 2006 an arrangement whereby the Voluntary Rehabilitation Programme (VRP) insurers could refer injured workers to receive medical and rehabilitation services at the three occupational medicine/care service clinics of Tuen Mun Hospital, Princess Margaret Hospital and Prince of Wales Hospital" (the trial arrangement). In this connection, will the Government inform this Council:

- (a) of the specific length of the co-operation period under the trial arrangement, the target number of referrals, the number of injured employees receiving the services in each year since 2006, the specific details of the services (for example, medical assessment and diagnosis, medical rehabilitation treatment, occupational rehabilitation service, case management and co-ordination for employees' return to work), the fees involved, and whether the LD has interviewed the injured employees to understand their views on the services, and so on;*
- (b) whether all injured employees may receive medical and rehabilitation services at the aforesaid three occupational medicine/care service clinics at present, without the need to wait for such services alongside other members of the public; and*
- (c) whether the Government will consider following the practice of overseas countries and collecting levies on the premium of employees' compensation insurance policies for setting up several occupational medicine/care service clinics to provide medical treatment, medical rehabilitation, occupational rehabilitation and rehabilitation case management services for injured employees, so as to help them receive proper treatment and return to work as soon as practicable?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, similar to treatment of other patients suffering from injuries, public hospitals managed by the HA at present provide a range of continuous services, involving accident and emergency, out-patient, in-patient and rehabilitation services, to

employees suffering from work injuries. With a triage system in place for all the aforementioned services, patients are classified according to their level of severity and clinical conditions in order to ensure timely treatment with regard to their clinical conditions. Those in need will also be referred to receive further follow-up treatment, specialist diagnosis, in-patient service and rehabilitative care (including physiotherapy and occupational therapy).

The LD, in collaboration with the insurance industry, launched the VRP in 2003 to provide injured employees with an additional channel to receive free and timely medical and rehabilitation services in the private sector to facilitate their speedier recovery and early return to work. In order to enhance the rehabilitation services for injured employees and following discussion among the LD, the HA and the insurance industry, the HA put on trial in December 2006 an arrangement whereby rehabilitation services would be provided to injured workers participating in VRP. The HA briefed the participating insurers of VRP on the details of occupational medical services provided by the HA at a seminar hosted by the LD. Insurers could directly refer injured employees to receive services at designated clinics of the HA providing occupational medical services at private fees and charges.

My reply to the three parts of the question raised by Dr LEUNG Ka-lau is set out below:

- (a) According to the HA, a few referral cases were received in 2006, but the HA did not keep the statistics. At present, the participating insurers of VRP have not continued to refer cases to the designated clinics providing occupational medical services, and the HA is not specifically providing any services under VRP. As the participating insurers referred the injured employees to receive the rehabilitation services through direct contact with the designated clinics providing occupational medical services, the LD also did not have the referral information.
- (b) The HA provides needy patients (including injured employees) with a series of in-patient, day patient, out-patient and community medical rehabilitation services through the multi-disciplinary teams consisting of doctors, nurses and allied health professionals. In general, medical professionals will provide patients, when their situation is stabilized, with necessary rehabilitation treatment and

training according to their individual needs in order to help patients regain mobility and ability in self-care as early as possible.

- (c) At present, public hospitals and clinics managed by the HA, which are distributed throughout Hong Kong, offer all kinds of specialist services, including physiotherapy and occupational therapy so as to provide comprehensive medical and rehabilitative services to the public. No matter whether they are ordinary patients or injured employees, they can receive comprehensive and timely treatment and rehabilitation services. The HA will, from time to time, review and improve their services in order to facilitate speedier recovery and early return to work of the injured employees. As such, the Administration has no plan to set up occupational medicine/care service clinics through levies from the premium of employees' compensation insurance policies.

Assisting Hong Kong Enterprises in Developing Overseas Markets

12. **MR CHUNG KWOK-PAN** (in Chinese): *President, at the Legislative Council meeting on 17 October last year, the Chief Executive said that "[o]ur 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 [the Mainland/Hong Kong Closer Economic Partnership Arrangement] and other schemes can only be resolved through collaboration between the HKSAR Government and the central or local authorities. This is the 'G2G' (Government to Government) approach that I advocate". However, some members of the industrial and commercial sectors have pointed out that in the 2013 Policy Address, the Chief Executive only stressed the need to enhance "internal diplomacy" and did not mention how small and medium enterprises (SMEs) will be assisted in liaising with foreign governments and facing competition. In this connection, will the Government inform this Council:*

- (a) *whether the Government will strengthen the functions and business role of the overseas Hong Kong Economic and Trade Offices (ETOs), including negotiating with foreign governments under the*

G2G approach in promoting business development, so as to more proactively assist Hong Kong businessmen in tapping business opportunities abroad;

- (b) whether the authorities will regularly review the need to set up new ETOs in regions with potential for tapping business opportunities in emerging markets; if they will, of the specific ideas, as well as when they will conduct such a review; and*
- (c) facing the speedy development of the surrounding economies, how the Government will assist Hong Kong businessmen in facing competition and developing new strengths?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President,

- (a) The overseas ETOs seek to promote bilateral economic and trade relations between Hong Kong and different regions. Throughout the years, ETOs are committed to promoting Hong Kong's trade development at the "Government to Government" level, including close liaison with local governments and exchange of views on issues of mutual concern.

With regard to the support provided for Hong Kong businessmen to explore overseas business opportunities, ETOs liaise closely with local government officials, business chambers and the media on a regular basis, and organize activities such as seminars to enhance their understanding of Hong Kong on the one hand, and to introduce Hong Kong's latest developments and advantages in various aspects on the other so as to encourage local enterprises to invest in Hong Kong or collaborate with Hong Kong enterprises to explore the Asian and Mainland markets. ETOs may also provide support for Hong Kong business and industry delegations visiting countries under their purview, and arrange visits with related enterprises, or meetings with relevant government departments, business chambers and overseas organizations, thus allowing Hong Kong businessmen to have a better understanding of overseas markets. Through the ETOs' arrangements, senior HKSAR Government officials will also

meet with overseas senior officials from time to time to explore co-operation opportunities on commerce, finance and culture, and so on, and to promote the developments of different industries abroad.

- (b) Taking into account the changing economic situation, staff of the overseas ETOs have visited different places under their respective coverage so as to assist Hong Kong businessmen to explore and tap into the emerging markets. For instance, the London ETO has strengthened its liaison in Russia in view of the vigorous development of the Russian economy recently. Similarly, the Singapore ETO has conducted numerous visits to various ASEAN countries and organized different business and trade activities in recent years for Hong Kong enterprises to explore the ASEAN emerging markets. We will continue to monitor the situation in Asia or other emerging economic regions, and make appropriate use of the ETOs' current resources. We will also review the situation from time to time, and suitably increase resources when necessary so as to enhance the effectiveness of the concerned ETOs.
- (c) The Government attaches great importance to the development of Hong Kong enterprises, especially SMEs, and is committed to creating and maintaining a conducive and business-friendly environment. Our policy in general is to provide sufficient support for Hong Kong enterprises so as to improve their competitiveness in the international market. As such, the Government has been providing support for Hong Kong enterprises in many ways. These include providing loan guarantee, facilitating enterprises to explore export markets, and providing export credit insurance. We have also provided the latest market information, technical support, as well as advisory services to the enterprises through various government departments and quasi-government organizations such as the Hong Kong Trade Development Council and the Hong Kong Productivity Council.

Moreover, taking into account the regional developments, ETOs will reinforce and promote existing and new opportunities for business sectors, and enhance promotional activities in emerging markets. These include assisting the arrangement of overseas visits for Hong Kong business delegations to meet with more industry partners, thus

facilitating Hong Kong businessmen to establish ties with local government and related organizations, and bringing in more business opportunities.

We will also pursue Investment Promotion and Protection Agreements with overseas countries in order to secure better protection of Hong Kong businessmen's investments overseas. We have agreed with Russia and Chile respectively to negotiate such an agreement and will strive for early conclusion of the negotiations. We are also seeking to join the China-ASEAN Free Trade Area so that our goods, services and investments can access the ASEAN market under more favourable conditions.

Supply of Private Housing

13. **MR SIN CHUNG-KAI** (in Chinese): *President, there are five major short-term sources of land supply for private housing, namely land sold by the Government, property development projects of the MTR Corporation Limited (MTRCL), redevelopment projects of the Urban Renewal Authority (URA), projects subject to lease modification/land exchange and private redevelopment projects not subject to lease modification/land exchange. In this connection, will the Government inform this Council of:*

- (a) *the number of residential flats that have been/can be provided from each of the aforesaid sources each year since 2009-2010 (set out in the table below);*

| <i>Source of land supply for private housing</i> | <i>Number of residential flats that have been/can be provided</i> | | | |
|--|---|------------------|------------------|------------------|
| | <i>2009-2010</i> | <i>2010-2011</i> | <i>2011-2012</i> | <i>2012-2013</i> |
| <i>Land sold by the Government</i> | | | | |
| <i>Property development projects of MTRCL (including government projects and MTRCL projects)</i> | | | | |

| <i>Source of land supply for private housing</i> | <i>Number of residential flats that have been/can be provided</i> | | | |
|---|---|------------------|------------------|------------------|
| | <i>2009-2010</i> | <i>2010-2011</i> | <i>2011-2012</i> | <i>2012-2013</i> |
| <i>Redevelopment projects of URA</i> | | | | |
| <i>Projects subject to lease modification/land exchange</i> | | | | |
| <i>Private redevelopment projects not subject to lease modification/land exchange</i> | | | | |

- (b) *the number of development projects involved in the land for private housing supplied from each of the aforesaid sources each year since 2009-2010; among these development projects, the respective numbers of those which have been completed, are in progress, and have not yet commenced works; the completion date/anticipated completion date of each development project and the number of residential flats that have been/can be provided; and*
- (c) *the measures taken by the authorities to make the development projects mentioned in part (b) which have not yet commenced works to commence works expeditiously and make developers put up the flats for sale in the market as soon as possible?*

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

- (a) and (b)

The sources of private housing land supply include sites sold by the Government, railway property development projects, projects of the URA, development projects subject to lease modification/land exchange and private redevelopment projects not subject to lease modification/land exchange. The Transport and Housing Bureau is responsible for monitoring the supply of first-hand private residential flats. Concerning parts (a) and (b) of the question, relevant

information in calendar year provided by the Transport and Housing Bureau is set out at Annex.

- (c) For any development project, the lot owner is required to complete the construction of the minimum gross floor area (GFA) specified in the land grant or lease conditions and obtain an occupation permit from the Building Authority (BA) within the Building Covenant (BC) period under the land grant or lease conditions. The Government will take into account the related factors, such as development scale and complexity as well as the circumstances of each development, in setting an appropriate BC period for the development project. In general, the BC period for residential developments varies from 48 to 72 months from the date of the land lease document. Non-compliance with BC requirements amounts to a breach of land grant or lease conditions.

Should the lot owner of a development project anticipate that he will not be able to complete the construction of the minimum GFA specified in the land grant or lease conditions and obtain the occupation permit from the BA within the BC period, he is required, under normal circumstances, to apply to the Lands Department (LandsD) for an extension of the BC period with justifications. If the application for extending the BC period is approved, the applicant will be required to comply with the conditions imposed by LandsD, including the payment of a premium. Hence, the lot owner will have to pay for any delay in the development. In the event that the lot owner refuses to pay the premium or the Government refuses to extend the BC period, the Government may re-enter the site under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126).

Some suggested that the Government might set a shorter BC period so as to shorten the time from land grant to sale of residential units in the market. The Government adopts an open attitude and is monitoring the actual situation of property development for the purpose of considering whether there is room for adjusting the general criteria for setting the BC period. During the process, the Government must take into account whether a shortened BC period

| Source of land supply for private housing | Construction in progress ⁽ⁱⁱ⁾ | | | Construction has not yet commenced ⁽ⁱⁱⁱ⁾ | | Construction completed ^(iv) | | Total | |
|--|--|--------------------|-----------------|---|-----------------|--|-----------------|--------------------|-----------------|
| | Anticipated completion date | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats |
| Projects of the URA | 2013 | - | - | | | | | | |
| | 2014 | 1 | 300 | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 1 | 300 | - | - | - | - | 1 | 300 |
| Development projects subject to lease modification/land exchange | 2013 | 2 | 392 | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 2 | 392 | - | - | 1 | 2 | 3 | 394 |
| Private redevelopment projects not subject to lease modification/land exchange | 2013 | 6 | 188 | | | | | | |
| | 2014 | 3 | 158 | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 9 | 346 | - | - | 24 | 1 276 | 33 | 1 622 |
| Total for 2009: | | 13 | 1 776 | - | - | 25 | 1 278 | 38 | 3 054 |
| 2010 | | | | | | | | | |
| Sites sold by the Government | 2013 | 1 | 850 | | | | | | |
| | 2014 | 5 | 2 987 | | | | | | |
| | 2015 | 4 | 1 927 | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 10 | 5 764 | 1 | 72 | - | - | 11 | 5 836 |
| Railway property development projects | 2013 | - | - | | | | | | |
| | 2014 | 1 | 1 200 | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 1 | 1 200 | - | - | - | - | 1 | 1 200 |
| Projects of the URA | 2013 | - | - | | | | | | |
| | 2014 | 2 | 1 596 | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 2 | 1 596 | - | - | - | - | 2 | 1 596 |
| Development projects subject to lease modification/land exchange | 2013 | 4 | 5 640 | | | | | | |
| | 2014 | 1 | 400 | | | | | | |
| | 2015 | 2 | 948 | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 7 | 6 988 | 5 | 64 | 3 | 227 | 15 | 7 279 |
| Private redevelopment projects not subject to lease modification/land exchange | 2013 | 11 | 1 010 | | | | | | |
| | 2014 | 1 | 79 | | | | | | |
| | 2015 | 3 | 264 | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 15 | 1 353 | - | - | 9 | 630 | 24 | 1 983 |
| Total for 2010: | | 35 | 16 901 | 6 | 136 | 12 | 857 | 53 | 17 894 |

| Source of land supply for private housing | Construction in progress ⁽ⁱⁱ⁾ | | | Construction has not yet commenced ⁽ⁱⁱⁱ⁾ | | Construction completed ^(iv) | | Total | |
|--|--|--------------------|-----------------|---|-----------------|--|-----------------|--------------------|-----------------|
| | Anticipated completion date | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats |
| 2011 | | | | | | | | | |
| Sites sold by the Government | 2013 | - | - | | | | | | |
| | 2014 | 2 | 240 | | | | | | |
| | 2015 | 3 | 1 416 | | | | | | |
| | 2016 | 3 | 3 940 | | | | | | |
| Sub-total | | 8 | 5 596 | 13 | 1 109 | - | - | 21 | 6 705 |
| Railway property development projects | 2013 | - | - | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | - | - | - | - | - | - | - | - |
| Projects of the URA | 2013 | - | - | | | | | | |
| | 2014 | 2 | 342 | | | | | | |
| | 2015 | 2 | 305 | | | | | | |
| | 2016 | 2 | 625 | | | | | | |
| Sub-total | | 6 | 1 272 | - | - | - | - | 6 | 1 272 |
| Development projects subject to lease modification/land exchange | 2013 | - | - | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | 2 | 3 360 | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 2 | 3 360 | 2 | 696 | - | - | 4 | 4 056 |
| Private redevelopment projects not subject to lease modification/land exchange | 2013 | 16 | 537 | | | | | | |
| | 2014 | 9 | 823 | | | | | | |
| | 2015 | 1 | 76 | | | | | | |
| | 2016 | 1 | 197 | | | | | | |
| Sub-total | | 27 | 1 633 | - | - | 6 | 35 | 33 | 1 668 |
| Total for 2011: | | 43 | 11 861 | 15 | 1 805 | 6 | 35 | 64 | 13 701 |
| 2012 | | | | | | | | | |
| Sites sold by the Government | 2013 | - | - | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | 1 | 590 | | | | | | |
| Sub-total | | 1 | 590 | 21 | 5 888 | - | - | 22 | 6 478 |
| Railway property development projects | 2013 | - | - | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | - | - | 3 | 6 639 | - | - | 3 | 6 639 |
| Projects of the URA | 2013 | - | - | | | | | | |
| | 2014 | - | - | | | | | | |
| | 2015 | - | - | | | | | | |
| | 2016 | 1 | 484 | | | | | | |
| Sub-total | | 1 | 484 | 4 | 675 | - | - | 5 | 1 159 |

| Source of land supply for private housing | Construction in progress ⁽ⁱⁱ⁾ | | | Construction has not yet commenced ⁽ⁱⁱⁱ⁾ | | Construction completed ^(iv) | | Total | |
|--|--|--------------------|-----------------|---|-----------------|--|-----------------|--------------------|-----------------|
| | Anticipated completion date | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats | Number of projects | Number of flats |
| Development projects subject to lease modification/land exchange | 2013 | - | - | | | | | | |
| | 2014 | 1 | 46 | | | | | | |
| | 2015 | 2 | 345 | | | | | | |
| | 2016 | - | - | | | | | | |
| Sub-total | | 3 | 391 | 3 | 300 | - | - | 6 | 691 |
| Private redevelopment projects not subject to lease modification/land exchange | 2013 | 5 | 52 | | | | | | |
| | 2014 | 26 | 1 505 | | | | | | |
| | 2015 | 12 | 1 080 | | | | | | |
| | 2016 | 3 | 376 | | | | | | |
| Sub-total | | 46 | 3 013 | - | - | - | - | 46 | 3 013 |
| Total for 2012: | | 51 | 4 478 | 31 | 13 502 | - | - | 82 | 17 980 |
| Grand Total: | | 142 | 35 016 | 52 | 15 443 | 43 | 2 170 | 237 | 52 629 |

Notes:

- (i) The flat numbers in the above table are based on the information of the building plans approved by the Buildings Department, the production forecasts by the Rating and Valuation Department, the specified flat numbers in the relevant lease conditions, information of the URA or the flat numbers estimated by the authority concerned. The actual figures are subject to the developers' final design.
- (ii) These refer to the dates of Government receiving the contractors' notification of commencement of foundation works. If the foundation works of a residential development project have been completed under other works (for example, railway development project), these refer to the dates of Government receiving the contractors' notification of commencement of general building and superstructure works.
- (iii) Anticipated completion date is not available as the construction has not yet commenced.
- (iv) Occupation permit has been obtained.

Statistics on Torture Claims

14. **MR DENNIS KWOK:** *President, since December 2009, the Government has implemented the "enhanced screening mechanism", a non-statutory and administrative scheme, for handling torture claims made under Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which provides that a person should not be expelled, returned or extradited to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. Under the mechanism, claimants may submit detailed grounds to establish their torture claims through a questionnaire with supporting documents or evidence (questionnaire stage). They will then be invited to attend a screening interview with immigration officers to further provide information or answer questions*

(interview stage). If they are aggrieved by the authorities' decisions on their claims, they may lodge petitions. In this connection, will the Government inform this Council:

- (a) among the torture claims received in each of the past three years, of the respective numbers of those which (i) had been processed, (ii) are currently outstanding, and (iii) had been withdrawn, with a breakdown by country of origin of the claimants, set out in the table below;

| Country of origin | Year in which the torture claims were received | Number of torture claims which | | | |
|----------------------------------|--|--------------------------------|--------------------------------|--------------------------|-------|
| | | (i) had been processed | (ii) are currently outstanding | (iii) had been withdrawn | Total |
| Republic of Congo | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Democratic Republic of the Congo | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Somalia | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Pakistan | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Sri Lanka | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Ghana | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Uganda | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Rwanda | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Republic of Southern Sudan | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Sudan | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |

| <i>Country of origin</i> | <i>Year in which the torture claims were received</i> | <i>Number of torture claims which</i> | | | |
|---------------------------------|---|---------------------------------------|---------------------------------------|---------------------------------|--------------|
| | | <i>(i) had been processed</i> | <i>(ii) are currently outstanding</i> | <i>(iii) had been withdrawn</i> | <i>Total</i> |
| <i>Eritrea</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Ethiopia</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>India</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Bangladesh</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Cameroon</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Indonesia</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Côte d'Ivoire</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Central African Republic</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Sierra Leone</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Togo</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Philippines</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Nepal</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |
| <i>Myanmar/Burma</i> | <i>2010</i> | | | | |
| | <i>2011</i> | | | | |
| | <i>2012</i> | | | | |

| Country of origin | Year in which the torture claims were received | Number of torture claims which | | | |
|-------------------|--|--------------------------------|--------------------------------|--------------------------|-------|
| | | (i) had been processed | (ii) are currently outstanding | (iii) had been withdrawn | Total |
| Others | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |
| Total | 2010 | | | | |
| | 2011 | | | | |
| | 2012 | | | | |

- (b) in each of the past three years, of the respective numbers of claimants (i) who had submitted the aforesaid questionnaire, (ii) whose claims had been rejected after the questionnaire stage, (iii) who had proceeded to the interview stage, (iv) whose claims had been rejected after the interview stage, (v) who had lodged petitions, and (vi) whose petitions had been rejected;

| Stage of the screening process | Number of claimants involved | | |
|---|------------------------------|------|------|
| | 2010 | 2011 | 2012 |
| (i) Claimants who had submitted a questionnaire | | | |
| (ii) Claimants whose claims had been rejected after the questionnaire stage | | | |
| (iii) Claimants who had proceeded to the interview stage | | | |
| (iv) Claimants whose claims had been rejected after the interview stage | | | |
| (v) Claimants who had lodged petitions | | | |
| (vi) Claimants whose petitions had been rejected | | | |

- (c) of a breakdown of the torture claims which were rejected in the past three years by reason for rejection; and
- (d) among the claimants who had submitted torture claims in each of the past three years, of (i) the number of claimants who had departed from Hong Kong voluntarily, and (ii) the number of claimants who

were deported, with a breakdown by country of origin (same as those set out in the table in part (a) above) of the claimants, set out in the table below?

| <i>Country of origin</i> | <i>Year</i> | <i>Number of claimants who</i> | | |
|--------------------------|-------------|--|-------------------------------|--------------|
| | | <i>(i) departed from Hong Kong voluntarily</i> | <i>(ii) were deported</i> | <i>Total</i> |
| | 2010 | | | |
| | 2011 | | | |
| | 2012 | | | |
| | 2010 | | | |
| | 2011 | | | |
| | 2012 | | | |
| | 2010 | | | |
| | 2011 | | | |
| | 2012 | | | |

SECRETARY FOR SECURITY: President, the CAT has been applied to Hong Kong since 1992. The Immigration Department (ImmD) introduced an enhanced screening mechanism in December 2009 to ensure the procedures meet the high standards of fairness as required by the Court. Subsequently, the Legislative Council enacted the Immigration (Amendment) Ordinance 2012 (the Ordinance) in July 2012 to provide for a statutory framework to underpin the enhanced administrative mechanism. The statutory mechanism has commenced operation on 3 December 2012.

Under the enhanced screening mechanism and the current statutory mechanism, claimants are given every reasonable opportunity to establish their claims, including submission of detailed grounds of the claim and supporting facts in a torture claim form, and provision of further information and answering questions relating to the claim at a screening interview. Publicly-funded legal assistance is made available to all torture claimants through the Duty Lawyer Service. When the ImmD makes a decision on torture claims, it must inform the claimants of the reasons for its decision in written form. Claimants aggrieved by the ImmD's decisions have a right to lodge an appeal to the Torture Claims Appeal Board (or Adjudicators who handled petitions before the commencement of the Ordinance). Both comprise retired judges and magistrates.

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

- (a) The ImmD received 1 809, 1 432 and 1 174 torture claims in 2010, 2011 and 2012 respectively. The majority of claimants came from countries in South or Southeast Asia, including Indonesia (27%), Pakistan (19%), India (18%), the Philippines (10%), Bangladesh (6%), Nepal (4%) and Sri Lanka (4%). Detailed figures are at Annex A.
- (b) Since December 2009, all torture claims (including those received before December 2009) have been screened under the enhanced screening mechanism and the subsequent statutory screening mechanism as described in paragraph two above. As at the end of 2012, the ImmD has decided on 2 715 cases. Among them 1 330 petitions/appeals have been lodged, 1 183 of those have been determined (all dismissed); 27 have been withdrawn and 120 are pending determination.
- (c) In deciding on torture claims, the ImmD must consider, in accordance with the "high standards of fairness" as required by the Court and the requirement stipulated in section 37ZI of the Immigration Ordinance, merits of individual claims and take into account all relevant considerations including the situation in the relevant country. If the ImmD is satisfied that there are substantial grounds for believing that a claimant would be subject to a personal risk of being tortured if removed or surrendered to a torture risk State, it must accept the claim as substantiated; otherwise, the claim must be rejected.
- (d) A claimant may not be removed from Hong Kong to a torture risk State unless his claim is withdrawn or is not a substantiated claim on final determination. From December 2009 to end December 2012, 1 159 torture claimants whose claim has been finally determined as unsubstantiated have been removed or deported from Hong Kong. Detailed figures are at Annex B.

Annex A

Number of torture claims — by country of origin

| <i>Country of Origin</i> | <i>Torture Claims Received</i> | | | | <i>(as at 31 December 2012)</i> | | |
|-------------------------------------|--------------------------------|--------------|--------------|--------------|--|--------------------------------------|---|
| | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>Total</i> | <i>(i) Had been determined by the ImmD</i> | <i>(ii) Were outstanding</i> | <i>(iii) Had been withdrawn</i> |
| Indonesia | 550 | 413 | 234 | 1 197 | 493 | 327 | 377 |
| Pakistan | 332 | 294 | 230 | 856 | 335 | 360 | 161 |
| India | 294 | 225 | 266 | 785 | 270 | 231 | 284 |
| Philippines | 182 | 151 | 93 | 426 | 245 | 100 | 81 |
| Bangladesh | 67 | 44 | 101 | 212 | 57 | 111 | 44 |
| Nepal | 119 | 30 | 12 | 161 | 63 | 54 | 44 |
| Sri Lanka | 57 | 58 | 21 | 136 | 37 | 64 | 35 |
| <i>Sub-total</i> | <i>1 601</i> | <i>1 215</i> | <i>957</i> | <i>3 773</i> | <i>1 500</i> | <i>1 247</i> | <i>1 026</i> |
| Democratic Republic of the Congo | 6 | 9 | 3 | 18 | 2 | 12 | 4 |
| Somalia | 7 | 3 | 3 | 13 | 1 | 7 | 5 |
| Ghana | 8 | 5 | 3 | 16 | 5 | 10 | 1 |
| Uganda | 15 | 27 | 14 | 56 | 2 | 41 | 13 |
| Rwanda | 2 | 2 | 0 | 4 | 0 | 2 | 2 |
| Eritrea | 1 | 3 | 2 | 6 | 0 | 4 | 2 |
| Ethiopia | 1 | 1 | 1 | 3 | 0 | 3 | 0 |
| Cameroon | 2 | 1 | 0 | 3 | 3 | 0 | 0 |
| Côte d'Ivoire | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| Sierra Leone | 1 | 1 | 0 | 2 | 0 | 1 | 1 |
| Togo | 11 | 13 | 14 | 38 | 0 | 37 | 1 |
| Myanmar/Burma | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| <i>Sub-total</i> | <i>56</i> | <i>65</i> | <i>40</i> | <i>161</i> | <i>13</i> | <i>119</i> | <i>29</i> |
| Others | 152 | 152 | 177 | 481 | 33 | 324 | 124 |
| Total | 1 809 | 1 432 | 1 174 | 4 415 | 1 546 | 1 690 | 1 179 |

Number of removal of torture claimants whose claim has been finally determined as unsubstantiated — by country of origin

| <i>Country of Origin</i> | <i>Number of persons deported/removed</i> | | | |
|--------------------------|---|-------------|-------------|----------------------------|
| | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>2010-2012 Total</i> |
| Indonesia | 9 | 103 | 238 | 350 |
| Pakistan | 17 | 62 | 102 | 181 |
| India | 15 | 64 | 106 | 185 |
| Philippines | 2 | 84 | 92 | 178 |
| Bangladesh | 6 | 50 | 38 | 94 |
| Nepal | 4 | 42 | 54 | 100 |
| Sri Lanka | 2 | 16 | 40 | 58 |
| <i>Sub-total</i> | <i>55</i> | <i>421</i> | <i>670</i> | <i>1 146</i> |
| Ghana | 0 | 0 | 1 | 1 |
| Cameroon | 0 | 1 | 1 | 2 |
| <i>Sub-total</i> | <i>0</i> | <i>1</i> | <i>2</i> | <i>3</i> |
| Others | 1 | 4 | 5 | 10 |
| Total | 56 | 426 | 677 | 1 159 |

Offsetting of Severance Payments and Long Service Payments with Accrued Benefits of MPF Schemes

15. **MR TANG KA-PIU** (in Chinese): *President, under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (the Ordinance), an employer may use the accrued benefits derived from the employer's contributions he made to a Mandatory Provident Fund (MPF) scheme for the employee to offset long service payments (LSP) or severance payments (SP) payable to the employee under the Employment Ordinance (Cap. 57) (hereinafter referred as "the offsetting arrangement"). In this connection, will the Government inform this Council whether it knows:*

- (a) *the respective numbers and percentages of MPF accounts from which accrued benefits were withdrawn for different reasons in each year from 2001 to 2012, and the amounts of money involved (set out in tables of the same format as Table 1);*

(Table 1)

Year: _____

| <i>Reason for withdrawal of accrued benefits</i> | <i>Reaching the retirement age of 65</i> | <i>Early retirement</i> | <i>Permanent departure from Hong Kong</i> | <i>Total incapacity</i> | <i>Small balance account</i> | <i>Death of account holder</i> | <i>Total</i> |
|--|--|-------------------------|---|-------------------------|------------------------------|--------------------------------|--------------|
| <i>Number of accounts (percentage in the total number of accounts)</i> | | | | | | | |
| <i>Total amount of money</i> | | | | | | | |

- (b) *the number of MPF accounts from which accrued benefits were withdrawn for the offsetting arrangement (that is, to offset SP or LSP) in each year from 2001 to 2012 (set out in tables of the same format as Table 2);*

(Table 2)

Year: _____

| <i>Withdrawal of accrued benefits for the offsetting arrangement</i> | <i>To offset SP</i> | <i>To offset LSP</i> | <i>Total</i> |
|--|---------------------|----------------------|--------------|
| <i>Number of accounts</i> | | | |
| <i>Total amount of money</i> | | | |

- (c) *a breakdown on the number of employees by the total number of times that the accrued benefits in the various MPF accounts held under the name of an employee were withdrawn for the offsetting arrangement from 2001 to 2012 (set out in Table 3);*

(Table 3)

| <i>Number of times of withdrawal of accrued benefits for the offsetting arrangement</i> | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>Over 5</i> |
|---|----------|----------|----------|----------|----------|---------------|
| <i>Number of employees</i> | | | | | | |

- (d) *a breakdown on the number of employees whose MPF accounts' accrued benefits were withdrawn for the offsetting arrangement in each year from 2001 to 2012, by (i) the age group to which the employees belong, (ii) the income range of employees, (iii) the industry sector to which the employees belong, and (iv) the amount of the balance of the accrued benefits derived from employer's contributions in the MPF account after the offsetting arrangement (set out separately in Tables 4 to 7); if the above information is unavailable, whether the authorities will consider setting up such database;*

(Table 4)

| <i>Number of employees</i> | <i>Age group to which the employees belong</i> | | | |
|----------------------------|--|--------------|--------------|-----------|
| | <i>15-34</i> | <i>35-54</i> | <i>55-64</i> | <i>65</i> |
| <i>2001</i> | | | | |
| <i>-</i> | | | | |
| <i>-</i> | | | | |
| <i>-</i> | | | | |
| <i>Total</i> | | | | |

(Table 5)

| <i>Number of employees</i> | <i>Income range of employees (\$)</i> | | | |
|----------------------------|---------------------------------------|---------------------|----------------------|------------------------|
| | <i>8,000 or less</i> | <i>8,001-12,000</i> | <i>12,001-20,000</i> | <i>20,001 or above</i> |
| <i>2001</i> | | | | |
| <i>-</i> | | | | |
| <i>-</i> | | | | |
| <i>-</i> | | | | |
| <i>Total</i> | | | | |

(Table 6)

| Number of employees | Industry sector to which the employees belong | | | | | | | | | | | | | | |
|---------------------|---|---------------|------------------|--------------------------------|--|--|------------------|-------------------------------------|--------------------------------|--------------------------------|-----------------------|-------------|--------------------|------------------------------|--------|
| | Mining and quarrying | Manufacturing | waste management | Electricity and gas supply and | Construction (construction sites only) | Import/export, wholesale and retail trades | courier services | Transportation, storage, postal and | Accommodation and food service | Information and communications | Finance and insurance | Real estate | technical services | Professional, scientific and | Others |
| 2001 | | | | | | | | | | | | | | | |
| - | | | | | | | | | | | | | | | |
| - | | | | | | | | | | | | | | | |
| - | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | |

(Table 7)

| Number of employees | Balance of accrued benefits derived from employer's contributions in MPF accounts (\$) | | | | | | | |
|---------------------|--|---------|--------------|---------------|---------------|---------------|---------------|----------------|
| | 0 | 1-5,000 | 5,001-10,000 | 10,001-20,000 | 20,001-30,000 | 30,001-40,000 | 40,001-50,000 | 50,001 or more |
| 2001 | | | | | | | | |
| - | | | | | | | | |
| - | | | | | | | | |
| - | | | | | | | | |
| Total | | | | | | | | |

- (e) the number of MPF accounts of government employees from which accrued benefits were withdrawn for the offsetting arrangement from 2001 to 2012, the number of employees involved, as well as the total amount of money and the government departments involved; and

- (f) given that the Chief Executive has indicated in the 2013 Policy Address that "to further increase employees' autonomy in selecting their MPF schemes, the MPFA (Mandatory Provident Fund Schemes Authority) is studying the necessary measures for the implementation of Full Portability, such as studies on establishing a central database and arrangements for 'one-member-two-accounts'", whether the authorities have considered abolishing the offsetting arrangement as early as possible to tie in with the implementation of Full Portability; if they have, of the details and the implementation timetable; if not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President,

- (a) According to the information trustees submitted to the MPFA pursuant to the Ordinance, the amount of accrued benefits withdrawn by scheme members on the following reasons are as follows:

| Year | Reasons for accrued benefits withdrawal (Amount involved) (HK\$ million) | | | | | |
|------------------------|---|--|---------------------|-----------------------------|-------|----------------------|
| | Retirement/ early retirement ⁽¹⁾ | Permanent departure from Hong Kong (Figures in brackets represent the number of claims) | Total incapacity | Small balance account | Death | Total ⁽³⁾ |
| 2001 (Since 1 July) | 30 | 30 (1 400) | 1 | # ⁽²⁾ | 4 | 64 |
| 2002 | 170 | 145 (4 800) | 10 | 4 | 16 | 344 |
| 2003 | 304 | 244 (6 700) | 13 | 5 | 34 | 600 |
| 2004 | 426 | 376 (9 200) | 20 | 5 | 53 | 880 |
| 2005 | 510 | 695 (15 800) | 33 | 4 | 71 | 1,312 |
| 2006 | 662 | 1,200 (26 200) | 42 | 3 | 137 | 2,045 |
| 2007 | 958 | 1,808 (30 900) | 72 | 3 | 178 | 3,020 |
| 2008 | 908 | 1,716 (29 100) | 63 | 2 | 164 | 2,854 |

| <i>Year</i> | <i>Reasons for accrued benefits withdrawal (Amount involved) (HK\$ million)</i> | | | | | |
|------------------------------|---|--|-----------------------------|--------------------------------------|--------------|----------------------------|
| | <i>Retirement/ early retirement⁽¹⁾</i> | <i>Permanent departure from Hong Kong (Figures in brackets represent the number of claims)</i> | <i>Total incapacity</i> | <i>Small balance account</i> | <i>Death</i> | <i>Total⁽³⁾</i> |
| 2009 | 1,277 | 1,508 (28 400) | 78 | 2 | 191 | 3,056 |
| 2010 | 1,762 | 1,955 (28 100) | 122 | 2 | 234 | 4,075 |
| 2011 | 1,922 | 1,856 (23 900) | 106 | 1 | 247 | 4,131 |
| 2012 (As at 30 September) | 1,985 | 1,431 (18 500) | 91 | 1 | 242 | 3,751 |

Notes:

- (1) The MPFA does not have the breakdown of the amount involved in retirement and early retirement cases.
- (2) # indicates that the amount involved is less than HK\$500,000.
- (3) The figures may not add up exactly to the total due to rounding.

Regarding the number of claims for withdrawal of accrued benefits, the MPFA only has the figures on the number of claims for early withdrawal of accrued benefits on the reason of "permanent departure from Hong Kong", which have been included in the above table.

- (b) According to the information obtained by the MPFA from trustees, the amounts of accrued benefits withdrawn from scheme members' accounts for offsetting SP or LSP under section 12A of the Ordinance are as follows:

| <i>Year</i> | <i>Amount involved (HK\$ million)</i> |
|---------------------|---------------------------------------|
| 2001 (Since 1 July) | 166 |
| 2002 | 750 |
| 2003 | 1,174 |
| 2004 | 1,268 |
| 2005 | 1,429 |
| 2006 | 1,634 |
| 2007 | 1,743 |

| <i>Year</i> | <i>Amount involved (HK\$ million)</i> |
|---------------------------|---------------------------------------|
| 2008 | 1,876 |
| 2009 | 2,587 |
| 2010 | 2,103 |
| 2011 | 2,332 |
| 2012 (As at 30 September) | 1,704 |

The MPFA does not have the breakdowns of the amount used for offsetting SP and LSP and the respective numbers of accounts involved.

(c), (d) and (e)

The information submitted by trustees to the MPFA pursuant to the Ordinance does not cover the requested data.

(f) Before the MPF system came into operation, the Employment Ordinance already allowed employers to use their contributions to the retirement schemes for offsetting SP or LSP. The decision to adopt this long-established offsetting arrangement when implementing the MPF system has been made after extensive consultation and consideration of all relevant factors. In view of the very diverse views on the offsetting arrangement among different quarters in the community, we must deal with the matter very cautiously.

Admission of Local Non-JUPAS Students Holding Results of Overseas Examinations by Tertiary Institutions

16. **MR IP KIN-YUEN** (in Chinese): *President, some parents of students have relayed to me that some of the tertiary institutions funded by the University Grants Committee (UGC-funded institutions) have admitted local students holding results of overseas public examinations to certain extremely popular undergraduate programmes through the non-Joint University Programmes Admissions System (non-JUPAS). Yet, some local students whose school examination results were generally better than those of the aforesaid students, and who had applied for such programmes using their results from the Hong Kong Diploma of Secondary Education (HKDSE) Examination or the Hong Kong Advanced Level Examination (HKALE) through the Joint University Programmes*

Admissions System (JUPAS), were not admitted. These parents query that the admission of local non-JUPAS students by the UGC-funded institutions is unfair to JUPAS students. In this connection, will the Government inform this Council whether it knows:

- (a) the respective numbers and percentages of non-JUPAS students among the first year students of undergraduate programmes admitted by the eight UGC-funded institutions in each of the past three years; and among the non-JUPAS students, the respective numbers and percentages of local students and those who came from Mainland China, other regions in Asia and regions outside Asia;*
- (b) among the students admitted in the 2012-2013 academic year to the undergraduate programmes, (i) the average and lowest scores attained in overseas public examinations by local non-JUPAS students, and (ii) the average and lowest scores attained in HKDSE Examination and HKALE by local JUPAS students, broken down by UGC-funded institution and by faculty; how the UGC-funded institutions compare the academic attainments of these two categories of students; and*
- (c) the justifications for UGC-funded institutions allowing local students to apply for their programmes using results from overseas public examinations; whether the local non-JUPAS students are categorized as international students; whether the authorities will review if the criteria of this admission scheme are fair and if such admission scheme should continue to be used?*

SECRETARY FOR EDUCATION (in Chinese): President, the JUPAS is the main platform for students sitting for the HKALE and the HKDSE Examination to apply for admission to undergraduate programmes funded by the University Grants Committee (UGC). Local applicants outside the scope of JUPAS (including sub-degree students and students holding other academic qualifications) have to apply to UGC-funded institutions direct for admission (commonly known as "non-JUPAS"). Student admission is within the autonomy of the UGC-funded institutions. Each institution has its own merit-based admission policy in assessing the applications of local students through the JUPAS and non-JUPAS routes. Institutions do not have a pre-determined ratio for intakes of local students via the JUPAS and non-JUPAS routes.

- (a) The ratio of local student intakes to three-year UGC-funded undergraduate programmes via the JUPAS route remains stable over the past three years (ranging from 81.1% to 82.1%). As for the four-year UGC-funded undergraduate programmes under the new academic structure, the relevant ratio is 92.7% in the 2012-2013 academic year. It is noteworthy that another 6.2% to 10.6% of local students were admitted based on their sub-degree or equivalent qualifications via the non-JUPAS route.

As for non-local students, they are primarily admitted through over-enrolment beyond the approved UGC-funded student number targets up to a maximum of 20% of the targets, and hence they would not constitute direct competition with local students. There is a modest increase in the ratio from 12.7% in the 2010-2011 academic year to 13.7% in the 2012-2013 academic year. Among non-local students, 70% to 75% of the students were from the Mainland, with the remainder coming from other parts of Asia or other regions.

Details are set out at Annex A.

- (b) According to the institutions, student admission is based on a rigorous and holistic assessment of applicants in a variety of aspects, including their academic qualifications (including results in public examinations and at schools), applicants' subject competence and personal attributes as demonstrated in interviews and auditions, non-academic achievements, interests, programme preferences, and so on. Institutions do not apply any formula to convert and compare different academic and non-academic qualifications.

The scores of selected entry qualifications of the local intakes to the UGC-funded first-year-first-degree (FYFD) places by institution and by broad academic programme category (APC) for the 2012-2013 academic year as provided by the UGC-funded institutions are set out at Annex B. Institutions also regularly review the quality and performance of students admitted via JUPAS and non-JUPAS routes to ensure that only the "most deserving" applicants are offered admission regardless of the types of academic qualifications they are holding.

- (c) Candidates who are permanent residents of the Hong Kong Special Administrative Region are all regarded as "local students" for the purpose of admission to UGC-funded programmes, irrespective of their admission routes. The provision of the non-JUPAS route ensures that local students who are studying for non-mainstream academic qualifications such as sub-degrees in local post-secondary institutions or international public examinations at Hong Kong or overseas schools are given equal opportunities to be considered for articulation to UGC-funded programmes. Admission of these students also helps add diversity to the student population, enhancing the environment for learning.

Annex A

Number of local students⁽¹⁾ admitted to UGC-funded first-year-first-degree places,
by admission route, 2010-2011 to 2012-2013

| | 2010-2011 | | 2011-2012 | | 2012-2013 (Provisional figures) | | | | | |
|---|-----------|-------|-----------|-------|---------------------------------|-------|----------------------|-------|--------|-------|
| | | | | | Three-year programmes | | Four-year programmes | | Total | |
| | Number | % | Number | % | Number | % | Number | % | Number | % |
| JUPAS | 11 660 | 82.1 | 11 844 | 82.0 | 11 601 | 81.1 | 13 596 | 92.7 | 25 197 | 87.0 |
| Non-JUPAS | 2 535 | 17.9 | 2 603 | 18.0 | 2 706 | 18.9 | 1 066 | 7.3 | 3 772 | 13.0 |
| Sub-degree or equivalent ⁽²⁾ | 1 502 | 10.6 | 1 472 | 10.2 | 1 336 | 9.3 | 452 | 3.1 | 1 788 | 6.2 |
| Other qualifications ⁽²⁾⁽³⁾ | 1 033 | 7.3 | 1 131 | 7.8 | 1 370 | 9.6 | 614 | 4.2 | 1 984 | 6.8 |
| Total | 14 195 | 100.0 | 14 447 | 100.0 | 14 307 | 100.0 | 14 662 | 100.0 | 28 969 | 100.0 |

Notes:

- (1) Admission of non-local students is subject to a maximum of 20% of the approved student number targets. They are primarily admitted by over-enrolment outside the approved numbers. Hence, they are not included for the purpose of calculating the breakdown between JUPAS and non-JUPAS routes.
- (2) Admission qualification refers to the highest relevant academic qualification possessed by a new intake on the basis of which his/her admission is decided, regardless of whether that qualification has been completed or not.
- (3) Including the International Baccalaureate (IB), the General Certificate of Education (GCE) Advanced Level Examination, and so on.

Number of non-local students⁽¹⁾ admitted to first year of UGC-funded undergraduate programmes, by place of origin, 2010-2011 to 2012-2013

| Place of origin | 2010-2011 | | 2011-2012 | | 2012-2013 (Provisional figures) | | | | | |
|---|-----------|-------|-----------|-------|---------------------------------|-------|----------------------|-------|--------|-------|
| | | | | | Three-year programmes | | Four-year programmes | | Total | |
| | Number | % | Number | % | Number | % | Number | % | Number | % |
| From Mainland of China | 1 384 | 74.4 | 1 412 | 70.5 | 1 414 | 70.5 | 1 643 | 78.3 | 3 057 | 74.5 |
| From other areas of Asia | 384 | 20.7 | 483 | 24.1 | 506 | 25.2 | 400 | 19.1 | 906 | 22.1 |
| From other areas | 91 | 4.9 | 109 | 5.4 | 86 | 4.3 | 55 | 2.6 | 141 | 3.4 |
| Total | 1 859 | 100.0 | 2 004 | 100.0 | 2 006 | 100.0 | 2 098 | 100.0 | 4 104 | 100.0 |
| Non-local students as a percentage of approved student number targets | | 12.7 | | 13.6 | | | | | | 13.7 |

Note:

- (1) Admission of non-local students is subject to a maximum of 20% of the approved student number targets. They are primarily admitted by over-enrolment outside the approved numbers.

Annex B

Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013

Institution: City University of Hong Kong (CityU)

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|----------------|----------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | HKDSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile |
| Sciences | 9.93 | 8 | 16.11 | 16 | - | - | 34.50 | 34 |
| Engineering and Technology | 9.76 | 8 | 15.49 | 15 | 220.00 | 220 | - | - |

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|----------------|----------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | HKDSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile |
| Business and Management | 13.15 | 12 | 16.86 | 16 | 260.00 | 260 | 32.67 | 28 |
| Social Sciences | 13.34 | 12 | 17.54 | 17 | 224.62 | 220 | 33.22 | 32 |
| Arts and Humanities | 12.25 | 12 | 14.75 | 14 | - | - | - | - |
| Overall | 11.64 | 10 | 16.35 | 15 | 228.75 | 220 | 33.29 | 33 |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) "-" means there was no student admitted on the basis of such academic qualification.
- (iv) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
 - (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.
 - (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
 - (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for 1 Advanced Level (AL) subject plus 1 AL subject or 2 Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
 - (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013

Institution: Hong Kong Baptist University (HKBU)

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|----------------|--------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | DSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile |
| Medicine, Dentistry and Health | 11.69 | 10 | 16.30 | 15.00 | 215.00 | 207.50 | - | - |
| Sciences | 9.62 | 8 | 15.70 | 15.00 | - | - | - | - |
| Business and Management | 12.31 | 12 | 15.98 | 15.00 | - | - | - | - |
| Social Sciences | 13.31 | 12 | 17.04 | 16.00 | 240.00 | 240.00 | 30.00 | 29.00 |
| Arts and Humanities | 12.06 | 10 | 16.93 | 16.00 | 202.86 | 180.00 | 30.67 | 29.50 |
| Education | 10.90 | 10 | 15.80 | 15.00 | - | - | - | - |
| Overall | 12.10 | 10 | 16.53 | 16.00 | 209.00 | 185.00 | 30.40 | 28.00 |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) "-" means there was no student admitted on the basis of such academic qualification.
- (iv) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
 - (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.

- (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5*=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

**Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013**

Institution: Lingnan University (LU)

| <i>Broad Academic Programme Category*</i> | <i>Local FYFD Intakes through JUPAS</i> | | | | <i>Local FYFD Intakes through Non-JUPAS</i> | | | |
|---|---|-----------------------|--------------------------|-----------------------|---|-----------------------|-------------------------|-----------------------|
| | <i>HKALE⁽¹⁾</i> | | <i>DSE⁽²⁾</i> | | <i>GCE⁽³⁾</i> | | <i>IB⁽⁴⁾</i> | |
| | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> |
| Arts and Humanities | 10.42 | 10 | 16.33 | 16 | @ | | @ | |
| Business and Management | 10.42 | 10 | 15.81 | 16 | | | | |
| Social Sciences | 10.85 | 10 | 16.29 | 16 | | | | |
| Overall | 10.52 | 10 | 16.16 | 16 | @ | | @ | |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) @ Since there was/were only an insignificant number of intake(s) with the relevant qualification, the scores are not computed in order to avoid the disclosure of scores of individual students.
- (iv) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.

- (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL : A=10, B=8, C=6, D=4, E=2, other grades=0;
AS : A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.
- (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

**Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013**

Institution: The Chinese University of Hong Kong

| <i>Broad Academic Programme Category *</i> | <i>Local FYFD Intakes through JUPAS[†]</i> | | | | <i>Local FYFD Intakes through Non-JUPAS</i> | | | |
|--|---|-----------------------|--------------------------|-----------------------|---|-----------------------|-------------------------|-----------------------|
| | <i>HKALE⁽¹⁾</i> | | <i>DSE⁽²⁾</i> | | <i>GCE⁽³⁾</i> | | <i>IB⁽⁴⁾</i> | |
| | <i>Average</i> | <i>Lower Quartile</i> | <i>Average</i> | <i>Lower Quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> |
| Medicine and Health | 14.4 | 10.0 | 20.3 | 18.0 | 266.4 | 260 | 40.60 | 40 |
| Sciences | 14.8 | 12.0 | 18.7 | 17.0 | 240.8 | 220 | 34.50 | 33 |
| Engineering and Technology | 10.3 | 8.0 | 16.3 | 15.0 | 256.0 | 240 | - | - |
| Business and Management | 15.8 | 14.0 | 20.5 | 19.0 | 262.4 | 260 | 37.30 | 36 |
| Social Sciences | 15.6 | 14.0 | 19.9 | 19.0 | 252.5 | 240 | 34.80 | 34 |
| Arts and Humanities | 13.9 | 12.0 | 19.1 | 18.0 | 250.9 | 240 | 35.80 | 32 |

| Broad Academic Programme Category * | Local FYFD Intakes through JUPAS ⁺ | | | | Local FYFD Intakes through Non-JUPAS | | | |
|-------------------------------------|---|----------------|--------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | DSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower Quartile | Average | Lower Quartile | Average | Lower quartile | Average | Lower quartile |
| Education | 12.3 | 10.0 | 17.8 | 17.0 | 260.0 | 260 | - | - |
| Overall | 14.2 | 12.0 | 19.0 | 17.0 | 257.8 | 240 | 37.40 | 35 |

Notes:

- (i) # This is the highest relevant academic qualification possessed by the new intakes on the basis of which admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme category according to the respective UGC-funded programmes that the students are taking.
- (iii) + CUHK admitted the largest number of HKALE and HKDSE students via the JUPAS route to undergraduate programmes amongst all institutions. CUHK is of the view that the higher intake would have driven down the average and lower quartile scores.
- (iv) "-" means there was no student admitted on the basis of such academic qualification.
- (v) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. For example, in the case of CUHK, they considered both HKALE and HKCEE results when admitting JUPAS candidates for their three-year programmes, with weightings ranging from 33% to 50% being placed on the candidates' HKCEE results. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
 - (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.
 - (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
 - (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
 - (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013

Institution: The Hong Kong Institute of Education (HKIEd)

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|-----------------------------|--------------------|-----------------------------|--------------------------------------|-----------------------------|-------------------|-----------------------------|
| | HKALE ⁽¹⁾ | | DSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile [^] | Average | Lower quartile [^] | Average | Lower quartile [^] | Average | Lower quartile [^] |
| Social Sciences | 12 | NA | 15 | NA | - | - | - | - |
| Arts and Humanities | 8 | NA | 15 | NA | - | - | - | - |
| Education | 9 | NA | 15 | NA | @ | @ | - | - |
| Overall | 9 | NA | 15 | NA | @ | @ | - | - |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) ^ Data are not available.
- (iv) "-" means there was no student admitted on the basis of such academic qualification.
- (v) @ Since there was/were only an insignificant number of intake(s) with the relevant qualification, the scores are not computed in order to avoid the disclosure of scores of individual students.
- (vi) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
 - (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.
 - (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.

- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
 A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
 AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
 As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Scores of Selected Entry Qualifications[#] of
 Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
 Places by Broad Academic Program Category, 2012-2013

Institution: The Hong Kong Polytechnic University (PolyU)

| <i>Broad Academic Local Programme Category*</i> | <i>FYFD Intakes through JUPAS</i> | | | | <i>Local FYFD Intakes through Non-JUPAS[^]</i> | | | |
|---|-----------------------------------|---------------------------|--------------------------|---------------------------|---|---------------------------|-------------------------|---------------------------|
| | <i>HKALE⁽¹⁾</i> | | <i>DSE⁽²⁾</i> | | <i>GCE⁽³⁾</i> | | <i>IB⁽⁴⁾</i> | |
| | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> |
| Medicine, Dentistry and Health | 14.41 | 12 | 18.44 | 17 | 250.00 | 240 | 32.00 | 32 |
| Sciences | 9.97 | 8 | 15.99 | 15 | 240.00 | 220 | 29.00 | 29 |
| Engineering and Technology | 10.21 | 8 | 15.90 | 15 | 248.89 | 240 | 30.67 | 27 |
| Business and Management | 12.36 | 10 | 16.57 | 16 | 216.36 | 200 | 37.20 | 33 |
| Social Sciences | 13.00 | 12 | 16.48 | 16 | - | - | - | - |
| Arts and Humanities | 9.43 | 8 | 16.49 | 15 | 240.00 | 200 | 29.50 | 26 |
| Overall | 11.77 | 10 | 16.78 | 16 | 235.00 | 220 | 33.17 | 28 |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) ^ PolyU's four-year programmes were not open to local students with international academic qualifications. Hence the scores provided are those of intakes to PolyU's three-year programmes only.
- (iv) "-" means there was no student admitted on the basis of such academic qualification.

- (v) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
- (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.
- (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013

Institution: The Hong Kong University of Science and Technology (HKUST)

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|----------------|--------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | DSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile |
| Sciences | 11.28 | 10 | 16.47 | 16 | 260 | 240 | @ | |
| Engineering and Technology | 11.06 | 10 | 16.53 | 16 | 260 | 240 | 38.7 | 38.0 |
| Business and Management | 13.73 | 12 | 18.59 | 17 | 260 | 260 | 36.2 | 34.0 |

| <i>Broad Academic Programme Category*</i> | <i>Local FYFD Intakes through JUPAS</i> | | | | <i>Local FYFD Intakes through Non-JUPAS</i> | | | |
|---|---|-----------------------|--------------------------|-----------------------|---|-----------------------|-------------------------|-----------------------|
| | <i>HKALE⁽¹⁾</i> | | <i>DSE⁽²⁾</i> | | <i>GCE⁽³⁾</i> | | <i>IB⁽⁴⁾</i> | |
| | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> | <i>Average</i> | <i>Lower quartile</i> |
| Social Sciences | | | | | | | | |
| Arts and Humanities | 10.15 | 8 | 17.77 | 17 | @ | | @ | |
| Overall | 12.25 | 10 | 17.29 | 16 | 260 | 260 | 36.7 | 34 |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) @ Since there was/were only an insignificant number of intake(s) with the relevant qualification, the scores are not computed in order to avoid the disclosure of scores of individual students.
- (iv) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
- (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
 AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
 AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
 As such, the maximum HKALE score is 20.
- (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
 5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
 As such, the maximum DSE score is 28.
- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
 A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
 AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
 As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Scores of Selected Entry Qualifications[#] of
Local Intakes to UGC-funded First-Year-First-Degree (FYFD)
Places by Broad Academic Program Category, 2012-2013

Institution: The University of Hong Kong (HKU)

| Broad Academic Programme Category* | Local FYFD Intakes through JUPAS | | | | Local FYFD Intakes through Non-JUPAS | | | |
|------------------------------------|----------------------------------|----------------|--------------------|----------------|--------------------------------------|----------------|-------------------|----------------|
| | HKALE ⁽¹⁾ | | DSE ⁽²⁾ | | GCE ⁽³⁾ | | IB ⁽⁴⁾ | |
| | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile | Average | Lower quartile |
| Medicine, Dentistry and Health | 16.0 | 12 | 21.7 | 19 | 269 | 260 | 42.6 | 42 |
| Sciences | 15.0 | 13 | 19.1 | 17 | 269 | 260 | 37.8 | 36 |
| Engineering and Technology | 14.1 | 12 | 18.7 | 17 | 256 | 240 | 37.0 | 35 |
| Business and Management | 16.6 | 14 | 21.3 | 20 | 254 | 240 | 38.4 | 36 |
| Social Sciences | 16.8 | 14 | 21.7 | 20 | 255 | 240 | 38.6 | 36 |
| Arts and Humanities | 15.7 | 14 | 20.1 | 19 | 225 | 210 | 34.4 | 32 |
| Education | 12.2 | 10 | 18.5 | 17 | 216 | 178 | 35.0 | 34 |
| Overall | 15.5 | 14 | 20.4 | 18 | 256.8 | 240 | 38.3 | 36 |

Notes:

- (i) # These refer to the highest relevant academic qualifications possessed by the intakes on the basis of which their admission was considered.
- (ii) * Intakes to FYFD places are classified to respective broad academic programme categories according to the UGC-funded programmes that the students were admitted to.
- (iii) The scores are derived as follows for illustration purpose only, and this is not the actual calculation method used by institutions when considering students for admission. The actual formulae and subject weightings used by institutions vary depending on the type of qualification and the programme for which a candidate was considered. Institutions confirm that they do not have a standard numerical formula to convert and compare different academic qualifications. Instead, it should be emphasized that student admission is on a rigorous and holistic assessment of candidates in both academic and non-academic aspects.
 - (1) Hong Kong Advanced Level Examination (HKALE): The HKALE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results, other than AS Use of English and AS Chinese Language & Culture. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
AL: A=10, B=8, C=6, D=4, E=2, other grades=0;
AS: A= 5, B=4, C=3, D=2, E=1, other grades=0.
As such, the maximum HKALE score is 20.

- (2) Hong Kong Diploma of Secondary Education (HKDSE) Examination: The DSE standard score is the sum of DSE scores for the four core subjects (that is, Chinese Language, English Language, Mathematics and Liberal Studies) where the score for each subject is calculated as follows:
5**=7, 5*=6, 5=5, 4=4, 3=3, 2=2, 1=1, "unclassified"=0
As such, the maximum DSE score is 28.
- (3) General Certificate of Education (GCE) Examination: Similar to the HKALE score, the GCE score is the sum of the scores for one Advanced Level (AL) subject plus one AL subject or two Advanced Supplementary Level (AS) subjects with the best results. The subjects for calculation do not necessarily include those specified in the departmental entrance requirement. The score for each subject is allocated as follows:
A-Level: A* - 140; A - 120; B - 100; C - 80; D - 60; E - 40
AS-Level: A - 60; B - 50; C - 40; D - 30; E - 20
As such, the maximum GCE score is 280.
- (4) International Baccalaureate (IB): This refers to the IB Diploma point score where the highest total available for a Diploma Programme student is 45 points.

Rational Allocation of Public Rental Housing Resources

17. **MRS REGINA IP** (in Chinese): *President, to ensure rational allocation of public rental housing (PRH) resources, it is stipulated under the Housing Subsidy Policy (HSP) of the Hong Kong Housing Authority (HA) that tenants who have been living in PRH flats for 10 years or more are required to declare their household income biennially. Tenants with a household income exceeding the Waiting List Income Limit (WLIL) by two times and those with a household income exceeding WLIL by three times (or who opt not to declare their income) are required to pay 1.5 times and double net rent respectively, plus rates. If the assets of the latter have exceeded 84 times of the WLIL (or who opt not to declare their assets) in the next cycle of declaration, they have to vacate and surrender their PRH flats within 12 months, during which they are required to pay a licence fee equivalent to double net rent plus rates or market rent (whichever is the higher) for temporary stay at their flats. According to the statistics provided by the Housing Department (HD), the number of PRH tenants who are required to pay additional rent (commonly known as "well-off tenants") has been increasing in recent years. In this connection, will the Government inform this Council:*

- (a) *of the number of well-off tenants and its percentage in the total number of PRH tenants as at end of January 2013, together with a breakdown by the rent payable by them, namely the 1.5 times rent, double rent and market rent;*

- (b) *of the respective numbers of cases in which flat visits were conducted by the HD to inspect if PRH flats were misused in each of the past five years, and among them, the number of cases referred to a Central Team for in-depth investigation and the number of cases in which the flats were recovered ultimately;*
- (c) *of the respective numbers of PRH tenants who purchased Home Ownership Scheme (HOS) flats from the HA in each of the past five years; during the same period, the number of PRH tenants who purchased HOS flats in the HOS Secondary Market and the percentage of such transactions in the total number of transactions in that market; and*
- (d) *whether the Government will review the existing policy and provide incentives to encourage those PRH tenants who no longer need subsidized housing to vacate and surrender their flats, with a view to expediting the turnover of PRH flats and ensuring rational allocation of PRH resources?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the HA is committed to ensuring the rational allocation of limited public housing resources. Tenants who have been living in PRH for 10 years or more are required to declare their household income biennially under the HSP. Those with household incomes between two to three times of Waiting List (WL) income limits are required to pay 1.5 times net rent plus rates. Those with household incomes that exceed the WL income limits by three times need to pay double net rent plus rates. Tenants who opt not to declare their household income will automatically be required to pay double net rent plus rates. For households paying double-rent, they are further required to declare their assets biennially under the Policy on Safeguarding Rational Allocation of Public Housing Resources (SRA). Households who opt not to declare assets, or whose household assets exceed the prevailing assets limits (84 times of WL asset limits) have to vacate their PRH flats. If tenants have difficulties in moving out the flat by the specified date, they may apply for a licence from the HA to temporarily stay in their PRH flats for a period of not more than 12 months, during which period, they need to pay a licence fee equivalent to the double net rent plus rates or market rent (whichever is the higher).

My reply to the questions raised by the Mrs Regina IP is as follows:

- (a) According to the HA records, as at end December 2012, about 3% of PRH households pay additional rent or market rent. Details are as follows:

| | <i>Number of PRH households paying 1.5 times net rent plus rates</i> | <i>Number of PRH households paying double net rent plus rates</i> | <i>Number of PRH households paying market rent</i> | <i>Total</i> | <i>Percentage of all PRH households</i> |
|-------------------------|--|---|--|--------------|---|
| As at end December 2012 | 19 251 | 2 588 | 31 | 21 870 | 3% |

- (b) To safeguard the rational allocation of limited public housing resources, the HD has established a Biennial Inspection System (BIS) to detect tenancy abuses. Under the BIS, estate management staff will conduct flat visits to some 730 000 PRH households territory-wide at least once every two years and take the opportunity during flat visits to detect tenancy abuses. Suspected cases (such as abandoning the flats, sub-letting the flat in whole or part, and so on) found during flat visits will be referred to the HD's Central Team for in-depth investigations. The Central Team will investigate all complaint cases as well as carry out investigations into randomly-selected cases. In the past five years (2007-2008 to 2011-2012), the Central Team has investigated some 8 000 suspicious occupancy-related cases on an annual basis.

There are various reasons for the HA to recover PRH flats which include households surrendering their flats after purchasing flats from the private market or through the HOS, death of single tenants, self-surrender of elderly tenants after admission into elderly homes and recovery of flats by the HD due to tenancy control actions, and so on. In recent years, the HA on average has recovered some 7 000 PRH flats from existing tenants for reallocation to the WL applicants annually. According to the HD's record, about 400 PRH

flats were recovered through the issue of Notice-to-quit as a result of investigations into tenancy abuse cases.

- (c) Both PRH tenants and Green Form (GF) Certificate Holders⁽¹⁾ can purchase HOS flats put up for sale by the HA with GF status without being subject to income and asset limits, and so on, or HOS flats with premium not yet paid on the HOS Secondary Market.

The numbers of PRH tenants who have purchased HOS flats put up for sale by the HA with GF status since 2008-2009 are as follows:

| <i>Phase</i> | <i>Sale of Surplus HOS Flats (Phase 3)</i> | <i>Sale of Surplus HOS Flats (Phase 4)</i> | <i>Sale of Surplus HOS Flats (Phase 5)</i> | <i>Sale of Surplus HOS Flats (Phase 6)</i> |
|---|--|--|--|--|
| Flat selection period | April to June 2008 | October to December 2008 | December 2009 to January 2010 | August to October 2010 |
| PRH tenants who purchased the flats with GF status [#] | 1 928 | 457 | 925 | 1 624 |

Note:

Including PRH tenants of the HA and the Hong Kong Housing Society.

The numbers of PRH tenants who have purchased HOS flats with premium not yet paid on the HOS Secondary Market with GF status during the same period, and the percentage of those transactions on the HOS Secondary Market⁽²⁾ in the respective years, are as follows:

- (1) GF Certificate Holders are referring mainly to those successful WL applicants whose eligibility for PRH has been established and who are due for allocation of PRH within one year.
- (2) At present, owners of HOS flats can sell their flats to GF buyers without payment of premium from the third year counting from the date of the first assignment. In response to the home aspiration of those with White Form (WF) status in the transitional period before the first batch of new HOS flats are completed in 2016-2017, 5 000 WF buyers each year will be allowed to purchase HOS flats with premium not yet paid under an interim scheme. The scheme was open for application from 4 to 18 January this year. As such, as at December 2012, all transactions of HOS flats with premium not yet paid on the HOS Secondary Markets involved GF buyers only.

| <i>Year</i> | <i>2008-2009</i> | <i>2009-2010</i> | <i>2010-2011</i> | <i>2011-2012</i> | <i>2012-2013 (as at end December 2012)</i> |
|--|------------------|------------------|------------------|------------------|--|
| Purchasers who were PRH tenants [#] (as a percentage of the transactions of HOS flats with premium not yet paid on the Secondary Market in the respective years) | 1 246 (83%) | 1 550 (79%) | 1 565 (81%) | 1 123 (80%) | 970 (81%) |

Note:

Including PRH tenants of the HA and the Hong Kong Housing Society.

- (d) The HA strives to ensure the rational allocation of valuable public housing resources to households in need and has been implementing various measures to encourage those tenants who are not in need of housing subsidy to move out and surrender their flats to the HA for allocation to needy families on WL. Details are as follows:
- (i) In order to encourage tenants without the need for PRH for the time being or in the short run (including those admitted to aged homes, joining the Social Welfare Department's Portable Comprehensive Social Security Assistance in Guangdong and Fujian, with an operational need to live in quarters provided by employers, working overseas, or admitted to drug rehabilitation centres/imprisoned/hospitalized for treatment) to surrender the flats, the HA would issue a Letter of Assurance (LA) to those eligible tenants. They can redeem the LA for rehousing to PRH if they have a housing need in future.
 - (ii) The relatively well-off tenants can make use of their GF Status without being subject to income and asset limits, and so on, to purchase HOS flats from the HA or through the Secondary Market Scheme.

In addition, the current review of the Long Term Housing Strategy will consider, *inter alia*, the use of public housing resources and will propose feasible measures to further advance the rational use of public housing resources for the consideration of the HA.

Protection of Consumer Rights in Telecommunications Services

18. **MR CHRISTOPHER CHUNG** (in Chinese): *President, since July 2011, all major fixed and mobile network operators and one major external telecommunications service operator in Hong Kong have adopted the Industry Code of Practice for Telecommunications Service Contracts (Industry Code). The Industry Code aims to protect the consumer rights of personal or residential users who enter into or renew telecommunications service contracts. However, there are comments that disputes and complaints relating to telecommunications service contracts are still not uncommon. In this connection, will the Government inform this Council:*

- (a) of the number of complaints received by the authorities concerned from members of the public relating to telecommunications service contracts in each of the past five years, and the top five types of telecommunications services with the highest numbers of complaints received as well as the number of complaints for each of the services;*
- (b) of the procedures of the authorities concerned for handling complaints relating to telecommunications service contracts; whether the telecommunications service operators who have been found after investigation to be in breach of the Industry Code will be punished; if so, of the punishment imposed on them since the implementation of the Industry Code;*
- (c) whether the authorities have assessed the effectiveness of the Industry Code; if they have, of the details; if not, the reasons for that; whether they will conduct a comprehensive review of the Industry Code, including extending the coverage of the cooling-off period (no less than seven days) provision required to be specified in unsolicited contracts, so as to further protect consumers of their rights; if they will, of the details; if not, the reasons for that; and*

- (d) *as there are comments that, at present, the procedures drawn up by telecommunications service operators for entering into service contracts are very simple and convenient (for example, the procedures can be completed by telephone), but the procedures for termination of contracts are very cumbersome (for example, termination of contracts must be in writing), whether the authorities will consider formulating policies concerning such situation of "being easy to enter into contracts, but difficult to terminate them", so as to protect consumers of their rights; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the telecommunications market in Hong Kong has been developing rapidly, with a variety of fixed, mobile and broadband services widely available in a highly competitive market. In the environment of a fully liberalized market with fair competition, the Office of the Communications Authority (OFCA) has been closely monitoring the market operation, formulating timely measures for protecting consumer rights, and regulating telecommunications service providers under the powers conferred by the Telecommunications Ordinance (TO).

In recent years, the OFCA and the industry have collaboratively implemented a series of measures for the protection of consumer rights. As regards the telecommunications service contracts of the consumers, as a result of the active discussion between the OFCA and the telecommunications industry, the industry has formally implemented since July 2011 the Industry Code formulated by the Communications Association of Hong Kong (CAHK), an industry organization, in collaboration with the major telecommunications service operators. Guidelines on drawing up telecommunications service contracts that are fair, balanced and reasonable for the industry and consumers are provided in the Industry Code so as to bring about improvements in such aspects as contract contents and arrangements for contract termination or renewal.

The Government's reply to the Member's question is as follows:

- (a) The OFCA started to develop detailed categorization of complaints in relation to disputes on telecommunications service contracts in

2009. Therefore, detailed categorized information of such complaints in or before 2008 is not available.

The respective numbers of complaints on telecommunications service contracts received by the OFCA from 2009 to 2012, broken down by the types of disputes, are set out below:

| <i>Types</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> |
|--|--------------------|--------------------|-------------|-------------|
| Contract Content | 432 | 445 | 315 | 304 |
| Contract Termination Arrangement | 369 | 465 | 411 | 300 |
| Service Relocation Arrangement | 11 | 183 | 181 | 172 |
| Contract Renewal Arrangement | 97 | 126 | 100 | 124 |
| Unilateral Variation of Contract Terms | N/A ⁽¹⁾ | 160 | 79 | 58 |
| Contracting Process | 19 | 23 | 39 | 14 |
| 7-day Cooling-off Period | N/A ⁽²⁾ | N/A ⁽²⁾ | 12 | 8 |
| Others (Business Subscribers included) | 24 | 64 | 140 | 136 |
| Total | 952 | 1 466 | 1 277 | 1 116 |
| As Compared with the Previous Year | N/A | +54% | -13% | -13% |

Notes:

- (1) As the OFCA did not maintain separate figures for such complaint type in that particular year, the respective complaint figures were grouped under the category "Others".
 - (2) Seven-day Cooling-off Period is a new arrangement that was introduced by the Industry Code. Thus, separate figures for such complaint type are not available before 2011.
- (b) The OFCA receives complaints in respect of telecommunications service contracts from consumers from time to time. Normally, such complaints will be directly referred to the service operators concerned for follow-up. The Communications Authority (CA) regulates the telecommunications sector in accordance with the

powers conferred under the TO. Since the Industry Code is a voluntary scheme of the industry, the CA will not impose punishment on operators in breach of the Industry Code. However, when there is evidence indicating that an operator may have breached the TO or the licence conditions, the CA will conduct an investigation. A sanction or a fine will be imposed on the operator if there is sufficient evidence to substantiate the case. Under section 36C of the TO, in any case where a licensee fails to comply with any licence conditions or any provisions of the TO, the CA may impose a financial penalty not exceeding \$200,000 on the first contravention, while the amount of financial penalty imposed for the second and subsequent occasions can be up to \$500,000 and \$1 million respectively.

- (c) Starting from July 2011, all major fixed and mobile network operators and one major external telecommunications service operator in Hong Kong have implemented the Industry Code. As indicated by the figures in part (a) of the reply, the number of complaints in relation to disputes on telecommunications service contracts has significantly reduced after the implementation of the Industry Code. Regarding the number of such complaints received by the OFCA in 2012 and 2011, there was a decrease of nearly 13% as compared with the previous year. Hence, we consider that the Industry Code has effectively improved the transparency in the contracting process and customer satisfaction, as well as reduced the number of disputes on contracts.

The Industry Code has been implemented for more than 18 months. The OFCA has been monitoring its implementation and effectiveness throughout the course and considers it opportune to conduct a comprehensive review on the effectiveness and the scope of the Industry Code now. In this connection, the OFCA has made the review proposal to CAHK in January this year. The OFCA is currently conducting a comprehensive analysis of the complaints received so as to study whether there is a need to make appropriate modifications to the Industry Code.

- (d) Concerning the "arrangements for contract termination", provisions have been made in the Industry Code to safeguard consumers

interest in relation to contract termination, providing specific protection in the following aspects:

- the contract must oblige the service provider to notify the customer of the impending expiry of the term of the contract, no more than 60 days and no less than 30 days before the date the contract expires;
- the customer must not be obliged to give the service provider more than one month's prior notice of termination;
- the arrangements for termination must not put customers to inconvenience; and
- the service provider shall make available reasonable means for the customer to obtain (on any day) information in relation to, and exercise the right of, termination.

As mentioned in part (c) of the reply, the OFCA is currently conducting a comprehensive analysis of the complaints received in the past 18 months to review the existing provisions of the Industry Code, including the provisions concerning the "arrangements for contract termination".

Chiropractor Service

19. **DR JOSEPH LEE** (in Chinese): *President, the Government indicated in 2011 that there were not enough justifications for medical certificates (commonly known as "sick leave certificates") issued by chiropractors to be recognized under labour legislation, but it would conduct a more comprehensive survey to gauge the prevalence of chiropractic treatments in Hong Kong. The Government also indicated that the Hospital Authority (HA) had no plan to introduce chiropractor service. In this connection, will the Government inform this Council:*

- (a) *of the details and current progress of the aforesaid survey, as well as the expected time for publishing the survey findings; whether the authorities will, upon completion of the survey, examine afresh the*

recognition of sick leave certificates issued by chiropractors under labour legislation; if they will, of the details; if not, the reasons for that;

- (b) *as the Government has indicated that "the HA will consider new services and facilities in response to the demand of the public for different healthcare services", whether it knows if the HA has clear criteria and indicators for determining what new public healthcare services are to be introduced; if so, of the details, and whether the HA has assessed if public demand for chiropractor service is on the rise; if the assessment result is in the affirmative, whether the HA will consider afresh the introduction of public chiropractor service; if they will, of the details; if not, the reasons for that; and*
- (c) *whether the authorities have actively promoted the recognition of sick leave certificates issued by chiropractors under labour legislation (for example, helping or encouraging the Chiropractors Council to expeditiously implement a system for maintaining medical records and to draw up guidelines for issuance of sick leave certificates, and so on), so that patients in need of chiropractic treatments will not be deterred from seeking such treatments by the non-recognition of sick leave certificates issued by chiropractors, and so as to promote the development of chiropractor service; if they have, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Administration had studied thoroughly the report on whether the medical certificates issued by chiropractors should be recognized under labour legislation in 2011. Having taken into account the local chiropractic practices, relevant surveys, experiences of other jurisdictions and views of stakeholders on the subject, the Administration considered that there were not enough justifications for recognizing under labour legislation the medical certificates issued by chiropractors. However, in order to gain a more updated and thorough understanding of the community's knowledge and utilization of chiropractic treatment, the Administration commissioned the Census and Statistics Department (C&SD) to conduct a comprehensive survey on the subject to gauge the prevalence of chiropractic treatment in Hong Kong.

My reply to the three parts of the question raised by Dr Joseph LEE is set out below:

- (a) With reference to the opinions from the chiropractic sector and stakeholders towards the abovementioned survey, the Labour Department (LD) and C&SD formulated the questionnaire for the thematic household survey on chiropractor consultation. The fieldwork of the survey was conducted in the fourth quarter of 2012. The C&SD is now verifying, consolidating and analysing the data collected. The survey results are expected to be released in the latter half of 2013.

Apart from the survey results, the Administration will also take into account the development of the chiropractic profession, its popularity, the community's knowledge and acceptance of chiropractic treatment, views and concerns of stakeholders, availability of sufficient ancillary facilities as well as experiences of other regions, and so on. This will ensure that the many aspects of the subject will be considered and from different angles. The actual circumstances of Hong Kong will also be considered so as to assess the subject comprehensively.

- (b) The HA provides the community with comprehensive medical services and assists non-profit making organizations in providing limited Chinese medicine services. The multi-disciplinary teams, comprising general practitioners, orthopaedics and allied health professionals (including physiotherapists and occupational therapists), will provide patients suffering from musculoskeletal diseases with the necessary services. As the health conditions treated by chiropractors have been covered by the scope of the existing services provided by the HA, at present the HA has no plan to introduce chiropractic services which is a form of alternative medicine.

In general, the HA will, based on the principle of effective utilization of public resources, carefully take into account the demand, efficacy, medical evidence, international standards, manpower situation and cost-effectiveness of proposals of provision of new services. The HA will also consider enhancing the existing services in order to

cater for the demand more effectively. Subsequent to the consensus reached among relevant clinicians on the development of new services and the endorsement of the proposal at its Directors' Meeting of the HA, the HA will prioritize the implementation of various service programmes through its established mechanism under the Annual Plan.

- (c) When considering the report on whether the medical certificates issued by chiropractors should be recognized under labour legislation, the Administration had already brought the attention of the chiropractic sector to the public concerns in respect of chiropractic treatment, including the importance of maintaining medical records and the need to draw up guidelines for issuing medical certificates, and so on. The chiropractic sector valued and understood the concerns and recommendations raised in the report, and accordingly was actively improving their internal guidelines. On the other hand, the Chiropractors Council of Hong Kong (the Council) has set up committees to draw up guidelines for the issuance of sick leave certificates and to review the "Code of Practice for the Guidance of Registered Chiropractors", including consideration of inclusion of a section on handling medical records. Upon completion, the committees will submit their recommendations to the Council for consideration. In addition, the chiropractic sector will continue to organize various kinds of activities to promote and publicize chiropractic treatment so as to enhance the community's knowledge and to encourage continuing education for chiropractors with a view to promoting their professionalism.

The Administration has all along maintained communication with the chiropractic sector and stakeholders. Apart from seeking their opinions on the new round of survey on chiropractor consultation, the Administration will continue to liaise with the chiropractic sector and follow up relevant issues. The latest development of chiropractic in Hong Kong and other regions will also be closely monitored.

Assessment of Educational Qualifications Obtained by Hong Kong People in the Mainland or Taiwan and Their Employment

20. **MR CHEUNG KWOK-CHE** (in Chinese): *President, it has been reported that from this year onwards, a total of about 500 sub-degree graduates from nine tertiary institutions in Hong Kong may articulate to study in Year 3 of the undergraduate programmes of over 70 specified universities in Taiwan. However, some members of the public have pointed out that holders of Taiwanese educational qualifications have all along encountered difficulties in seeking assessment of their educational qualifications by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ). Regarding the assessment of the educational qualifications obtained by Hong Kong people in the Mainland or Taiwan and their employment, will the Government inform this Council:*

- (a) *whether it knows the number of assessment applications received by HKCAAVQ from holders of Taiwanese educational qualifications each year between 2008 and 2012; among such applications, the number and percentage of cases in which the educational qualifications concerned had been assessed as comparable to the level of their counterparts in Hong Kong; of the respective numbers of applications for review of HKCAAVQ's determinations and unsuccessful reviews (set out in the table below);*

| <i>Educational qualification assessment</i> | <i>2012</i> | <i>2011</i> | <i>2010</i> | <i>2009</i> | <i>2008</i> |
|---|-------------|-------------|-------------|-------------|-------------|
| <i>Number of applications</i> | | | | | |
| <i>Number of cases in which the educational qualifications concerned had been assessed as comparable to the level of their counterparts in Hong Kong (percentage)</i> | | | | | |
| <i>Number of applications for review</i> | | | | | |
| <i>Number of unsuccessful reviews</i> | | | | | |

- (b) *whether it knows which Mainland and Taiwanese universities and their programmes the educational qualifications awarded by which to Hong Kong graduates have been assessed by HKCAAVQ as comparable to the level of their counterparts in Hong Kong;*
- (c) *given that quite a number of Hong Kong students planning to study in the Mainland or Taiwan wish to know, before deciding on their further studies, if the universities and programmes in which they are inclined to study are recognized in Hong Kong, whether the authorities will demand HKCAAVQ to regularly publish the information in part (b); if they will, of the time and channels for publishing such information, and whether they will take the initiative to relay such information to the students from Hong Kong who are studying at the universities and in the programmes concerned; if such information will not be published, of the reasons for that;*
- (d) *given that some Members of this Council have questioned the need for HKCAAVQ to independently assess each case of educational qualification assessment according to the individual circumstances of the educational qualification holder, whether the authorities will require HKCAAVQ to change such arrangement to directly conduct accreditation of the educational qualifications awarded by the universities in the Mainland and Taiwan; if they will, of the details; if not, the reasons for that; and*
- (e) *as some holders of Taiwanese educational qualifications have relayed that they have found it difficult to secure employment after returning to Hong Kong as their educational qualifications are not generally recognized here, whether the authorities will strive for approval and assistance from the Taiwanese authorities concerned for Hong Kong people to stay after graduation from Taiwanese universities and take up employment there for a period of time, so as to accumulate relevant working experience; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, with the objective of equipping students through education, the Government of the Hong Kong Special Administrative Region (HKSAR) strives to provide quality, diversified

and flexible study pathways with multiple entry and exit points for students who have completed secondary education. Having regard to their own interests and abilities, students may opt for different progression pathways, including the pursuit of further studies outside Hong Kong.

- (a) The qualifications assessment made by the HKCAAVQ in response to applications submitted by holders of Taiwanese qualifications between 2008 and 2012 is summarized below:

| <i>Qualifications assessment</i> | <i>2012</i> | <i>2011</i> | <i>2010</i> | <i>2009</i> | <i>2008</i> |
|--|-------------|-------------|-------------|--------------|--------------|
| Number of applications | 98 | 69 | 107 | 144 | 154 |
| Number of cases in which the qualifications concerned had been assessed as comparable to the level of their counterparts in Hong Kong (percentage) | 85 (87%) | 60 (87%) | 97 (91%) | 137 (95%) | 140 (91%) |
| Number of applications for review | 1 | 0 | 0 | 2 | 0 |
| Number of unsuccessful reviews | 0 | 0 | 0 | 2 | 0 |

- (b), (c) and (d)

The HKCAAVQ provides professional assessment service to individuals possessing qualifications awarded by granting bodies outside Hong Kong. Each application is assessed independently on the basis of the totality of the applicant's qualifications, with emphasis on the integrated learning outcomes of the applicant's highest and terminal qualifications and the components of the course of study (including advanced standing or transfer of credits). The HKCAAVQ assesses whether the totality of an applicant's qualification meets the standard of a particular level of qualification in Hong Kong. Qualifications assessment is not an accreditation of an institution or a programme, and the result relates only to the

individual applicant being assessed but not a particular institution or programme. As such, it is inappropriate to publish the names of programmes and institutions involved in qualifications assessment.

In relation to further study, the HKSAR Government and the Ministry of Education signed the Memorandum of Understanding between the Mainland and Hong Kong on Mutual Recognition of Academic Degrees in Higher Education (MoU) in July 2004. The MoU facilitates the mutual recognition of qualifications for the purpose of further study in recognized Mainland and Hong Kong higher education institutions empowered to award degrees at undergraduate or above levels by simplifying the procedures involved. All the 70 Mainland higher education institutions joining the Scheme for Admission of Hong Kong Students to Mainland Higher Education Institutions in 2013 are included in the list of recognized higher education institutions in both places under the MoU. As such, degrees at undergraduate or above levels awarded by these institutions are recognized by Hong Kong higher education institutions for the purpose of further study, while degrees at undergraduate or above levels awarded by Hong Kong higher education institutions covered by the MoU are recognized by Mainland higher education institutions for the same purpose.

In terms of employment, recognition of a particular qualification is essentially a matter for the user to decide. In general, it is up to individual employers (both public and private organizations) or professional bodies to decide whether a particular qualification obtained by an applicant should be regarded as meeting the requirements for filling the relevant job position or membership registration. As regards qualifications awarded by bodies outside Hong Kong, the holders would normally seek the assessment of the HKCAAVQ. This notwithstanding, decisions as to whether or not to accept a particular qualification for employment or registration purposes still rest with the employer or body concerned.

As for civil service appointments, under the existing policy of the Civil Service Bureau, qualification requirements for civil service posts are normally set with reference to qualifications obtainable

under the local education system or from local institutions. Candidates holding non-local qualifications may also apply for civil service posts. As the programmes offered by local and non-local institutions are different in content, these candidates' overall qualifications will be subject to assessment to decide whether they meet the qualification requirements of the posts being applied for. If their qualifications are assessed as comparable in standard to the entry qualification requirements, they will be considered for appointment. Under the existing mechanism, the Civil Service Bureau will seek the advice of the HKCAAVQ or other relevant education institutions where necessary.

- (e) To our knowledge, according to the existing regulations in Taiwan, graduates of Taiwanese universities who are of foreign nationalities, from overseas Chinese communities, or of other Chinese origin (including Hong Kong students) may apply to the Taiwan authorities via their employers for employment in the professional or technical fields if their average monthly salary exceeds NT\$37,619.

Generally speaking, the HKSAR Government does not offer assistance to Hong Kong people who graduate outside Hong Kong to seek employment in the place of their graduation. That said, the Hong Kong Economic, Trade and Cultural Office in Taiwan establishes contacts with Hong Kong people in Taiwan (including those pursuing studies there) and provides general assistance to the extent possible.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

TRUST LAW (AMENDMENT) BILL 2013

DISTRICT COUNCILS (AMENDMENT) BILL 2013

CLERK (in Cantonese): Trust Law (Amendment) Bill 2013
District Councils (Amendment) Bill 2013

Bills read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

TRUST LAW (AMENDMENT) BILL 2013

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, I move the Second Reading of the Trust Law (Amendment) Bill 2013 (the Bill).

The Bill seeks to amend two major ordinances of the trust law regime in Hong Kong, namely the Trustee Ordinance (Cap. 29) and the Perpetuities and Accumulations Ordinance (Cap. 257) to provide effective administration of trusts through enhancing trustees' new default powers, while providing for appropriate checks and balances so that trustees will exercise the new powers properly. The Bill seeks to bolster the competitiveness and attractiveness of Hong Kong's trust services industry, which will in turn enhance Hong Kong's status as an international asset management centre.

Hong Kong is a major asset management centre in Asia. According to information, as at the end of 2011, the trust industry held assets of an estimated \$2,600 billion, and more than 60% of the asset management business originated from funds from non-Hong Kong investors.

The trust law regime in Hong Kong is mainly based on common law, supplemented principally by the Trustee Ordinance and the Perpetuities and Accumulations Ordinance. These two ordinances have not been substantially reviewed or modified since their enactments in 1934 and 1970 respectively. Some of their provisions are outdated and cannot meet the needs of present-day trusts.

In recent years, other major common law jurisdictions, such as the United Kingdom and Singapore, have carried out trust law reforms to facilitate trust administration and attract more trust businesses. It is imperative for Hong Kong to expeditiously modernize its trust law, so as to enhance Hong Kong's competitiveness as an international asset management centre.

Having regard to the proposals put forward by the market and the trust industry, the experience of comparable jurisdictions and the views solicited from public consultations, we conducted a public consultation on the proposals on the direction of reform in 2009. In the light of the support and views of respondents on the reform proposals, we conducted the second public consultation in 2012 on the detailed legislative proposals to amend the aforesaid two Ordinances. The Administration had reported to the Legislative Council Panel on Financial Affairs before and after the two consultations, the public and the Legislative Council had given positive response to the legislative proposals. In response to the feedback from the two public consultations, we have made appropriate adjustments to the legislative proposals in the Bill accordingly.

The Bill modifies the common law position and updates existing legislation in certain specific aspects of our trust law regime. The legislative proposals can be classified into several broad categories: to enhance trustees' default powers; to provide for appropriate checks and balances so that trustees will exercise the new powers properly; to provide for validity of certain trusts; to abolish the rule against perpetuities and to change the rule against excessive accumulation of income. The Bill focuses on the aforesaid aspects to amend the trust law. The scope of the Bill does not cover the common law rules with respect to how a trust is constituted and when a person is to be regarded as a settlor, trustee, or beneficiary. There will also be no change to other aspects of trust law or legislation not specifically covered by the Bill.

Firstly, as far as trustees' powers are concerned, the Trustee Ordinance only provides the default position. The default powers conferred by the Trustee Ordinance on trustees will only apply subject to the terms of the instruments creating the trust or any enactment. In view of increasing complexity of present-day trusts, we propose to enhance the default powers of trustees under the Trustee Ordinance, such as a general power to appoint agents, nominees and custodians, and widening trustee's default power to insure, so as to facilitate effective administration of trusts in case the trust instruments do not contain

specific provisions. We hope the proposals concerned can facilitate more effective trust administration by the industry in Hong Kong to enhance its competitiveness.

Secondly, while we need to give wider default powers to trustees, we should also introduce checks and balances on the interests of settlors and beneficiaries, so that trustees will exercise their new powers properly, including a default statutory duty of care for trustees and other checks and balances.

We also propose to allow the setting up of perpetual trusts, introducing provisions on reserved powers by settlors and provisions against forced heirship rules, so as to improve the certainty of the provisions concerned and enhance Hong Kong's attractiveness as a domicile for trusts.

President, the Bill can modernize the trust laws and play an active role in facilitating the development of the asset management business. I hope the Legislative Council will support the passage of the Bill expeditiously to encourage more local and overseas settlors to base in Hong Kong for trust administration, so as to strengthen Hong Kong's status as an international financial centre and an asset management centre.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Trust Law (Amendment) Bill 2013 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

DISTRICT COUNCILS (AMENDMENT) BILL 2013

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I move the Second Reading of the District Councils (Amendment) Bill 2013 (the Bill).

The object of the Bill is to amend the District Councils Ordinance (Cap. 547) (DCO) to abolish the system of appointing members to the District Councils (DC) with effect from 1 January 2016, the commencement date of the next term of office of the DCs.

In 2010, when the SAR Government put forth a constitutional reform package, it undertook to put forth proposals concerning the abolition of the DC appointment system for consultation with the Legislative Council and the public.

The Government started a two-month public consultation on the DC appointment system in February 2012. On 26 June 2012, the Government issued the Consultation Report on the District Council Appointment System. According to the views received and the opinion polls conducted, the community supported the abolition of all DC appointed seats over one term.

The proposed abolition of the DC appointed seats is also included in the 2013 Policy Address of the Chief Executive, which states that "we will amend the legislation as soon as possible to abolish all DC appointed seats from 2016 onwards".

The provisions of the Bill include the short title and the commencement date of the Bill (that is, 1 January 2016). The Bill amends the DCO to repeal all references to appointed members in the DCO including the definition of appointed members; the provisions that the Chief Executive may appoint persons as members of the DCs; the eligibility criteria for a person to be appointed as a DC member; the requirement for a person appointed as a DC member to swear acceptance of office in order to become a DC member; the grounds on which a person is disqualified from holding office as an appointed member; the maximum number of members to be appointed to respective DCs.

As consequences of the amendments to the DCO, three pieces of subsidiary legislation will also be amended accordingly. The systems of DC elected and ex officio members will not be dealt with by the Bill.

President, the District Councils (Amendment) Bill 2013 proposed this time aims to abolish the appointed seats in the DCs, on which a consensus has been reached in the community. I hope Members will support the Bill and have it passed as soon as possible.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the District Councils (Amendment) Bill 2013 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

MOTIONS

PRESIDENT (in Cantonese): Motion. Proposed resolution under the Pharmacy and Poisons Ordinance to approve the Pharmacy and Poisons (Amendment) Regulation 2013 and the Poisons List (Amendment) Regulation 2013.

I now call upon the Secretary for Food and Health to speak and move the motion.

PROPOSED RESOLUTION UNDER THE PHARMACY AND POISONS ORDINANCE

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

Currently, we regulate the sale and supply of pharmaceutical products through a registration and monitoring system set up in accordance with the Pharmacy and Poisons Ordinance. The Ordinance maintains a Poisons List under the Poisons List Regulations and several Schedules under the Pharmacy and Poisons Regulations. Pharmaceutical products put under different parts of the Poisons List and different Schedules are subject to different levels of control in regard to the conditions of sale and keeping of records.

For the protection of public health, some pharmaceutical products can only be sold in pharmacies under the supervision of registered pharmacists and in their presence. For certain pharmaceutical products, proper records of the particulars of the sale must be kept, including the date of sale, the name and address of the purchaser, the name and quantity of the medicine and the purpose for which it is required. The sale of some pharmaceutical products must be authorized by prescription from a registered medical practitioner, dentist or veterinary surgeon.

Arising from an application for registration of three pharmaceutical products, the Pharmacy and Poisons Board (the Board) proposes to add the following three substances to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations:

- (1) Azilsartan; its salts; its esters; their salts;
- (2) Boceprevir; its salts; and
- (3) Certolizumab pegol.

Pharmaceutical products containing the above substances must then be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

For amendment regulations concerning the adding of three substances to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations, we propose them to take immediate effect upon gazettal on 22 February 2013, to allow early control and sale of the relevant medicine.

The two Amendment Regulations are made by the Board, which is a statutory authority established under the Ordinance to regulate pharmaceutical products. The Board comprises members engaged in the pharmacy, medical and academic professions. The Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicine concerned.

With these remarks, President, I hope Members could support the motion.

Thank you.

The Secretary for Food and Health moved the following motion:

"RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 24 January 2013, be approved —

- (a) the Pharmacy and Poisons (Amendment) Regulation 2013;
and
- (b) the Poisons List (Amendment) Regulation 2013."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Food and Health 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 of the Members present. I declare the motion passed.

MEMBERS' MOTIONS

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

The first to the fourth items are proposed resolutions moved under the Interpretation and General Clauses Ordinance in relation to the extension of the period for amending subsidiary legislation.

PRESIDENT (in Cantonese): First motion: To extend the period for amending the Personal Data (Privacy) (Amendment) Ordinance 2012 (Commencement) Notice, which was laid on the table of this Council on 30 January 2013.

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, at the House Committee meeting on 8 February 2013, Members decided to form a Subcommittee to study the Personal Data (Privacy) (Amendment) Ordinance 2012 (Commencement) Notice. Members agreed that I, as Chairman of the House Committee, should move a motion to extend the scrutiny period of the Notice to 20 March 2013, so as to allow sufficient time for scrutiny by the Subcommittee.

President, I urge Members to support the motion as set out in the Agenda.

Mr Andrew LEUNG moved the following motion:

"RESOLVED that in relation to the Personal Data (Privacy) (Amendment) Ordinance 2012 (Commencement) Notice, published in the Gazette as Legal Notice No. 5 of 2013, and laid on the table of the Legislative Council on 30 January 2013, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 20 March 2013."

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.

PRESIDENT (in Cantonese): Second motion: To extend the period for amending five items of subsidiary legislation in relation to the Companies Ordinance, which were laid on the table of this Council on 6 February 2013.

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, at the House Committee meeting on 8 February 2013, Members decided to form a Subcommittee to scrutinize the 13 items of subsidiary legislation for implementing the new Companies Ordinance, which will be introduced into the Legislative Council by batches, including the first batch of five items of subsidiary legislation as set out in the motion. Members agreed that I, as Chairman of the House Committee, should move a motion to extend the scrutiny period of the five items of subsidiary legislation to 27 March 2013, so as to allow sufficient time for scrutiny by the Subcommittee.

President, I urge Members to support the motion as set out in the Agenda.

Mr Andrew LEUNG moved the following motion:

"RESOLVED that in relation to the —

- (a) Companies (Words and Expressions in Company Names) Order, published in the Gazette as Legal Notice No. 7 of 2013;
- (b) Companies (Disclosure of Company Name and Liability Status) Regulation, published in the Gazette as Legal Notice No. 8 of 2013;
- (c) Companies (Accounting Standards (Prescribed Body)) Regulation, published in the Gazette as Legal Notice No. 9 of 2013;
- (d) Companies (Directors' Report) Regulation, published in the Gazette as Legal Notice No. 10 of 2013; and
- (e) Companies (Summary Financial Reports) Regulation, published in the Gazette as Legal Notice No. 11 of 2013,

and laid on the table of the Legislative Council on 6 February 2013, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 27 March 2013."

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.

PRESIDENT (in Cantonese): Third motion: To extend the period for amending the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013, which was laid on the table of this Council on 6 February 2013.

I now again 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, at the House Committee meeting on 8 February 2013, Members decided to form a Subcommittee to study the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013, and they agreed that I, as Chairman of the House Committee, should move a motion to extend the scrutiny period of the Rules to 27 March 2013, so as to allow sufficient time for scrutiny by the Subcommittee.

President, I urge Members to support the motion as set out in the Agenda.

Mr Andrew LEUNG moved the following motion:

"RESOLVED that in relation to the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013, published in the Gazette as Legal Notice No. 13 of 2013, and laid on the table of the Legislative Council on 6 February 2013, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 27 March 2013."

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 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): Fourth motion: To extend the period for amending the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice, which was laid on the table of this Council on 6 February 2013.

I now again 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, at the House Committee meeting on 8 February 2013, Members decided to form a Subcommittee to study the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice, and they agreed that I, as Chairman of the House Committee, should move a motion to extend the scrutiny period of the Notice to 27 March 2013, so as to allow sufficient time for scrutiny by the Subcommittee.

President, I urge Members to support the motion as set out in the Agenda.

Mr Andrew LEUNG moved the following motion:

"RESOLVED that in relation to the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice, published in the Gazette as Legal Notice No. 14 of 2013, and laid on the table of the Legislative Council on 6 February 2013, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 27 March 2013."

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.

PRESIDENT (in Cantonese): Fifth Member's motion: Motion under the Legislative Council (Powers and Privileges) Ordinance.

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

I now call upon Ms Cyd HO to speak and move the motion.

MOTION UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE

MS CYD HO (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. This motion is proposed in pursuance of the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance), and it reads that "That this Council appoints a select committee to inquire into whether the Chief Executive of the Hong Kong Special Administrative Region Mr LEUNG Chun-ying's claim that three professionals had provided advice on the unauthorized building works (UBWs) in his House Nos. 4 and 5 at No. 4 Peel Rise on the Peak involves false statement or misrepresentation; and whether Mr

LEUNG had given any improper undertaking in exchange for the support of members of the Election Committee when he stood for the 2012 Chief Executive Election

President, in the one short year from the announcement of the incumbent Chief Executive LEUNG Chun-ying to stand for the election to his resumption of office, this is the fourth time a motion concerning his misconduct was discussed in this Council. Also, this is the second time a motion is proposed in this Council to call on an inquiry under the P&P Ordinance. Relevant agendas include the Question and Answer Session held on 10 December 2012; the motion of "Vote of no confidence in the Chief Executive" moved by Mr WU Chi-wai on 12 December; the motion moved by Mr LEE Cheuk-yan to set up a select committee for inquiry in pursuance of the P&P Ordinance on 19 December, and the motion moved by Mr LEUNG Kwok-hung to invoke the impeachment proceedings on 9 January 2013.

President, despite the fact that the Chief Executive was involved in the UBWs incident, and that he had, in order to cover up the fact, committed a series of misconduct and made remarks which are known by all to be lies, and even openly vowed in this Council that he had never said that he did not have any UBWs, regardless of all these ridiculous and untrue remarks, it is a misfortune that in this Council which lacks democratic element, the no-confidence motion, the motion to invoke the impeachment proceedings, and the motion to inquire into the matter by invoking the P&P Ordinance were all unable to get passed. This is why this motion is proposed on our fourth attempt.

President, I feel sad because the Chief Executive of Hong Kong should be a person of integrity, have a sense of shame and know the right way forward. He should not have involved in the UBWs incident in the first place and made series of misrepresentations to cover the fact so as to remain in office, thereby forcing this Council to move motions one after the other to call on investigations. Hong Kong should not be governed by such a Chief Executive who has been called into serious question by members of the public.

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

The major reason for proposing this motion again today is that there is new information recently. In the aftermath of the UBWs incident, LEUNG Chun-ying has adopted an ambiguous attitude and failed to disclose the identity of the three professionals who had inspected his house for any UBWs. Some new developments have emerged lately. When LEW Mon-hung was interviewed by the *iSun Affairs Magazine* in February 2013, he made some astonishing remarks and concrete allegations. I just want to highlight two points raised in the interview which specifically showed how LEUNG Chun-ying had allegedly breached the law.

Firstly, LEW Mon-hung said that the three professionals mentioned by LEUNG Chun-ying were fabricated and did not actually exist. Mr Barry CHEUNG also had a part to play. If those three professionals were fabricated and did not exist, then LEUNG Chun-ying's claims that his properties had been inspected, that he had no knowledge of and was unaware that the UBWs were illegal are nothing but big lies.

Furthermore, during the interview, LEW also pointed out that on 15 or 16 December 2011 — he could not recall the exact date — in his office on the 16th floor of Jardine House, LEUNG Chun-ying told him (I quote) "Mon-hung, in view of your staunch support to me, what role do you want to play in the new government if I win?" Obviously, LEUNG Chun-ying intended to use public office in exchange for support. LEW Mon-hung went further to state specifically that LEUNG Chun-ying promised to name him a member of the Executive Council.

Deputy President, these are all very serious and concrete accusations. Using public office in exchange for support may constitute election bribery, and contravene the provisions of the Elections (Corrupt and Illegal Conduct) Ordinance on election bribery.

The so-called UBWs is actually an illegal room of around 200 sq ft in the basement of LEUNG's luxurious home. During our previous debate on the motion to invoke the impeachment proceedings, Mr Dennis KWOK has given a detailed description of the incident, and highlighted and recounted that LEUNG Chun-ying had erected a brick wall at the entrance of the room in the basement in November 2011 without seeking the approval of the Buildings Department. His

intent to conceal the fact is therefore clearly reflected in the erection of a brick wall.

Another issue is, LEUNG Chun-ying invited the media to his residence for lunch in May 2011, during which he told them that after he moved in, three professionals — including two lawyers and one architect — had been engaged to inspect if the property had any problem. This is a very critical claim because if he was told by the professionals that the property was okay — though the basement was a UBWs — he could use this as a defence. But if he fabricated the story and no one had ever given him any professional advice, as LEW Mon-hung had claimed, it would be a very serious problem.

Therefore, during the Question and Answer Session or the previous motion debates, Members from the pro-democratic camp had requested the Chief Executive to disclose the identity of those three professionals. And yet, so far, he has failed to disclose the identity of the professional architect, the most critical witness, but merely said that he had passed away. In other words, the only witness was dead, and even the name cannot be disclosed. LEUNG Chun-ying has all along stressed the importance of protecting privacy, fearing that the disclosure might hurt the family members of the architect concerned. Thus, he had refused to disclose the identity or any information about that professional. Members of the public are absolutely not convinced and doubted if this person is fabricated or really exists. All these pointed to the integrity of the Chief Executive.

As the motion moved by the Legislative Council to inquire into the matter was voted down, we subsequently moved another motion to invoke the impeachment proceedings in the hope of passing the investigation to the Chief Justice of the Court of Final Appeal. However, it was again voted down. But given that there is new information indicating that the incident may involve serious criminal offence, we can no longer sit with our arms folded. Hence, we propose this motion at the Council meeting — though this is our fourth attempt — hoping that Members from different political parties and affiliations would not harbour acts of corruption and a Chief Executive who tells lies. I beg Members to endorse, basing on the new information, the setting up of a select committee to make an impartial inquiry into the concrete accusations made by LEW Mon-hung and the Chief Executive's repeated misrepresentations to cheat the public.

Deputy President, as we have followed up on the matter relating to the three professionals for a certain period of time, I am not going to spend too much time on this. Instead, I want to talk about the improper undertaking which LEW Mon-hung claimed LEUNG Chun-ying had given about using public office in exchange or in return for support.

Although the Chief Executive Election was held on 25 March, LEUNG Chun-ying had embarked on his electioneering campaign eight weeks before the election. On 3 October 2011, he resigned as Convenor of the Executive Council to prepare for the electioneering campaign, and clearly indicated to the media his determination to stand for the election. He even organized a rally on 27 November 2011 to announce his decision to stand for the election, in which some colleagues or former colleagues had participated.

His conversation with LEW Mon-hung, during which LEW was asked what role he would like to play in the new government, took place in mid-December 2011. Judging from the sequence of events, he should have announced his determination to stand for the election and the curtain of the election was already raised. If LEUNG Chun-ying did offer LEW some advantages in exchange for support during this stage, he had contravened the Elections (Corrupt and Illegal Conduct) Ordinance.

I used to think that the acquisition of public office only happened in ancient corrupt China, I was therefore pretty surprised to see such corrupt practice in a place which had been ruled by a western democratic country for 150 years and has inherited the good social order and an excellent tradition of common law in 2012, the third millennium year. Deputy President, this is a very serious accusation and is unacceptable to Hong Kong people.

Worse still, LEUNG Chun-ying has not made any direct response or clarification to LEW Mon-hung's accusations. In a function which LEUNG Chun-ying boarded a plane with some Hong Kong people, he was asked by the media time and again about his response to the accusations. But he remained silent for three minutes. And yet, after the *Hong Kong Economic Journal* published a commentary entitled "shuanggui"¹ ("雙規") written by Mr LIAN Yi-zheng, a commentator, which highlighted that "the incumbent HKSAR Chief

¹ "shuanggui" is a disciplinary measure under which the Communist party members have to report to investigators at specific times and places for interrogations.

Executive LEUNG Chun-ying can be said to be "a baby with a 'red' father and a 'black' mother", he issued a lawyer's letter to the *Hong Kong Economic Journal* and Mr LIAN Yi-zheng in his personal capacity to hold them legally liable.

Regrettably, the solicitor letter was not published and thus no one knows the detail of it. Nonetheless, it is learnt that LEUNG Chun-ying had expressed particular concern on the part relating to "shuanggui" in the article. "Shuanggui" applies to members of the Communist Party. In that case, has the word "shuanggui" pinched the nerves of the incumbent Chief Executive — who is suspected by many to be a Communist Party member — and made him issue the solicitor letter? Furthermore, what was LEUNG's accusation?

In order to evade from the UBWs issue, LEUNG Chun-ying has not only made misrepresentations to this Council, but has also blatantly dealt a blow to the freedom of the press. His series of improper conduct will undermine the basic governance and core values of Hong Kong. Therefore, Deputy President, I am proposing this motion again and eagerly hope that Members of this Council will not indulge acts of corruption anymore. I implore Members to vote for today's motion.

Ms Cyd HO moved the following motion: (Translation)

"That this Council appoints a select committee to inquire into whether the Chief Executive of the Hong Kong Special Administrative Region Mr LEUNG Chun-ying's claim that three professionals had provided advice on the unauthorized building works in his House Nos. 4 and 5 at No. 4 Peel Rise on the Peak involves false statement or misrepresentation; and whether Mr LEUNG had given any improper undertaking in exchange for the support of members of the Election Committee when he stood for the 2012 Chief Executive Election; and that in the performance of its duties the select committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Cyd HO be passed.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, today, Ms Cyd HO has proposed to invoke the Legislative Council (Powers and Privileges) Ordinance to set up a select committee to inquire into whether Chief Executive Mr LEUNG Chun-ying was involved in false statement or misrepresentation in respect of his private properties, and whether Mr LEUNG had given any improper undertaking in exchange for the support of members of the Election Committee when he stood for the 2012 Chief Executive Election.

Deputy President, a number of ample discussions have been held in this Council on matters relating to Chief Executive Mr LEUNG Chun-ying's private properties, and Mr LEUNG has given an open account on a number of occasions. We really should not dwell on such matters in the Council any longer.

As for the 2012 Chief Executive Election, the Administration has repeatedly stressed that the election was carried out by the law with strict adherence to the principles of fairness, openness, impartiality and honesty under the Basic Law and the related local legislation. Any complaint about election malpractices and unlawful behaviour will be handled by established legal procedures which have worked effectively for years. Law-enforcement agencies will also deal with such complaints in stringent and impartial manners for sure. Thus, we consider that the Legislative Council need not and should not set up a select committee to conduct an inquiry.

Hence, the Special Administrative Region Government is firmly opposed to the motion proposed by Ms Cyd HO. I will respond again after listening to Members' speeches.

Thank you, Deputy President.

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

MR LEE CHEUK-YAN (in Cantonese): Deputy President, a point of order. A quorum is not present.

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

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

DEPUTY PRESIDENT (in Cantonese): A quorum is now present. Dr KWOK Ka-ki, please speak.

DR KWOK KA-KI (in Cantonese): Deputy President, I speak in support of Ms Cyd HO's motion and request to set up a select committee under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) (Cap. 382) to investigate the series of events triggered by LEUNG Chun-ying's Peak mansion.

Actually at this stage, whether LEUNG Chun-ying has lied is no longer a topic of interest. If you ask any people in Hong Kong whether he believes that LEUNG Chun-ying is telling the truth, I am afraid no one will say he believes in LEUNG. The present problem is not about ascertaining the truth in his words, since the public will make their own judgment on everything he said, and he is unable to gain people's trust any more. The problem is that an explanation is lacking in this incident.

As we know, last week, the Buildings Department finally initiated prosecution in relation to former Chief Secretary for Administration Henry TANG's mansion at York Road before the statutory deadline to summon or charge the people concerned, including the agent for the construction of the whole mansion and the authorized persons involved, such as the contractors and the architect. However, what is most unacceptable is that regarding the Peak mansion incident which has dragged on for more than a year since last year, no parties concerned, including Mr LEUNG Chun-ying himself, have ever come to this Council to give a truthful and clear account.

According to LEW Mon-hung in his interview with *iSun Affairs*, LEUNG Chun-ying's claim that in May 2001, two professionals and a lawyer had inspected his mansion and confirmed there were no unauthorized building works

(UBWs) was a sheer fabrication. Given LEUNG Chun-ying's personality, how come he did not refute this statement? As we all know, Mr Joseph LIAN, a former full-time member of the Central Policy Unit who is highly respected by many Members of this Council, published an article in the *Hong Kong Economic Journal (HKEJ)*. Citing LEW Mon-hung's words, his article pointed out that in running for the election, LEUNG Chun-ying might be connected with both the underworld and the police, and if that happened on the Mainland, he might be subject to "shuanggui". After he had indirectly quoted LEW Mon-hung's words, what happened in the end? He received a lawyer's letter directed to the *HKEJ* and him by LEUNG Chun-ying, who demanded the *HKEJ* to "kneel down". Regrettably, the *HKEJ* knelt down halfway by issuing a statement to offer an apology.

LEUNG Chun-ying could not even tolerate an article which had quoted remarks made by someone else. If what LEW Mon-hung said was untrue, how would it be possible for him not to take legal action in a high profile manner? Yet he did not do so. I asked people in the street whether they believed LEUNG Chun-ying or LEW Mon-hung despite both of them have no integrity. They replied that they did not believe LEUNG Chun-ying. They would rather believe LEW Mon-hung. Being the Chief Executive, he turned out to be even inferior to LEW Mon-hung.

In our view, today LEW Mon-hung, to put it bluntly, has already been cast aside, so there is no need for him to trump up any story. If LEUNG Chun-ying could claim so firmly that he had told nothing but the truth, he would not fear to come here to testify, would he? Our select committee will not torture people. It will only request him to tell the truth under oath in accordance with the P&P Ordinance. Anyone who accepts our request will simply need to tell the truth without holding anything back. There is no need to stall repeatedly, resist strongly and seek protection from everyone in the royalist camp like what he had done.

Not only is this absolutely unnecessary, it is even a good opportunity for him to perform a show. If his name can be cleared after he has spoken, we should applaud him, bow to him and thank him even more, feeling deeply grateful that we have got the right person working for us. We should also slam people like LEW Mon-hung and Joseph LIAN for fabrication of facts which has caused this Chief Executive, a person of integrity, to suffer an injustice. We have given him ample opportunities, and we have offered him time and again

such chances to clarify the matter so that he can speak to the public under oath, but he has refused to take any of these opportunities.

The most inappropriate thing for him to do is to ask the Directors of Bureaux and the royalist camp to shield him. "A man must bear the consequences of his own acts." Is that right? If he has the guts, he should come forward to come under the inquiry of the select committee. After all, we do not adopt any special practices. This is not the medieval era. We cannot extort a confession by force. However, it really sounds horrible, as LEW Mon-hung revealed that he had called to ask what should be done if the pan-democrats pursued relentlessly and demanded disclosure of the names of the people in question. In the end, Barry CHEUNG, who had served as the Chairman of LEUNG Chun-ying's campaign office, confirmed that those three people actually did not exist. So, that is what had happened! I have really got to ask, what has gone wrong?

Being the Chief Executive, he told one lie after another, but we let him get away. Telling lies is not the most serious problem. What matters most is that in telling lies, he has ruined the integrity of the Government together with the integrity of 160 000 civil servants, while everyone in Hong Kong has to bear with him. How can we tolerate this kind of incidents? A decade ago, when he took possession of the property, he had fetched an unknown professional, but it turns out that this person had already passed away. How ridiculous and absurd! Nevertheless, if someone was really involved, regardless of his professional sector and no matter whether he is the lawyer or the surveyor who had passed away, the Chief Executive should take this opportunity to give a clear account to the public.

In the statement released in October last year, LEUNG Chun-ying stated that apart from appointing a law firm to deal with the title deed of the property, he had also separately engaged lawyers and a surveyor to offer oral views on matters of ownership, construction and alterations. What a terrific story! He had requested someone who had already passed away to offer oral views. That person was dead, so how can the dead bear witness? The views were provided orally with no written record, and that person was dead.

He is such a rascal. If we still let him get away, I think this is our shame and also the misfortune of Hong Kong. If Legislative Council Members do not

discharge their bounden duty and exercise the power conferred by the P&P Ordinance to find out the truth, such behaviour is all the more irresponsible. It is also an insult to all those Hong Kong people who have cast their votes for us. Our present request is not complicated at all. It may involve just a brief procedure and that is all. What we want are the names of those professionals involved in this case, as well as when they gave the relevant views. It is said that one of those three people was dead. Are we going to delay until everyone and everything no longer exist before taking any further action? Now two people involved in the case are still alive. We could at least invite them to come here to clarify whether they had really given such a view that there were not any UBWs and alterations in this mansion.

In the statement which he issued afterwards, Barry CHEUNG said that the names of the two law firms had been disclosed and the person who offered assistance had already passed away. To avoid disturbance to his family, his identity was not disclosed. This is really a scene which can only be found in the movies. Maybe there is the need to draw a diagram to see who is no longer alive, and then someone would say that person had conducted the inspection for him. I do not think it can be handled in such a way, and principal officials should not draw a veil over this matter. Most importantly, this is not his personal business. As mentioned in Joseph LIAN's article, if any shady deals or even triads were involved in this case, how can we trust this Chief Executive and this Government any more, particularly when this Government has not rectified the glaring mistakes committed by the Chief Executive?

On 23 November last year, LEUNG Chun-ying personally responded to the UBWs issue and pointed out in paragraph 46 of his written response that he himself had discovered the extension part at the basement of House No. 4. That part was extended before his purchase of the mansion, and it was later demolished in November 2011. As he said, a problem already dealt with no longer existed, so the evidence has gone. To prove whether this extension part was already there when he purchased the mansion, and whether the action taken by him in November 2011 was indeed like what he has claimed, that UBWs already dealt with no longer existed, the only way is to set up a select committee to conduct an inquiry.

The Legislative Council has offered many chances in a number of ways to facilitate him or his subordinates, including Secretary for Development Paul

CHAN, to clarify the matter. On 12 December last year, I explicitly asked, in an oral question at the Council, in accordance with section 14 of the Buildings Ordinance, under what circumstances a property owner may demolish extension parts and brick up the space in question without obtaining the Building Authority's approval and consent, and whether "an UBWs already dealt with no longer existed" is one of those circumstances. That day Paul CHAN kept stalling by beating about the bush. I believe, Deputy President, you also remember that after we had discussed for almost 20 minutes, there were still seven Members waiting to raise their questions, but none of them was able to put their follow-up questions. Is that fair? How many times could we raise our questions in a genuinely fair manner? Now what we request is to raise our questions in the select committee in a fair manner and ask the parties concerned to reply in a fair manner. That is all. Yet the Government and all Members in the pro-establishment camp keep standing in the way. Integrity, the paramount core value which Hong Kong must at least safeguard, as well as practices which the Civil Service has been proud of, and the spirit of working in accordance with the systems, have been ruined completely.

Recently, I have read a number of news reports or articles, saying that many civil servants feel indignant. After they have worked for years and built up a system which has run effectively, this system is now no longer needed. People may take the crooked path, and they are even encouraged to take the crooked path simply to attain their end regardless of the means. So long as such a means works and can attain their end, they will be regarded as successful. As such, how can Hong Kong still have the cheek to continue to call itself a metropolis in Asia, and how can we set a good example for our mother country?

There should have been a lot of things which we could take pride in. I still remember that when the former Commissioner of the Independent Commission Against Corruption and the former Commissioner of Police were invited to be representatives of the Chinese People's Political Consultative Conference (CPPCC), one of their missions was to see if they could assist in the establishment of a sound system on the Mainland. As we know, corruption and malpractices on the Mainland are way too common, so it was hoped that the two former law-enforcement officers could be of help after they became CPPCC members. However, when the Mainland officials observe such a situation in Hong Kong and find out that our Chief Executive could make up a story with a fabricated script, using a dead person to serve as his perfunctory response, how

can we be justified to comment on the situations on the Mainland? How can we be justified to warn other people that they must stay free from corruption? How can we be justified to advise other people that it is highly important to put systems in place? Hong Kong is going to degenerate into a common city of the Mainland. We no longer need to have the Constitutional and Mainland Affairs Bureau, since the two have already integrated, both being corrupt and both failing to tell right from wrong.

We had requested a number of times at this Council to inquire into the Chief Executive's UBWs issue but were unable to mete out justice in the Council. This request made by Ms Cyd HO today, I believe, will meet the same fate. Under the protection of all those royalists, including Members returned by functional constituencies and those in the pro-establishment camp, the request for the establishment of a select committee will be stillborn. Nevertheless, I believe that Hong Kong people have discerning eyes. They can see that Hong Kong has fallen into a deep abyss where the Government's integrity and governance credibility have totally vanished, and the chief culprits who have led to such a state today are no one but the Government and its governing team.

I so submit. Thank you, Deputy President.

MS CLAUDIA MO (in Cantonese): Deputy President, Ms Cyd HO's original motion requests to inquire into whether the Chief Executive had given any improper undertaking when he stood for election. "Improper undertaking" refers to promises to offer advantages in exchange for votes. This is an alleged offence of election bribery. The allegation originated from the report of an interview with LEW Mon-hung by *iSun Affairs*, which has thus stirred up a storm. It is up to you to choose whom to believe.

LEW Mon-hung alleged that the Chief Executive had made him an undertaking when he stood for election, but now the Chief Executive has "dumped him after using him" ("過橋抽板"). Deputy President, to dump someone after using him is not against the law. It is just a matter of personal conduct. Some people literally translate the Chinese expression into "to pull away the plank after using it as a bridge". Such literal translation is inappropriate and unacceptable. By pulling away the plank after using it as a bridge, other people are unable to cross the bridge, this will only be regarded as a

selfish behaviour. However, now we are talking about ungrateful behaviour. Being ungrateful is not illegal either, but the problem is that during his interview, LEW Mon-hung mentioned that the Chief Executive was "having triad links", meaning that he is involved with triad society.

Deputy President, the Chief Executive wrote to the *Hong Kong Economic Journal (HKEJ)* and Joseph LIAN in his personal capacity. Some people said, "Everyone is equal before the law." This is also something which the pro-establishment camp would say from time to time. However, people are not absolutely equal before the law. That is the case even before the media. If Mr CHAN in the neighbourhood keeps a mistress, not too many people will show concern, since this is merely his personal business. However, if the Chief Executive keeps a mistress, it will be big news. Just think about it. Suppose A and B have committed the same sex crime, but if A is a clergyman — Deputy President, suppose he is a priest or a pastor — then he is likely to be doubly guilty because he has abused the victim's trust in his position and capacity.

Deputy President, LEUNG Chun-ying issued a lawyer's letter to the newspaper in his own name. He tried to intimidate the newspaper in this way, but given its wealth and power, the newspaper would hardly be intimidated. His act was tantamount to inflicting pressure from the whole Government with the attempt to oppress a vulnerable scholar. This was absolutely interference with freedom of the press, freedom of speech and freedom of expression.

When LEUNG Chun-ying ran for election, he had made another undertaking during his meeting with the Hong Kong Journalists Association. At that time a big charter was displayed at the scene, and candidates including LEUNG Chun-ying were requested to sign the charter to pledge to protect and respect freedom of the press and freedom of speech. This time he issued a lawyer's letter in his personal capacity. Although the letter has already been issued and reported with extensive coverage, its content has not been made public and remains confidential because he said this is a matter of privacy. He has only released a statement through the Information Services Department, stating that in Chief Executive LEUNG Chun-ying's opinion, since Joseph LIAN's article contains serious allegations which accused him of "having triad links" — that means getting involved with triad society — the matter has to be taken seriously. This is simply white terror. This behaviour is totally unacceptable as it is a gross suppression of freedom of the press and freedom of speech.

Deputy President, given that allegations of "having triad links" have to be taken seriously, if I allege him of "having 'white' links" — meaning white terror — should my allegation be handled seriously too? Will I receive a lawyer's letter? Will I still be protected by freedom of speech? Will Joseph LIAN and I be equal before the law? Mr James TIEN of the Liberal Party has also — I need to stress the word "also" — indicated that the business sector does not target against LEUNG Chun-ying's policies. Rather, it is against him personally in view of his lack of ability. This "personal" element is quite significant. After all, what has he done? What inappropriate connections did he have with the underworld and the police before and after he was elected? If we can have a clear understanding in this regard, Hong Kong will be able to maintain its stability in the future.

Deputy President, according to an opinion survey which was conducted by Robert CHUNG of the University of Hong Kong and which I consider to be the most credible, ratings for all the core social indicators in Hong Kong had dropped, particularly in the case of freedom of the press and of association. The survey was conducted from 4 to 14 February, which happened to overlap with the Lunar New Year holiday, and the most controversial news in Hong Kong during the Lunar New Year was related to LEUNG Chun-ying, that is, his issue of a lawyer's letter to the *HKEJ* and Joseph LIAN.

Deputy President, if LEUNG Chun-ying had really undertaken to offer advantages to a certain person in exchange for votes when he stood for election, this allegation of election bribery must be thoroughly investigated. I am not going to discuss the issue of his unauthorized building works again. Although I concur with the relevant allegation, we have already talked too much on that. I consider that the question in the second part of the motion, that is, to inquire into whether he had given any improper undertaking when he stood for election, is already sufficient to support us to invoke the Legislative Council (Powers and Privileges) Ordinance (P&P Ordinance) to pursue an investigation.

Just now I mentioned allegations of "having triad links" and "having 'white' links", which refers to white terror. At present, there are indeed signs of white terror in Hong Kong, though no one dares to say firmly that it is white terror.

Deputy President, among Members in the pan-democratic camp, some fully support the League of Social Democrats (LSD) while some have reservations.

Yet after all, the LSD is a member of the pan-democratic camp. I have noted that it is now facing particularly immense political pressure. The police have blatantly directed prosecution action against them; it can be said that the police have made all-out efforts against them. They have only committed the offence of unlawful assembly, but the police have sent officers from the Criminal Investigation Division to go to their homes to arrest them in the early morning.

LEUNG Chun-ying's Government gives us the impression that it does not only follow the ideology of the Chinese Communist Party in keeping a tight hold on power and browbeat the public, but also takes real action to carry out political suppression. This is as clear as day.

Deputy President, it seems that one does not have to bear any consequences if one uses the vulgar language in the Legislative Council. It turns out that this so-called solemn place allows people to use the vulgar language. People may even directly use vulgar words starting with the letter "F" to insult people of the whole Chinese nation without the need to bear any consequences. However, a citizen who organized a procession, protest and demonstration was charged for committing three counts of unlawful assembly on a single day. Such white terror arose under the rule of LEUNG Chun-ying's Government. Would you say that his governance competence is not related to his personal issues? He himself would say that they are not related, but can his position and status be put on a par with any ordinary citizen in Hong Kong? Deputy President, even your position is not on a par with his, is that right?

Deputy President, LEUNG Chun-ying said that allegation of "having triad links" has to be taken seriously. In my opinion, the allegation of "having 'white' links" has to be handled seriously as well, since it relates to white terror.

I strongly support Ms Cyd HO's motion. We now request to take the whole matter seriously, find out actually what undertaking had been made by LEUNG Chun-ying, and investigate whether he was involved in election bribery. We request to invoke the P&P Ordinance to conduct such investigation. This is in fact a rather simple and plain procedure. Thank you, Deputy President.

MR ALBERT HO (in Cantonese): Deputy President, some Honourable colleagues may ask if we are being too long-winded. We have put forward

similar requests before, including a motion which proposed to conduct an inquiry under the Legislative Council (Powers and Privileges) Ordinance. Such a request has been made at least once before. Why do we raise it again today? Actually the reason is very simple. It is because today there is new evidence, important evidence which came from the vanguard in the camp of "LEUNG's fans". This guy, "Brother Dream Bear", always charged ahead valiantly. As we remember, back then, he would take the lead to distribute leaflets, put up advertisements and attack the opponent sharply with words which even many "LEUNG's fans" did not dare to say.

A few points in the story unveiled by him are rather astonishing. First, he specifically stated that the three professionals who had inspected the Peak mansion and told LEUNG Chun-ying there were no problems and no unauthorized building works (UBWs) turned out to be utter fabrication. Second, he mentioned that there was a political deal. LEUNG Chun-ying had promised to invite him to join the Executive Council or recommend him to be a Member of the National Standing Committee of the Chinese People's Political Consultative Conference, and this deal — some people said that such things might not be against the law because very often, a cabinet would be formed. Let me put this point aside for the moment. Yet what were the conditions involved? It seems that it was not as simple as charging ahead. There might be something relating to triads during the course. For example, what were the back-door dealings behind the dinner party? Apart from taking LEUNG Chun-ying to the airport to greet and meet with a big boss of the media, were there any other unethical secret dealings? Such dealings are immensely shocking.

However, Deputy President, after the publication of LEW Mon-hung's interview which had dropped a bombshell shocking everyone in the territory, what startled us even more was that Chief Executive LEUNG Chun-ying, the target of the bombshell, did not clearly, specifically and firmly refute or clarify the allegations one by one. There was not any kind of rebuttal. This is really unimaginable. Why was that the case? I am not asking him to produce any proof, but he should come forward to state explicitly that it was not true, and that those three professionals did exist. Even up to this moment, he is still concealing the name of the most crucial person. If this person really existed, what is the reason for that? He has disclosed the names of the two lawyers, but as we know, those two lawyers did not know how to inspect UBWs. They could only tell if the land boundary had been crossed. The only Authorized Person is

the key figure, yet up till today, he still would not say whether such a person existed. Is this the reason why he cannot come forward to make a rebuttal?

Besides, obviously, should he deny those so-called deals? Had he absolutely made no promise? However, people will ask, if he had not made any promise, why did he sign the letter of recommendation which Mr LEW brought him when he had already recommended someone else, thus giving an impression of great reluctance? Why did he do that? Or is it that he actually had not taken such action? Regarding these matters, no clear explanation has been given at all, and there has been no rebuttal either. I do not know if he has authorized the Secretary to respond to each of these points later. If he has not, I wonder why the Secretary is here today. At least he could let us know his stance, but it is possible we would not have such a chance. Hence, this incident has demonstrated more vividly what kind of person Mr LEUNG Chun-ying is. There can indeed be nothing true in his words. To attain his end, he can wag his tongue freely. At least he is like that. He even gives us the feeling that in order to attain his end, he may adopt tactics which he finds practicable without considering whether such tactics are righteous, reasonable as well as legal. Today, Mr LEW Mon-hung has unexpectedly become Mr LEUNG Chun-ying's "developing agent", illustrating everything in the picture.

Deputy President and Members, I can tell you that if this motion can really be passed — this is purely an imagination, but if the motion can be passed, the investigative hearing will be the most interesting live broadcast with the highest audience rating in the territory. Even if it is broadcast by ATV, it will record a perfect rating which can save the broadcaster from its doom because we are all eager to see how much more of the iceberg will be disclosed by Mr LEW Mon-hung following our guiding questions. I believe that what has been said today is only the tip of the iceberg. The tip has come to light, but actually 90% of the iceberg has not yet been unveiled. If Mr LEW comes to the Legislative Council, with the protection of the Council, coupled with the guiding questions put by our enthusiastic Honourable colleagues, he will gradually be warmed up to readily reply to our questions. I believe members of the public will be benefited and learn more about the truth.

Frankly speaking, as we all know, very often two parties in dispute will both claim to be in the right. I have pondered whether the Legislative Council should introduce some technologies and use a polygraph. This is a good idea

which we have not tried before. We should let "Brother Dream Bear" and "Brother Chun-ying" to do a polygraph test face to face. A friend has told me that not only should we use a polygraph, we should also do it on the top floor of International Finance Centre Two and let them clear their names in their own way after finishing the test, but that seems to be too miserable. Nevertheless, this kind of confrontation is necessary. I do not reject the use of a polygraph at all. If we adopt a good approach to facilitate them to express their thoughts, I believe what happens then will certainly make a great scene. Mr LEUNG Chun-ying could also, if he is honest — of course this is a hypothetical "if" which many people do not concur with — he could make a clean breast of everything so that members of the public can get an answer to the numerous questions which they have had all along.

If things go on in this way, there is not a hope that Mr LEUNG Chun-ying's popularity rating will go up again. Instead of counting on him to lead us to face all the challenges, Hong Kong people had better seek blessings on their own. Today Ms Cyd HO is sort of doing something which she knows is impossible, yet it is our duty to do it. With such important new evidence from such a talkative witness who knows a lot of inside information, who has been LEUNG Chun-ying's supporter and who once had a rather special position and status, there is no reason for us not to listen. There is no reason not to provide a proper environment, give him sufficient protection and then pay heed to what he says. This is a significant part of history. We need to know the truth, and members of the public have the right to know the truth. Anyone who tries to avoid the truth simply lacks courage, and it can be concluded that he does not dare to face the truth because the truth will expose his hypocrisy and lies. Therefore, today the Democratic Party, as well as all other Members in the pan-democratic camp, I believe, will fully support the motion proposed by Ms Cyd HO.

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

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, the motion proposed by Ms Cyd HO today is about whether the Chief Executive LEUNG Chun-ying's unauthorized building works (UBWs) at his Peak residence involve false statement or misrepresentation, and whether he had given any improper

undertaking in exchange for the support of members of the Election Committee when he stood for the 2012 Chief Executive Election.

Secretary Raymond TAM has just made a very simple and clear response. I hope the Secretary will not leave the Chamber for the time being because I am going to talk about his problems. In his very simple and clear response just now, he said that the Chief Executive has already made a lot of clarifications on the UBW question, and there is no need for the Legislative Council to deal with it further. Moreover, with regard to the election, as the SAR Government must handle it seriously in accordance with the Basic Law, and under the principles of fairness and impartiality, there is no need for the Legislative Council to set up a select committee to deal with this issue.

I honestly want to ask the Secretary, when he made the above statement, in particular the part about the UBWs, when he said that as clarifications had been made by the Chief Executive, it was not necessary for this Council to deal with it further; when he made that statement, did he feel deep inside his heart that he had betrayed his conscience? Or if he did not have the feeling of betraying his conscience, did he feel that he was doing evils in collusion? Even if not to the extent of doing evils in collusion, did he consider himself harbouring the Chief Executive? I hope Secretary Raymond TAM can respond to this point briefly later. What will a thief usually say when he gets caught? Will the thief admit his own fault? He would of course say that he has not stolen from others. In that case, will the police just let the thief walk away after he denied stealing? That is what happens now. Even if we accept that the Chief Executive has accounted for the incident, does it mean that we can just close the file on that incident and forget about it after an account has been given? Moreover, it is clear to many media and members of the public that when giving his account, the Chief Executive has covered up his lies with other lies.

What is the worst problem we have now, Deputy President? The Secretary should really notice that the worst problem is that the Director of Buildings as well as his colleagues at the Buildings Department (BD) have been totally discredited in people's mind because the public considers that they have failed to deal with the matter fairly and impartially. Under the circumstances, how can the Secretary say that there is no need for the Legislative Council to continue with investigation because the Chief Executive had accounted for the matter; is it just and fair to his colleagues at the BD? Is the Secretary not

completely oblivious to the fact that the entire Government will be discredited as a result, making it even more difficult in terms of policy implementation in the future? Does he have any awareness of these problems at all?

Moreover, the Secretary said that the problem relating to the election would be dealt with seriously and in accordance with laws. I do not know whether the Secretary has noted the wording of Ms Cyd HO's motion. The wording used in her motion is "whether Mr LEUNG had given any improper undertaking", and nothing has been mentioned about any "unlawful" acts of the Chief Executive. Ms Cyd HO does not mention, for the time being, that he has any "unlawful" acts because we do not have any concrete evidence to prove that he has any "unlawful" acts and hence, the motion only uses the expression "improper". Given the suspicion of "improper" acts, why should we not initiate investigation? This is different from the situation mentioned by the Secretary where breaches of law are involved. If the Chief Executive has actually breached the law, I trust that even if no request is made by this Council, the Secretary will not tolerate the situation where no enforcement action is taken by the relevant departments. As such, why should the Secretary object to the initiation of investigation by this Council? Does he consider that no investigation should proceed even if the Chief Executive has given any improper undertaking? I hope the Secretary will give me an explanation later.

Deputy President, for me, the Chinese saying, "real gold fears not the test of furnace fire", always hold true. Why does the Secretary have to protect the Chief Executive and prevent us from conducting investigation? If there is no wrongdoing or improper act on the Chief Executive's part, why should we not be allowed to conduct investigation? Why do they still adopt such an evasive attitude when facing these questions? As we can see, just now, a number of Honourable colleagues kept saying that regarding the problem of triad involvement as mentioned in LIAN Yi-zheng's article, the Chief Executive has taken the matter seriously. Hence, it is necessary to issue a lawyer's letter. But why has he not taken the matter seriously when the whole city is saying that his credibility has gone bankrupt? If the matter is to be taken seriously, he should come under investigation properly in order to prove his innocence, isn't that right? Instead of encouraging the Chief Executive to do so, why has the Secretary abetted and protected him by asking other Honourable colleagues not to support Ms Cyd HO's motion? Why does the Secretary do so? I think we have a very serious situation now. If the head of our Government has neither credibility nor

integrity, yet the Secretary still protects him, it will only make it impossible for the Secretary to implement his policies.

I do not know whether the Secretary has attended any public hearing sessions lately. Many members of the public or deputations who come to this Council to present their views often refer to the Chief Executive as a "liar", or consider that the Secretary concerned is also lying or having no credibility. Is the Secretary aware of these views? Under such circumstances, how can the Government maintain its operation? Moreover, how can the Secretary believe in ZHANG Xiaoming's statement that according to people he contacted, the Chief Executive, unlike the low popular rating portrayed by the media, has wide public support? As Ms Claudia MO has pointed out just now, it is very clear from public opinion surveys that not only the Chief Executive's popular rating is very low, the rating of the Government is also very low. Why is the Secretary still protecting him? Why can't the Secretary bring order out of chaos? Can he allow this situation to go on, and for how long? There are still over four years in the Chief Executive's tenure. Should the Government operate like this for the next four years or so? Doesn't the Secretary consider it pathetic? As a civil servant, doesn't he agree that under such circumstances, it is very difficult for civil servants to proceed with their work?

I always think that the Government is now resorting to all means possible in order to achieve its ends. This is certainly the case with regard to real estate policies, and when it comes to protecting the Chief Executive, they would really stop at nothing. When the Secretary made those statements just now, I really wonder if he has totally spoken against his conscience.

Deputy President, I clearly understand that given the composition of this Council, today's motion can hardly be passed, but it is something we must do. In fact, we have three Chief Executives so far, but the problems with this Chief Executive really keep coming one after another. If so many problems have arisen, why can't the government officials reflect deeply and consider ways to resolve this problem? Instead, they just turn a blind eye and keep on protecting him. What good can be done?

Just now, Mr Albert HO said that the Chief Executive might have made some undertaking to members of the Election Committee that if they supported him in the election, they could be appointed to certain positions in the future,

presumably for the purpose of forming his cabinet. But even if the purpose is for forming his cabinet, our society today has another demand, namely, transparency. Why doesn't the Chief Executive have the courage to admit openly that he has made those statements? Can he claim that he made those statements merely for the sake of forming his cabinet, and why shouldn't that be allowed? Why can't he say something like this? What is the underlying meaning? Because that is not the truth. As we can see, that is not the truth. After the election, he has not offered any position to the person concerned. How can that be some legitimate undertaking? Of course, we have only heard the words of the person concerned so far. If that is only one side of the story, why is it wrong for us to initiate investigation?

I have no idea how the matter will be taken forward by the ICAC, but I consider that this Council has its duty in this regard. However, Secretary Raymond TAM has kept on telling Members that they should not support the motion because he has already done enough work. But, let us consider this: has enough work been done by the BD in its investigation into the UBWs? Of course, we know the answer very well. At the onset, the staff of BD just knocked on the hallow bricks and left, with no action taken. If the media has not continued with their investigation, the underground room would be undetected. Has the BD done anything to investigate into the matter? Was such an investigation fair, just and impartial? They are blatantly turning a blind eye when they say that it is not a lie, but they say is not the truth.

Since the new-term Government assumed office, the entire SAR Government has given people the impression that officials at the top keep telling lies after lies, and officials at the bottom are also telling lies after lies. Secretary, in that case, how can the Government maintain its operation? Hence, I hope that when giving his reply later, the Secretary will stop defending this matter. Instead of making continuous efforts to conceal the truth, he should really act like a fair and discerning official, tell the truth, speak according to his own conscience, and appeal for Members' support of Ms Cyd HO's motion.

Deputy President, I so submit.

DR HELENA WONG (in Cantonese): Deputy President, as Mr Albert HO has just said, this is the third time this subject matter was discussed in this Council.

Why do we still keep on raising this subject matter? In fact, the reason is simple. As some Members have also pointed out just now, the public must learn about the truth. Today, Members of the Democratic Party will support Ms Cyd HO's motion that a select committee be set up to investigate the matter by invoking the powers under the Legislative Council (Powers and Privileges) Ordinance. The reason is very simple. As just mentioned by other Members, new evidence has been disclosed and very serious allegations have been made. The target of such allegations is also the highest leader in the Executive Authorities of the Hong Kong Special Administrative Region, namely, the Chief Executive.

There are now different versions of the story as regards whether those allegations are substantiated or fabricated, and whether the Chief Executive has any involvement in corruption or secret deals or with the triad during the election. The public has the right to know as to whether the words of Mr "Dream Bear" (nickname of Mr LEW Mon-hung) or the Chief Executive are more believable and reliable. Has the Chief Executive made any false statement or misrepresentation to the public and this Council; and whether the three professionals in the legal and other fields he mentioned are real or frictional characters — all these are questions which nobody can follow up. As the incident developed further with the disclosure of new evidence, if the Chief Executive had accounted for it in the first instance in an "open and transparent" manner, as he has said so previously, the public would have a clear understanding of the truth. But as no clarification, detailed account or response has been given by the Chief Executive clearly as regards these new evidence or allegations, nobody knows about the truth of it.

If these matters are not made clear, in the next five years, LEUNG Chun-ying can hardly have any good time during his tenure because the public would still have much doubt about his credibility. Having no investigation does not mean that there is no problem with LEUNG Chun-ying's credibility. As the public and Members of the Legislative Council have such doubts, the Chief Executive can hardly get their respect. In that case, why not return to the public their right to know? What is the truth: the version of the Chief Executive or Mr "Dream Bear"? We must learn about the truth. Therefore, the Democratic Party supports the proposal to set up a select committee.

What is more worrying is that instead of making an honest, open and transparent response in relation to the new evidence disclosed, the Chief Executive has "retorted" by issuing lawyer's letters to some people who have commented on the incident in newspapers, including Mr LIAN Yi-zheng. We have never seen this tactic used by any former Chief Executive or Governor when dealing with criticisms directed against them by political commentators in the press. Of course, LEUNG Chun-ying is rich enough and can issue such letters at anytime. But he is no ordinary member of the public; he is the Chief Executive, the most powerful people in Hong Kong, and how can he issue lawyer's letters to those who have criticized him! Does the Chief Executive not have his own press officer? He can very well convene a press conference at anytime, or come to this Council to clarify that Mr LIAN Yi-zheng's criticisms regarding his relation with the triad are frictional. Why not make good use of the existing channels and powers under the establishment to clarify the matter? Why not take such actions? Why does he have to issue lawyer's letters? Does he want to intimidate the media? Does he want to intimidate the commentators?

Regardless of his motive, we already see clearly the aftermath of the incident. Commentators have become increasingly restrained and they dare not comment on the Chief Executive; and the media will become more compliant and stop speaking out. Will this Council also become more compliant and stop demanding these investigations because of the clustering of the pro-establishment camp? When commentators dare not comment, the media dares not report, and the Council dares not set up select committees to conduct investigation, that marks the downfall of Hong Kong. Truth will no longer be revealed, and people who seek the truth will be put under enormous pressures.

Public officers and Honourable colleagues, we only have but one humble wish today, that is, to let the truth be known to the people. At this stage, we do not want to point our fingers as to who is the sinner, or who has deceived the people. We only want to conduct an investigation so that all parties concerned can stand forward and account for and state their cases seriously and clearly in relation to all the allegations and facts. It is the duty of the Legislative Council to monitor the Executive Authorities, and the Chief Executive is the highest leader of the entire Executive Authorities while Members of the Legislative Council has a moral as well as constitutional duty to let the truth be revealed. The truth to be revealed is critical to the question as to whether the Chief Executive can still have the trust of Hong Kong people and continue to rule Hong

Kong. Honourable Members, why is it necessary to evade the truth? Who would try by all means to prevent any people from commenting on the incident? Who would try by all means to prevent any comments in the media? Who would try by all means to prevent this Council from investigating the incident? The answer is simple: the person who is unwilling to face the truth because the outcome of investigation would be to his disadvantage. Therefore, all other people try to harbour him, or make those who want to seek the truth cannot do so.

Although we know that some members of the public would ask, "Why is the pro-democracy camp always after 'CY'? Why don't you give him the opportunity to use his talents of governance so that he can do better on livelihood matters?" I consider that these two matters should be considered separately. While we can discuss the matter about the Chief Executive's governance and policies on other occasions, he is duty-bound to come out and give us an explanation in face of such serious allegations now. We as Members of the legislature are also duty-bound to seek the truth of the matter. Therefore, as a member of the Democratic Party, I will support this motion. Thank you.

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

(No Member indicated a wish to speak)

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, after consulting the Chief Executive's Office, I have been authorized to give the following response regarding today's motion.

First of all, the select committee which Ms Cyd HO's motion proposes to set up carries two purposes. The first one is to inquire into whether Chief Executive Mr LEUNG Chun-ying was involved in false statement or misrepresentation in respect of his private properties.

As a matter of fact, the Chief Executive has already given an open account and responded to the unauthorized building works (UBWs) issue on a number of occasions. On 23 November last year, he issued a detailed written statement to give a complete account of the incident relating to the UBWs in his private properties. On 10 December, the Chief Executive attended the Question and

Answer Session of the Legislative Council to respond to Members' questions about the incident. Afterwards, he also responded to media inquiries on many occasions.

The Chief Executive stressed that he had provided quite a number of responses on the incident to Members and the public in a meticulous and responsible manner. He had also admitted publicly his negligence and unclear explanation in some aspects in the handling process, but he emphasized that he had had no intention whatsoever of concealing anything; in this connection, he even tendered his solemn apology to the public time and again, and promised that he would be doubly prudent in the future, continuing to uphold integrity in the course of serving the general public.

In the Legislative Council, Mr WU Chi-wai proposed a motion of no confidence on 12 December last year; on 19 December, Mr LEE Cheuk-yan proposed to invoke the Legislative Council (Powers and Privileges) Ordinance to set up a select committee to inquire into the UBWs issue of the Chief Executive's properties; and on 9 January this year, Mr LEUNG Kwok-hung proposed a motion to impeach the Chief Executive under Article 73(9) of the Basic Law. All the above three motions centred on the UBWs issue. The Council had debated three times on the same incident and negated all the motions after thorough discussions.

Today, the Special Administrative Region (SAR) Government considers that the Legislative Council really should not dwell on this issue any longer.

Outside the Council, Mr Albert HO filed an application in late June last year for leave to apply for judicial review and also an election petition against the election result of the Chief Executive Election, and Mr LEUNG Kwok-hung also filed an application for leave to apply for judicial review. The Court had already made its judgment in these cases, and dismissed the applications involving the making of false statements.

The second purpose of the select committee which Ms Cyd HO's motion proposes to set up is to inquire into whether Mr LEUNG had given any improper undertaking in exchange for the support of members of the Election Committee when he stood for the 2012 Chief Executive Election.

The Administration stresses that public elections in Hong Kong, including the Chief Executive Election, are conducted in strict compliance with the Basic Law and the relevant electoral legislation. The Electoral Affairs Commission, an independent statutory body chaired by a Judge of the High Court, is responsible for electoral arrangements, while the police and the Independent Commission Against Corruption (ICAC) are responsible for monitoring and law enforcement work. The abovementioned system and arrangements ensure that elections are conducted in an open, fair, impartial and honest manner with a high degree of transparency.

The Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) is applicable to the Chief Executive Election. Its purpose is to prohibit corrupt and illegal conduct in elections. Anyone who finds any illegal practice or non-compliance in an election should complain to the law enforcement agencies in accordance with the relevant electoral legislation, and the enforcement agencies will definitely act by the law under the established procedures and deal with the cases impartially.

The SAR Government is of the view that since criminal elements might be involved, any allegations relating to the ECICO should be handled by the law enforcement agencies in a professional and stringent manner under the law, which is a correct and reasonable approach.

According to the news report, the allegation of giving improper undertaking during election as mentioned by Ms Cyd HO has been reported to the ICAC. For this reason, the establishment of a select committee in the Legislative Council to inquire into the matter is not only absolutely unnecessary but also extremely inappropriate.

Deputy President, the SAR Government hopes that the Legislative Council can bring the said matter to a close as soon as possible, so that the Chief Executive and the SAR Government can focus on doing real work for the benefit of Hong Kong people. Hong Kong is currently facing many deep-rooted and complicated social, economic and livelihood issues which require short, medium and long-term solutions. The pre-requisite for solving such problems is that the Government, the Council and the community must pool efforts together, forget about the unnecessary disputes and do more real work in the overall and

long-term interests of the general public, striving for better opportunities and room for development for Hong Kong and for the next generation.

I believe all the Members here are social leaders who are deeply conscious of what is the righteous thing to do. I hope Members will make the right decision.

Deputy President, I so submit and implore Members to object to the motion proposed by Ms Cyd HO.

Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now call upon Ms Cyd HO to reply. The debate will come to a close after Ms Cyd HO has replied.

MS CYD HO (in Cantonese): Deputy President, first of all, I want to talk about what is meant by election bribery, noting that the Secretary pointed out earlier that someone has reported a case to the Independent Commission Against Corruption (ICAC) and an investigation will be conducted. Deputy President, the term "advantage" was defined in the interpretation section of the Elections (Corrupt and Illegal Conduct) Ordinance (the Ordinance). According to two of its explanations, "advantage" means "any valuable consideration, gift or loan" or "any office, employment or contract". Thus, if LEUNG Chun-ying — the incumbent Chief Executive — had, as claimed by LEW Mon-hung in an interview, asked LEW which post he would like to take up in the new Government after declaring to stand for the election

(Mr Steven HO rose to his feet)

DEPUTY PRESIDENT (in Cantonese): Ms Cyd HO, please hold on. Mr Steven HO, what is your point?

MR STEVEN HO (in Cantonese): I request a headcount.

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

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

DEPUTY PRESIDENT (in Cantonese): A quorum is now present. Ms Cyd HO, please continue.

MS CYD HO (in Cantonese): Deputy President, let me continue to explain election bribery and the Ordinance. As I have just pointed out, "advantage" may mean any office, employment or contract. Furthermore, section 11(1)(a) of the Ordinance provides that "A person engages in corrupt conduct at an election if the person, without reasonable excuse, offers an advantage to another person as an inducement to vote at the election for a particular candidate or particular candidates". Thus, if what LEW Mon-hung had described is true, it does constitute election bribery because when LEUNG Chun-ying asked LEW Mon-hung what post he would like to take up in the Government in a conversation, he had already declared to stand for the election in a rally.

So, why would I insist to raise this point even after someone has reported to the ICAC? Because section 11(5) is pretty worrying. It provides that "A candidate or other person does not engage in corrupt conduct in contravention of this section only because the candidate or person has offered or solicited an offer to enter into a voting arrangement."

Deputy President, this is why I used the term "improper undertaking" in the motion for I am afraid that those brilliant lawyers would make use of this provision to help him absolve from guilt. Why do I have this concern? Because LEW Mon-hung had been dumped once his service was no longer needed. He is now neither a member of the Executive Council nor a member of the Chinese People's Political Consultative Conference. He has got nothing and the improper undertaking is not honoured. Worse still, investigation by the ICAC may turn out futile. Not to mention that the investigation to be conducted by the ICAC is simply criminal investigation in a narrow sense. And yet, from

the perspective of political ethics and conduct, such improper undertakings have undermined the core value of Hong Kong's governance.

If the person who stood for the Chief Executive Election had named the candidates for the three Secretaries of Departments and 14 Directors of Bureaux right at the beginning and announced that LEW Mon-hung, who accompanied him to dinner gatherings to canvass votes, would be appointed as the Chief Secretary for Administration, it was perfectly okay as his efforts in canvassing votes did serve a political purpose. However, LEUNG chose to remain silent on the one hand, but gave secret undertakings to him in exchange for his efforts on the other.

Therefore, Deputy President, we think there is a genuine need to invite LEW Mon-hung and LEUNG Chun-ying to come to this Council and give a clear account of their dealings. Such transfer of political benefits has, firstly, violated political ethics, and secondly, undermined our basis of governance. While LEUNG Chun-ying stresses appointment by merit, if he did give LEW Mon-hung such an undertaking, it would not be appointment by merit regardless of the post LEW was appointed to. Instead, it is a show of gratitude for LEW's efforts in the electioneering campaign. This is a political reward, using public authority and public money to achieve personal election goals. Sorry, the bill should not be paid by taxpayers. What is more, given that Executive Council Members have the privilege to know in advance the policy direction of Hong Kong, business operators are eager to be one of them. An example is an increase in the first registration tax of motor vehicles. I believe the Secretary must be left with a deep impression that a former Financial Secretary, who was tasked to formulate policies to increase the first registration tax of motor vehicles, bought a car before the policy was introduced to save some \$200,000 of tax payment. In fact, an advantage of some \$200,000 is not worth mentioning when compared with policies pertaining to land and other economic development involving huge benefits. Members of the Executive Council who do not have integrity and self-discipline may capitalize on the information obtained to operate business or seize business opportunities, thereby amassing the biggest fortune.

Therefore, appointing people with neither virtue nor talent as Members of the Executive Council will jeopardize the interests of Hong Kong. Worse still, people who think that hard work in electioneering activities would yield payoffs might adopt unorthodox approaches. This is precisely what LIAN Yi-zheng

described as "links to triads" in his article, which means dining with triad members. Was the presence of the person with gangster background in the dinner gathering supposed to be an intimidation or to pay the bill? Actually, Mr LEW Mon-hung also admitted that he had brought the person with gangster background to the dinner gathering, and LEUNG Chun-ying should have parted company with him as soon as he stood for the election. However, the worst thing about the exchange of political benefits is that once it has taken place, it may go beyond the control of the candidate. As we have no idea if the candidate was aware of the matter, there is a greater need for us to inquire into it. But regardless of whether he has no knowledge or has lost control of the situation, such behaviour will bring mafia politics into Hong Kong. Mrs Fanny LAW, one of the attendants of the dinner gathering, was also prompted to report to the ICAC. This has gotten the ICAC into real trouble and made it political.

Recently, the *Apple Daily* received a two-page letter dated 19 January 2013. It was written to LEUNG Chun-ying by LEW Mon-hung, who addressed himself as "Tear drops on the journey", in which he urged the Chief Executive to put pressure on the Commissioner of ICAC. As Members may be aware, the ICAC is conducting an investigation on LEW Mon-hung. After reading his letter, we cannot help ask: Did he ask for political benefits in return for his participation in the electioneering campaign? If this is the case, it is not just a question of an appointment to the Executive Council, but whether a member of the election campaign team should distort the law. Hong Kong has been turned into the official circles in the Mainland, where people can use their power to cover up matters under investigation, or even crimes which might be unveiled by investigation.

Therefore, Deputy President, whether the alleged exchange of political benefits involves any improper undertaking is actually subject to many underlying factors, and the truth may seriously undermine the most fundamental proceedings and ethics of the governance of the HKSAR. I therefore propose to invoke the Legislative Council (Powers and Privileges) Ordinance to set up a select committee to conduct an in-depth inquiry and summon people to give evidence.

Another damage caused is concerned with LEUNG Chun-ying's reaction to LEW Mon-hung's interview, which has undermined freedom of the press. Soon after the interview was published in the *iSun Affairs* magazine, I told my media

friends that it contains very concrete accusations and even involves criminal offences. LEUNG Chun-ying should have taken concrete actions to make clarifications and requested LEW Mon-hung to make clarifications too. And yet, he has adopted an evasive attitude and hid from the media and this Council. Although journalists have put questions to him for three minutes, he remained silent. Worse still, he refused to get out of his car to answer questions but remained seated on his way back to office. However, after LIAN Yi-zheng's article was published, he has issued a lawyer's letter to LIAN and the *Hong Kong Economic Journal*. In the last paragraph of LIAN's article, which was written on the basis of LEW Mon-hung's interview, it reads that (I quote) "On the other hand, the future of Hong Kong will be at stake if it is 'triadized'. Of course, it is possible that LEW Mon-hung has lied on this matter. Hence, we must cross-check the facts in the first place. While allowing the Legislative Council to make use of its various effective mechanisms to obtain evidence from the three members of the election campaign team who have triad links is a possible option, the actual effect will definitely be undermined by the obstruction of the royalist camp."

Deputy President, LIAN Yi-zheng's article is not any remarkable prediction, but merely a conclusion drawn from experiences accumulated over the years. I believe the following words have stabbed at the Achilles' heel of LEUNG Chun-ying: "Furthermore, given that the people concerned are important delegates to the Chinese People's Political Consultative Conference and we cannot rule out the possibility that they are Party members, they are probably directly led by the Communist Party from an organizational perspective. In this connection, a more effective way to inquire into the matter is to entrust the Mainland Government to conduct a "shuanggui" investigation on LEUNG and his aides, who have triad link, somewhere in Mainland China under the Party system." The title of this article is "LEUNG's integrity problem is not so bad, but involvement with triads could deserve 'shuanggui'."

Regrettably, the lawyer's letter issued by LEUNG Chun-ying to the *Hong Kong Economic Journal* is, as usual, not disclosed for our information. But since I have email exchanges with LIAN Yi-zheng, I learnt that a major part of the letter is about "shuanggui". The question is, if LEUNG Chun-ying considered this commentary defamatory, why did he not clarify LEW Mon-hung's interview article published by the *iSun Affairs Magazine* in the first place, but chose to intimidate the media by issuing a solicitor's letter to LIAN Yi-zheng?

In fact, during the election period, LEUNG Chun-ying had signed a pledge with the Hong Kong Journalists Association (HKJA) and promised that after he was elected Let me read out the original text — the pledge was signed at a function organized by the HKJA on 17 February 2012 — First, he would safeguard freedom of the press; second, he would proactively promote the enactment of the freedom of information law, with a view to creating a more open social environment. However, he has failed to meet both pledges. He has issued a lawyer's letter to a commentator and a newspaper simply because of an article. How can this be regarded as safeguarding freedom of the press and freedom of expression? In fact, there are precedents in the United Kingdom which showed that government officials should not arbitrarily issue lawyer's letter to the media and sue people for libel. As the behaviour and conduct of officials have significant implications on public interests, they should not abuse the laws that are intended to protect individuals and ordinary members of the public merely to cover dubious acts of public figures. This is actually doing things the reverse way.

(Mr Paul TSE raised his hand in indication)

MR PAUL TSE (in Cantonese): The above speech spanning five to 10 minutes is irrelevant to today's motion.

MS CYD HO (in Cantonese): Perhaps Mr Paul TSE was not here to listen to my speech earlier on. In fact, when I started to speak, he was not present. I have stated right at the beginning that this is the problem behind the exchange of political benefits. Although LEUNG Chun-ying undertook to enact the freedom of information law, being the person concerned and a public officer, he had refused to disclose the lawyer's letter and prevented us from seeing the whole picture.

Deputy President, the Democratic Progressive Party (DPP) of Taiwan harboured CHEN Shui-bian by opposing the recall of CHEN. In the end, the DPP suffered a humiliated defeat in the Legislative Yuan Election and facilitated the landslide victory of MA Ying-jeou of Kuomintang in the Presidential Election held in the same year. In Hong Kong, although people do not have votes to

penalize the royalist camp, they can take to the streets. More vigorous actions will be taken by the people using their feet. Justice is in the heart of the people.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Cyd HO, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Cyd HO rose to claim a division.

DEPUTY PRESIDENT (in Cantonese): Ms Cyd HO has claimed a division. The division bell will ring for five minutes.

(THE PRESIDENT resumed the Chair while the quorum bell was ringing)

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.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Miss CHAN Yuen-han, Mr 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 LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, 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, Mr Paul TSE, Mr James TIEN, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Christopher CHUNG voted against the motion.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, nine were in favour of the motion and 21 against it; while among the Members returned by geographical constituencies through direct elections, 31 were present, 17 were in favour of the motion and 13 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): The sixth and the seventh Members' motions. These are two motion debates 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.

PRESIDENT (in Cantonese): Sixth Member's motion: Implementing dual universal suffrage.

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

I now call upon Mr Ronny TONG to speak and move the motion.

IMPLEMENTING DUAL UNIVERSAL SUFFRAGE

MR RONNY TONG (in Cantonese): President, when we look back, 2004 seemed to be yesterday. However, if we count on our fingers, it was more than nine years ago.

President, seeking universal suffrage was my only reason to go into politics. I once hoped that there would be universal suffrage in 2007-2008, so that I could return to my profession as a barrister. Yet, 2007-2008 had passed. I then hoped that there would be universal suffrage in 2012 so that I could be a barrister again. Yet, 2012 also passed.

President, the reason for me to join the election for the third time was that I hope Hong Kong can have universal suffrage as soon as possible. If I remember correctly, this is the seventh time that I move a motion on universal suffrage or similar subjects. Unfortunately, all of these previous motions were negated. The record was 100%; and I believe this 100% record will not be changed today.

President, universal suffrage is a very important issue, but why are two thirds of Members missing when I give my speech? President, this scene indeed illustrates the reason why this motion will be negated today. President, I will not request a headcount as I do not think it is meaningful to do so

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): I request a headcount.

MR RONNY TONG (in Cantonese): Mr LEUNG, it is meaningless to do a headcount.

PRESIDENT (in Cantonese): Mr TONG, please stop for a while. Clerk, please ring the bell to summon Members to the Chamber.

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

PRESIDENT (in Cantonese): Mr TONG, please continue with your speech.

MR RONNY TONG (in Cantonese): President, I do not know if I should thank Mr LEUNG Kwok-hung as I did not mean to request a headcount. President, in my view, for Members who really care about Hong Kong and intend to seek universal suffrage for Hong Kong people, they will watch the television broadcast even if they are in their offices upstairs; they will listen to the radio broadcast even if they are in toilet. On the contrary, if they do not care about the prospect of Hong Kong nor have their hearts in universal suffrage, they may fall asleep, with their head rested on their hands, or surf Facebook even if they are physically present in this Chamber. Therefore, it is meaningless to summon them to the Chamber. I would like to tell Mr LEUNG Kwok-hung that requesting a headcount will not do any good to the discussion of this subject, though I thank him for his goodwill.

President, when I first joined the Legislative Council Election in 2004, I was really ambitious. I naively hoped that there would be universal suffrage in 2007-2008. Later, when I ran for re-election in 2008, I was still quite confident that universal suffrage would soon be implemented, even if not in 2012. Yet,

when I stand in this Chamber today, I must admit that I have gradually lost this confidence as time goes by.

Not that I am getting old, but that I see increasing difficulties. Why do I say so? While many perceive the reluctance of people with vested interests in local politics, the business sector and functional constituencies to give up their political power as the greatest obstacle to universal suffrage, I consider the lack of mutual trust between the Central Government and Hong Kong as the greatest obstacle. Why do we not have mutual trust? In the mind of the Central Government, there are many so-called "remnants of the colonial rule" in Hong Kong who take anti-Communism as their responsibility. If Hong Kong is allowed to have universal suffrage, they may then fight for "Hong Kong independence", separatism and ending the one-party dictatorship. As a spark may cause a prairie fire, how will universal suffrage be allowed in Hong Kong? On the other hand, Hong Kong people do not trust the Central Government because it represents dictatorship. Many Mainland news stories which we read in newspapers every day simply go against or deny the core values long cherished by Hong Kong people. How can Hong Kong people feel at ease when the decision of whether we can have universal suffrage rests with such a government?

Regrettably, after the last constitutional reform, even the democrats do not must mutual trust amongst themselves. The radicals consider that the moderates have betrayed democracy as they always make peace with the Government and are hence not trustworthy. On the other hand, the moderates hold that the radical means taken by the radicals will only cause the Central Government to take a harder line and hence take us a longer time to achieve universal suffrage. It has almost been 16 years since the reunification. Yet, it is a pity that we have not only failed to eliminate such distrust but added fuel to it. In view of this, in this term, which is a critical juncture, I somewhat feel that we may never be able to achieve universal suffrage.

However, President, I am an optimist. To me, so long as I have already tried my best and I have seen other people trying their utmost, it will be useless for me to howl here if all these efforts cannot bring Hong Kong with real universal suffrage. God knows everything we do. It is not our fault if we have made every endeavour but to no avail. History will do justice.

President, please look at the wording of my motion today. It is very neutral. It does not look like mother or father. It is completely neutral. Why? This is because I just want to provide a platform to those who have a heart in seeking universal suffrage, be they from the pro-democratic or pro-establishment camp, to tell Hong Kong people their views on this issue. Therefore, the motion wording is very neutral. In the motion, what I have suggested is simply to "expeditiously commence consultation". I just want to let Hong Kong people discuss this issue. Yet, a Member from the pro-establishment camp apologized to me yesterday, saying that the motion would not get passed as they did not agree to the point on "expeditiously" and they do not agree to hold discussion. Please look at the amendment of Ir Dr LO Kwok-wai. I will talk about it later sorry, it should be Ir Dr LO Wai-kwok. He has exactly amended the motion by deleting the words "expeditiously" and "discuss". Therefore, even a completely neutral motion, which neither looks like mother nor father, will not be able to get passed in its original form in this Council.

Of course, I will not reveal the name of that pro-establishment Member as I consider him a friend. Yet, he told me that he would support me if I backed the amendment of Ir Dr LO Wai-kwok. President, I think there is always a bottom line. No matter how moderate I am, I have my own bottom line: that is, I cannot accept an amendment which takes away the most basic requests.

President, now, I would like to move to my second point, which is the crux of today's motion. With the experience of the two previous constitutional reforms, I think we should allow more time for this constitutional reform and more discussions in different stages. Why? The main reason is that, as I have just said, our distrust has deepened instead of being reduced. Therefore, the difficulties ahead have increased but not decreased. Secondly, back in 2004, the Standing Committee of the National People's Congress (NPCSC) had, for the first time, laid down the five-step mechanism for constitutional reform. Please do not ask me why it did that. President, I really do not understand — and I do not think you understand as well — why there should be five steps but not two or three steps. Yet, you may say that it is lucky to have only five steps but not seven or 10 steps. Well, that is true, but I really find it hard to understand the reason for having these five steps. Nevertheless, as it was the decision of the NPCSC and cannot be reversed by a powerless legislator like me, I can only follow this decision.

However, there is a major problem with these five steps, that is, the consultation held by the SAR Government before initiating the five-step mechanism. The consultation exercises of the last two constitutional reforms were completed within a very short time. Sometimes, the consultations on uncontentious livelihood issues may take as long as six months, but the Government had only spent three months to consult on universal suffrage. President, it was not a big problem for the consultation period to be short since the consultation result was well expected — Hong Kong people aspire to democracy, as shown by countless of opinion polls after the reunification. The real problem was that the SAR Government has always been blind and deaf to the consultation results. The initiation of five steps in 2005 was a case in point. At that time, Mr Donald TSANG submitted the report on constitutional reform to the NPCSC, saying that although the will of over half of the population should be respected and considered, in his opinion, it was not time to implement universal suffrage in 2007-2008. Of course, this recommendation was immediately adopted by the NPCSC.

President, one should note that the first step of constitutional reform, which was the submission of report to the NPCSC, was taken on 19 October 2005; and the voting was done on 21 December 2005. In other words, after the Chief Executive's submission of report to the NPCSC, the approval of report by the NPCSC, the decision-making and the voting were all done in two months' time. Hong Kong people were not given the chance to publicly discuss or give views on this report — the submission of which was the first step — even if they heartily disliked or did not want to accept it as its recommendation was completely unrelated to, if not going against, the consultation result. Before the voting in 2005, hundreds of thousands of protestors had taken to the streets. Unfortunately, ever since there were hundreds of thousands of people taking to the streets in 2003, the Government has become numb to protests. Regardless of whether there are 500 000, 300 000, 200 000 or 100 000 protestors, they are all reduced to a bare figure which cannot move the Government a bit.

President, in the second constitutional reform, Donald TSANG issued the Green Paper and conducted a consultation in 2007, but the report was also weird. As I have just said, the consultation result which reflected the people's wish was again ignored. He then proposed a package which was hard to accept. In November 2009, he finally conducted a formal consultation on the constitutional reform package to prepare for the first step, that is, the submission of report. President, this consultation was different from the one in 2007. The public were

consulted on the Green Paper in 2007 but the constitutional reform package in 2009. The consultation was later completed on 29 February 2010. He then submitted the constitutional reform package on 14 April. However, this reform package was completely irrelevant to the consultation result. He had just copied the 2005 constitutional reform package by proposing the creation of five new seats for functional constituencies, with these Members elected by District Council members, and five new seats for geographical constituencies through direct elections.

President, as you may know, this report was submitted on 14 April when the "five geographical constituencies referendum" was in full swing. Yet, Members were asked to vote on 23 June. It means that, after the first step was taken, Hong Kong people were again not given any chances to openly discuss whether we should accept the second constitutional reform package. It was also one of the reasons why the pro-democratic camp lost our mutual trust after the second constitutional reform.

Therefore, procedurally speaking, I earnestly hope that the SAR Government can first consult Hong Kong people on its specific package before submitting it to the NPCSC if real universal suffrage is to be achieved this time. In doing so, it will give a higher chance to implement dual universal suffrage this time.

PRESIDENT (in Cantonese): Mr TONG, you may now move your motion.

MR RONNY TONG (in Cantonese): Sorry, President. I move my motion.

Mr Ronny TONG moved the following motion: (Translation)

"That this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report."

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

PRESIDENT (in Cantonese): Five Members wish to move amendments to this motion. This Council will now proceed to a joint debate on the motion and the five amendments.

I will first call upon Ir Dr LO Wai-kiwok to speak, to be followed by Mr Gary FAN, Ms Emily LAU, Mr WONG Yuk-man and Dr KWOK Ka-ki respectively; but they may not move amendments at this stage.

IR DR LO WAI-KWOK (in Cantonese): President, regarding the implementation of dual universal suffrage, there are diverse public views and no consensus has yet been reached on any specific proposal. Since the reunification in 1997, Hong Kong has experienced lots of controversies over our constitutional development. Every single step is difficult and arduous. It was on 29 December 2007 that the Standing Committee of the National People's Congress (NPCSC) made a decision on universal suffrage and set a timetable under which the method of universal suffrage may be implemented in the 2017 Chief Executive Election and the election of Legislative Council thereafter.

As the timetable for implementing universal suffrage has not come by easily, I propose an amendment today to urge the SAR Government to pragmatically and properly handle this issue in accordance with the provisions of the Basic Law and the relevant decisions of the NPCSC. I am rather disappointed that Mr Ronny TONG, the mover of the original motion, does not seem to have paid much attention to the wording of my amendment. In fact, I have amended the point "expeditiously" in his original motion to make it more specific by requesting the SAR Government to "reserve sufficient time to conduct extensive consultation so as to allow sufficient time for the general public to discuss the contents of the consultation document". I have not deleted the word "discuss". I hope Mr Ronny TONG can read my amendment carefully.

President, in my view, if dual universal suffrage has to be implemented properly, we must adhere to two principles. First, the principle of "one country, two systems". According to Article 12 of the Basic Law, "The Hong Kong

Special Administrative Region (HKSAR) shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government." Article 158 provides that the power of interpretation of the Basic Law shall be vested in the NPCSC. These are the specific constitutional rules on "one country, two systems" and the relationship between the Central Government and the HKSAR. It will be impractical to overlook these rules, either intentionally or unintentionally, when we discuss the implementation of dual universal suffrage.

The second principle is "in the light of the actual situation in Hong Kong" and "gradual and orderly progress". Article 45 of the Basic Law provides that "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Article 68 also specifies: "The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage." These two Articles are the major legal bases of "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" (Annex I to the Basic Law), "Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures" (Annex II to the Basic Law) and the relevant decision of the NPCSC.

President, what is the actual situation in Hong Kong? I think we have to at least consider two points. Firstly, as Hong Kong is a local administrative region in China, our final proposal for dual universal suffrage must have the broadest consensus among Hong Kong people, as well as the consent of the Central Government, to reflect the objective fact of "one country, two systems" as stated in our constitution and avoid bringing significant political and constitutional risks. Secondly, the proposal should be built on the existing system to ensure that balanced participation can be maintained to give proper protection to the interests and expression of views of different social strata.

The gradual and orderly progress stated in Article 68 of the Basic Law is obviously suggesting that Hong Kong should move towards the ultimate aim of dual universal suffrage step by step in a pragmatic manner. According to the decision adopted by the NPCSC on 29 December 2007, dual universal suffrage will be implemented in two steps: The election of the fifth Chief Executive of the HKSAR in the year 2017 may be implemented by the method of universal suffrage; after the Chief Executive is selected by universal suffrage, the election of the Legislative Council of the HKSAR may be implemented by the method of electing all the Members by universal suffrage. This decision has set a timetable on the one hand and provided a rule with legal effect on the other to avoid unnecessary arguments. From this decision, we can clearly know that universal suffrage may only be implemented in the Legislative Council Election after the Chief Executive is elected by universal suffrage. Therefore, the 2016 Legislative Council Election cannot be implemented by the method of electing all the Members by universal suffrage.

President, the NPCSC has also clearly stated in the aforesaid decision that at an appropriate time prior to the selection of the Chief Executive and the election of all Legislative Council Members by universal suffrage, the Chief Executive shall make a report to the NPCSC as regards the issue of amending the methods for selecting the Chief Executive and forming the Legislative Council in accordance with the relevant provisions of the Basic Law and the interpretation by the NPCSC of Annex I and Annex II to the Basic Law; a determination thereon shall be made by the NPCSC. The bills on the amendments to the methods for selecting the Chief Executive and forming the Legislative Council and the proposed amendments to such bills shall be introduced by the Government of the HKSAR to the Legislative Council; such amendments must be made with the endorsement of a two-thirds majority of all the Members of the Legislative Council and the consent of the Chief Executive and they shall be reported to the NPCSC for approval. In other words, the amendments made to the methods for selecting the Chief Executive and forming the Legislative Council must go through these five steps for the whole process to complete. They cannot be decided unilaterally by any party.

The Basic Law and the rules made by the NPCSC only intend to lay down the basic principles. In the course of implementing dual universal suffrage, many problems will arise and have to be solved. Let us take the method for selecting the Chief Executive by universal suffrage as an example. How should

the nominating committee be formed for it to be broadly representative? How should the nomination be made for it to meet democratic requirements? How should the 2016 Legislative Council Election be conducted to give gradual and orderly progress and allow balanced participation so that we can move towards the ultimate aim of electing all Members by universal suffrage?

President, in paragraph 195 of the 2013 Policy Address, Chief Executive LEUNG Chun-ying has stated that, at an appropriate juncture, the Government will launch a comprehensive consultation on the election methods of the Chief Executive in 2017 and the Legislative Council in 2016, and initiate the constitutional procedures. When will the appropriate juncture be? I think the Government will decide on its own. However, given that it is a complicated issue, I hope that the Government can reserve sufficient time to conduct extensive consultation so as to allow sufficient time for the general public to discuss the content of the consultation document. I also wish to appeal to the various social sectors and political parties in the Legislative Council to have a rational and accommodating attitude of seeking common ground while reserving differences, to remain open and strive to forge social consensus in the process, and join hands to promote and achieve the aim of dual universal suffrage. If we all refuse to yield or simply argue for the sake of arguing, we are likely to make no headway but just waste our time. By then, dual universal suffrage will become something in sight but beyond reach. Of course, in the report on constitutional reform to be submitted to the NPCSC, the Chief Executive must truthfully and fully reflect the views of the general public.

President, the smooth implementation of dual universal suffrage in Hong Kong hinges on the positive interaction and mutual trust between Hong Kong and the Central Government (Mr Ronny TONG has just pointed out the issue of mutual trust). We must hence act in strict adherence to the Basic Law and the relevant decision of the NPCSC. Meanwhile, the smooth implementation relies on the concerted efforts of Hong Kong people in reaching the broadest consensus and, more importantly, the relevant bills and amendments being made with the endorsement of a two-thirds majority of all the Legislative Council Members, the consent of the Chief Executive and the approval of the NPCSC. Apart from this route, there can be no way out.

President, I so submit.

MR GARY FAN (in Cantonese): President, today, this motion debate

(Mr Ronny TONG stood up)

PRESIDENT (in Cantonese): Mr FAN, please hold on. Mr Ronny TONG, what is your point?

MR RONNY TONG (in Cantonese): President, Ir Dr LO Wai-kwok has misunderstood my previous speech. I would like to make a short clarification.

PRESIDENT (in Cantonese): Mr TONG, you have already used up your speaking time.

MR RONNY TONG (in Cantonese): I should be allowed to make a clarification as he has misunderstood my speech.

PRESIDENT (in Cantonese): Mr TONG, you have already used up your speaking time. The Rules of Procedure has not provided that you may have extra speaking time if other Members speaking after you have misunderstood you views. Please sit down.

MR GARY FAN (in Cantonese): Today, this motion is about implementing dual universal suffrage. This is the first motion debate on dual universal suffrage after I have become a legislator. Ir Dr LO has just mentioned the Basic Law, the Standing Committee of the National People's Congress (NPCSC), the interpretation of the Basic Law by the NPCSC and the relationship between the Central Government and the SAR Government. All these sound very complicated in his speech. In fact, politics exist in human society in order to resolve the disputes among people. A political system should hence be designed to address the relationship between the ruler and the ruled. Just now, a Member has said that owing to the lack of trust between the Central Government and Hong Kong people, dual universal suffrage has yet to be implemented in Hong Kong.

However, I do not think so. To me, the only barrier is that the Central Government does not trust Hong Kong people and does not have confidence in itself. As a result, though 16 years have passed after the reunification, it cannot let go and allow Hong Kong people to truly run Hong Kong with a high degree of autonomy through the implementation of dual universal suffrage.

I clearly propose in my amendment that I wish to completely abolish the functional constituency (FC) seats in the Legislative Council in 2016 and elect the Chief Executive by the method of "one person, one vote" in 2017. Why do I raise these proposals? It is because I hope that, in future, Hong Kong's dual universal suffrage will not, by definition, deviate greatly from international practices. I do not want our universal suffrage to be packaged by the art of double-talk, as demonstrated by Chief Executive LEUNG Chun-ying, and exist merely in name. President, I hope that no high threshold or screening mechanism will be put in place in the future Chief Executive Election; if such barriers are set, Hong Kong people, thinking that they have genuine voting right, are actually exercising a fake voting right. If only Regina IP, LAU Kong-wah and LEW Mon-hung are allowed to run for the Chief Executive Election, while all other people are barred from contesting, the Chief Executive is not elected by real universal suffrage. If people may only choose among Jasper TSANG Yok-sing, TSANG Tak-sing and Donald TSANG, that is not genuine universal suffrage as well. Therefore, we hold that the right to stand for election, the right to nominate and the right to vote must comply with international standards and criteria to make our dual universal suffrage genuine. However, in the years after the reunification, the Central Government has used different means, including having the NPCSC to interpret the Basic Law and changing the three steps into five steps, to hold back the democratization process again and again. As a result, Hong Kong people and the pan-democratic Members have to rack our brains to fight for the implementation of a democratic system with all sorts of methods. It is really regrettable.

President, some 15 or 16 years ago, we called for a democratic reunification. After the 4 June Tiananmen Incident, there was a discussion about "promoting democracy against Communism" in Hong Kong. Anyway, such incidents happened long ago, what is our present situation? Due to the absence of dual universal suffrage, we do not have an elected government which is truly accountable to the people over the past decade or so. We have to endure

the predicaments of wealth disparity, the unbridled real estate hegemony and the government-business collusion, which have pushed the common masses into an abyss of distress.

President, why do I go into politics? Other than improving people's livelihood with my expertise, the most important reason is that I wish to speed up Hong Kong's democratization in this unique political environment. That is why we define ourselves as pan-democrats. We do not want democracy to be delayed time and again by repeated discussions, studies and consultations as suggested by Ir Dr LO earlier. To me, the pursuit of democracy is a means to improve people's livelihood. If the Legislative Council had been fully elected, and if the Chief Executive had been democratically elected, would Hong Kong have fallen into today's situation? Would the Government continue to tolerate the serious wealth disparity and the unbridled real estate hegemony, without caring about their terrible effects on people's rights? Would government officials still be complacent and consider themselves as good officials? I think the whole thing is a misfortune.

President, another reason for us to get trapped in today's situation is that the creation of "super seats" by the 2010 constitutional reform package cannot make us rest assured. While we have a timetable for universal suffrage, we do not have a clear roadmap. The 2010 constitutional reform package had caused deep division among the pan-democrats on the lines to take and had split up the camp. I myself also left the Democratic Party, a party which I had joined for more than 13 years. After the passage of the 2010 constitutional reform package and the creation of "super seats", what has been changed? Have they brought a great leap for Hong Kong's constitutional development? Have our Council and the Chief Executive provided Hong Kong people with a clear roadmap to guarantee that Hong Kong will have universal suffrage on a certain date? Obviously, the answer is no.

President, recently, a scholar who had once helped in pushing the Alliance for Universal Suffrage and moderate democrats to negotiate with the Central Government and the Liaison Office of the Central People's Government in the HKSAR can no longer tolerate the never-ending consultations and delays. Benny TAI, a cultured and refined scholar, has proposed taking direct action to fight for democracy. He calls on 10 000 people to come out and occupy Central in order to create a huge public pressure to force the SAR Government and the

Central Government to face up to the issue. President, will we rejoice to see the initiation of the "Occupy Central" movement? Can Hong Kong bear the pressure so caused? In the past, many pan-democrats had blindly or mistakenly believed in the Central Government. They thought that negotiations could bring Hong Kong dual universal suffrage or significant progress towards democratization. I believe their disappointment will cause them to seriously consider joining the "Occupy Central" movement proposed by this scholar.

In 2003, 500 000 Hong Kong people took to the streets. In 2005, we turned down the reform package in the Legislative Council with a bundled-up vote. In 2010, we joined the negotiation to seek a breakthrough, but what did we get? Our democratization process continues to remain stagnant. President, we do not want Hong Kong people to further suffer and live a miserable life simply because the upper class in Hong Kong and some FC Members employ their political power to maintain economic privileges for their masters. Therefore, I hope Members will support the original motion. I will also support the respective amendments of Ms Emily LAU, Mr WONG Yuk-man and Dr KWOK Ka-ki. However, I have great reservation about the amendment just proposed by Ir Dr LO Wai-ki. Given that Hong Kong is a place with rich international experience, high educational level, high Gross Domestic Product per capita and good citizenship, the Central Government and the SAR Government have long owed Hong Kong people a good democratic system. Why do they keep delaying the implementation of universal suffrage? Any Member who votes for delaying Hong Kong's democratization in this Council will become a culprit in Hong Kong's democratic movement.

President, I so submit.

MS EMILY LAU (in Cantonese): President, I speak in support of Mr Ronny TONG's motion.

Mr TONG is not too happy and has even left the Chamber now because the President would not allow him to speak again. But as he has already used up his 15-minute of speaking time, there is really nothing to be done. Nonetheless, he will have the opportunity to speak again later.

We really hope that the Administration will give an account to Hong Kong people expeditiously. President, I do not know whether you will go to Beijing next month. In fact, the Central Government has already stated that the Chief Executive would be returned by universal suffrage in 2017. While some people will go to Beijing next month, those of us who cannot enter the Mainland will go to Switzerland because the United Nations Human Rights Committee will hold its hearings in Geneva on 12 and 13 March. The relevant official of the SAR Government — that is your fellow party member — will lead the delegation.

The SAR is duty-bound to explain to the international community when Functional Constituencies (FCs), depicted as a transitional arrangement in its report several years ago, would be abolished. And why is it that some people have now come forward and said that the FCs do not contravene universal suffrage? President, we cannot break our own promises. Notwithstanding the Central Government's statement that universal suffrage would be implemented in 2017, many members of the public worry that it would not materialize. On the 14th, I attended a television programme and discussed the matter with several Members of the Legislative Council including Ms Starry LEE, Mrs Regina IP and Mr Vincent FANG. On that occasion, the four of us agreed unanimously that Hong Kong people have a high expectation of implementing universal suffrage in 2017. Hence, if, for whatever reason, universal suffrage is not implemented, I think society will find it difficult to accept, and unrest may occur.

The SAR Government must be aware of this point, and convey it to the Central Authorities, while the Central Authorities must also understand that as Hong Kong people have been waiting for so many years, it has now come to a point where nobody would consider it acceptable if the matter is further delayed. I have no idea what the Administration will say in Geneva. Moreover, they will also say that even if universal suffrage is implemented in Hong Kong, it is not because of the International Covenant on Civil and Political Rights — even though Hong Kong is already a party to this Covenant and submits reports on it — but because of the Basic Law. Will the Administration please tell me: is there actually any difference between implementing universal suffrage under the two?

The question is that the SAR Government has made a pledge to the international community, and the Central Government has also made a pledge to Hong Kong people and the international community, namely, the Chief Executive

will be elected by universal suffrage in 2017, and the Legislative Council will also be elected by universal suffrage afterwards. President, I hope your party will put in the best effort in this regard, so that certain fellow party members of yours will not keep saying that this cannot be done because a consensus has not been forged in Hong Kong, and so on. I hope Members can act fairly. Can a 100% consensus be forged in Hong Kong? Of course not, President. Even for the statement "The Pope is Catholic", no 100% consensus can be forged. Nonetheless, it has been pointed out in many reports, and even the report submitted by Donald TSANG to Beijing, that many Hong Kong aspired to implementing universal suffrage. It is clear from the findings of opinion surveys conducted all along, as well as the results of previous elections that the majority of people support universal suffrage. Moreover, universal suffrage is not a great scourge after all. President, I hope you and your party can explain this situation to Beijing.

Recently, many people say that if any foreigners or local citizens are asked whether there is any city or place in the world which adopts an election system that is similar to ours, their answer will invariably be in the negative. Of course, certain totalitarian places adopt this kind of system, but these places are full of bloodshed and violence now, and much sacrifice has been made by their people. As for other places, either they have universal suffrage or have not; they will not face a situation like ours. Hence, President, we greatly hope that the Secretary and his team can go back and tell LEUNG Chun-ying that this matter should not be delayed any further. We all hope that the Administration will submit its report soon.

The amendments I propose today are intended to make some specific suggestions. If as suggested by Mr Gary FAN, universal suffrage is implemented in 2016, or even tomorrow, we would of course agree right away; but if not, people should at least know from the Legislative Council Election in 2016 that we have already moved another step forward, such that universal suffrage will actually be implemented in 2020. Hence, FC seats and separate voting system should really be abolished in 2016. With regard to universal suffrage in 2017, this is very important. I have told many Hong Kong people that a *bona fide* election must be held 2017 so that people with different political ideas can also run in the election.

LEUNG Chun-ying queries how can so many people run in the election; but why not? Two rounds of voting can be held so that some candidates would be eliminated after the first round. If a candidate can win a majority of votes in the first round of voting, he would be elected. Otherwise, the two candidates with the highest number of votes will proceed to the second round of voting. I implore the Government to make reference to the experience of other places, and stop inventing any new mechanism. President, I notice the view of your buddy, Mr NG Hong-mun, who said that there must be some kind of screening. Please talk to him and tell him to stop such nonsense. If this idea of screening was floated by LEUNG Chun-ying or even XI Jinping, I am sure that Benny TAI's proposal would be supported by not only 100 000 people, but 1 million.

Nonetheless, in reality, perhaps that is the only way we can move forward. Looking back, any successful fight in the history of mankind would invariably involve sacrifices made by many people, for example, they might be imprisoned or even lose their lives. By then, it does not matter if it is Benny TAI or any other; it would just depend on how many Hong Kong people are willing to make sacrifices in exchange for these things. I believe that many Hong Kong people would see that in Taiwan — I will not mention examples which are distant from us — in Taiwan, people had indeed made a lot of sacrifices in exchange for what they have today. We really admire these courageous people.

If people are forced by Beijing and the SAR Government to take this step, I believe many citizens, not necessarily all, but many citizens would say, "Come on!" If that is what they want, that is, to gamble with Hong Kong's prosperity and stability, they can just do whatever they want.

President, we hope consultation would be held by the Administration as soon as possible, so that a clear account would be given to the people. It would be best if we can discuss it with others. If universal suffrage will not be implemented in 2016, legislation should be made once and for all to account for the matter, as well as the specific arrangements for that election and the next election, so that we all know clearly what will happen. Yet, some people like to entangle themselves in disputes, arguments and wrangles. Is that the choice of those people? Is that the best way forward for Hong Kong's development?

I mentioned just now that I have attended a television programme recently. At that time, a public opinion survey was conducted on people's priority of concern. Of course, the people's top priority is housing, which accounts for over 30%. But what is their second priority? It is not poverty, which only ranks third. Their second priority is universal suffrage and governance. The people are really "amazing" for they know that without a sound political system, governance will only be a mess. However, whether a sound political system can be built up is not only a matter for LEUNG Chun-ying's group in the SAR Government, but the 7 million of us in Hong Kong. Hence, President, while Mr TONG's motion might be defeated today, Hong Kong people must succeed. If the SAR Government wants to be in our way, many people would choose to fight against it.

President, we hope the SAR Government will announce its consultation plan as soon as possible. We also hope that no matter you are going to Beijing or Geneva next month, you must give the United Nations a clear account on those promises made previously to Hong Kong people as well as the international community; or should we adopt the views of Ir Dr LO Wai-kwok? Just now, he queried why should we hurry as a consensus has not yet been forged? The matter could be further delayed as long as possible until the time when Hong Kong people have only themselves, and no others, to blame for not having universal suffrage.

We hope the SAR Government can honestly listen to public opinion and respond thereto with its best efforts. Nonetheless, President, as you also know, the patience of Hong Kong people is wearing thin; if the SAR Government must push the people over the limit, I hope you will be there to pick up the pieces.

(Mr CHAN Chi-chuen stood up)

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

MR CHAN CHI-CHUEN (in Cantonese): President, I think you know what I am going to say. I request a headcount.

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

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

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please speak.

MR WONG YUK-MAN (in Cantonese): President, in my speech delivered at the meeting of the Legislative Council on 9 January this year which is entitled "impeachment is only a means and the goal is to formulate people's constitution", I have already stated clearly my demand for the formulation of a constitution with the people. In the same speech, I have also outlined three classical theories of social contract. Today, I would like to further explore the relationship between social contract theories and Hong Kong's history, particularly from the late 1970s to contemporary time, in order to illustrate the point that Hong Kong can only break free from its *impasse* through "formulating a constitution and re-entering a contract with the people".

If we compare Hong Kong's colonial history over 150-odd years with contemporary Chinese history, we will find that the life of Hong Kong Chinese throughout that period, except during the three years and eight months of Japanese occupation, is apparently better than that of Chinese in other places. Why is that so?

British colonial rulers and Hong Kong Chinese citizens including those so-called "superior Chinese" had never formally entered into any form of social contract, yet the colonial government managed to maintain a relatively better livelihood, particularly after 1949. When compared with red terror in the Mainland and white terror in Taiwan, the limited freedom in Hong Kong was already a haven. Indirectly, some sort of "tacit consent between government and people" was formed.

While this kind of tacit consent resembles HOBBS' *Leviathan*, colonial officials were not nerds. Under the Hobbesian "contract", people would submit their freedom to Leviathan and once the contract is formed, Leviathan will protect

people's basic rights without default and hence, people have no right to reform. Colonial officials would mistakenly think that this kind of "contract" would be efficacious forever. If there was any maladministration, Hong Kong Chinese would still exercise their right to reform under LOCKE's *Two Treatises of Government* and ROUSSEAU's *The Social Contract*.

In the mid-1960s, the gap between the rich and the poor, corruption and graft reached the boiling point, which triggered the anti-Star Ferry fare increase incident in 1966 and the riots in 1967. After a short respite, social movements spun up in the 1970s, including the "Chinese Movement", "Diaoyutai Movement", anti-corruption campaign of "Fight Corruption, Catch GODBER", and so on. Though unwillingly, the colonial government must also embark on reforms led by the then Governor Sir Murray MACLEHOSE in order to strengthen Hong Kong people's sense of belonging, thereby forming a kind of new tacit consent between government and people.

After 1949, Communist China did not resume sovereignty over Hong Kong under the strategy of "making long-term plans and taking full advantages". Against these special circumstances, massive refugees fleeing from the regime flocked to the south, creating subconsciously Hong Kong people's character of opposing, resisting, hating and suspecting Communism. If someone asked, "What is the nature of local social movements in Hong Kong?", I would say, "Hong Kong people's mainstay is those who have fled from the regime as well as their descendants who, after experiencing the colossal political changes over the past 30-odd years, have come to realize the failure of reunification after 16 years." The nature of local consciousness is distrust of the Communist Party and deep resistance towards one-party dictatorship. Local democratic movement is about hoisting the banner of anti-Communism, and whoever sides with Communism is selling out Hong Kong.

Then, the problem of Hong Kong's future surfaced towards the late 1970s and early 1980s. DENG Xiaoping realized the anti-Communist nature of the mainstay of Hong Kong people, as well as the prevailing pensive mood. According to the then public opinion surveys, 95% of Hong Kong people wanted to maintain the *status quo*. Nonetheless, that was the most open era since the founding of Communist China with HU Yaobang as the General Secretary and ZHAO Ziyang the Premier. As they still had some slight awareness of the shortcomings of their own system as well as the advantages of Hong Kong's

system, they made the pledge of "one country, two systems" with "Hong Kong people ruling Hong Kong" under "a high degree of autonomy", and subsequently, the Sino-British Joint Declaration and the Basic Law were also promulgated. All these form part of a social contract.

The three Legislative Council elections between 1998 and 2004 were held according to the timetable stipulated in Annex II to the Basic Law, with the number of Geographical Constituency (GC) seats gradually increasing, while the number of Election Committee seats gradually decreasing and eventually abolished. The original way of living in Hong Kong has also remained largely unchanged after 1997. Of course, what actually happened was that self-censorship had already been exercised by many mainstream media, while evil laws had been resurrected by the Provisional Legislative Council. However, majority of Hong Kong people were still indifferent by then. To ordinary members of the public, and even the mainstream pro-democracy camp, Communist China had more or less abided by the contract, so much so that they still had expectation about the empty promises of implementing dual universal suffrage in 2007 and 2008.

The situation changed dramatically after 2003. The Communist Party considered Hong Kong people "disloyal", right? According to the constitutional reform package proposed by the SAR Government in 2005, the ratio between GC and Functional Constituency (FC) seats remained unchanged. At that time, members of the pan-democratic camp were still united; they vetoed the package and demanded that a timetable and roadmap be provided. Yet they could not come up with their own counter-proposal with a timetable and roadmap to reduce the number of FC seats gradually. It is only until now that they propose the amendment to reduce the number of FC seats in 2016. How time has flied back!

Buddy, the Decision of the Standing Committee of the National People's Congress (NPCSC) in 2007 and the interpretation made by NPCSC in 2004 had already contravened Annexes I and II to the Basic Law! What was the basis of the Democratic Party's negotiation with the Central Authorities? It was the interpretation made by NPCSC in 2004 and NPCSC's Decision in 2007 which had resulted in the tragic ending of the 2012 constitutional reform package. Yet, today, Mr Ronny TONG is still asking the Government to commence consultation.

To the Democratic Party, the increase of five seats each to the GC and FC with the overall ratio remains unchanged is a step forward. However, it is a sinful system, a vicious proposal. Otherwise, Mr Frederick FUNG would not become a "Member with zero vote"; his FC is "void". Three GC Members with the highest number of votes become the super District Council FC Members. Under separate voting, the votes they hold are "void". Let me put it bluntly, they are birds of a feather that flock together with Communist China to sabotage the development of democracy in Hong Kong in a gradual and orderly manner as stipulated under the Basic Law.

Recently, Benny TAI's proposal is considered acceptable to many, yet I think most of them are merely taking advantage of the situation. While my ideas may be different from Prof Benny TAI's, his present proposal of creating repercussions in society through mass mobilization is worthy of our consideration. Nonetheless, I want to point out that it is alright for Members of the mainstream pan-democratic camp to correct their own stance in this regard, so long as they can stand on people's side today; bygones are irrelevant so long as they are doing the right thing today. If they vote in abstention or against my idea of formulating a constitution with the people today, how can they call themselves democrats? I cannot figure it out. If they say my idea has contravened the Basic Law, then would their proposal of reducing the number of FC seats be acceptable from the point of view of the Basic Law? The reasoning is simple.

This is the worst of times because it is clear from the recent spate of political prosecutions and verdicts that the sabotage of Hong Kong by Hong Kong communists has already entered the haywire stage of massive retribution. Nonetheless, this is also the best of times because more people have been awakened and discarded the out-dated mode of democracy movement. People Power and I will join hands with others in the progressive democratic camp to continue promoting local human rights movement for the objective of formulating a constitution and re-entering a contract with the people.

There is a scene in the movie "GHANDI" about GHANDI negotiating with the British on the future of India. President, I would like to quote a passage here which is particularly enlightening to the Hong Kong Communist regime, as well as those people fighting against the Hong Kong Communist regime and defending Hong Kong's values: "In the end, you will walk out, because 100 000

Englishmen simply cannot control 350 million Indians if those Indians refuse to co-operate. And, that is what we intend to achieve — peaceful, non-violent, non-cooperation — till you, yourselves, see the wisdom of leaving, Your Excellency."

I implore the Hong Kong Communist regime to see the wisdom of leaving Hong Kong so that Hong Kong people can genuinely rule over Hong Kong with autonomy, formulate a people's constitution and amend the Basic Law on their own decision without the need for any consultation or decision by the NPCSC.

That is all I wish to say.

DR KWOK KA-KI (in Cantonese): President, it is indeed frustrating and saddening that constitutional reform and universal suffrage are once again subjects of debate in the Legislative Council. As a matter of fact, numerous discussions have been held in this Council. Debates on universal suffrage, albeit for the election of the Chief Executive or all Members of the Legislative Council, have been held in 2005 and 2010. However, we can see that history is repeating itself, and this regrettable history may repeat itself time after time.

When the Sino-British Joint Declaration (Joint Declaration) was signed in 1984, we thought that this solemn and serious decision had already been clearly stipulated in the Joint Declaration, as well as Articles 45 and 68 of the Basic Law. However, it is evident today that neither the Central Government nor SAR Government has ever intended to take a step towards this direction. They just want to delay the matter as long as they possibly can.

If Members still recall, when our Chief Executive LEUNG Chun-ying was asked about the constitutional reform in the Legislative Council two months ago, he simply gave us this terse reply: "We still have time." Let us see what is meant by "We still have time." In 2016 and 2017, Hong Kong will respectively hold the election for the following term of the Legislative Council, as well as the first ever election of the Chief Executive by universal suffrage. It is now 2013, and if nothing has been mentioned in this Policy Address, it means nothing will be done in 2013, and discussion will only take place slowly in 2014. Perhaps the Government wants to use the same tactic as in 2005 and 2010.

The Fifth Report of the Constitutional Development Task Force (the Report) was published on 19 October 2005, with no mentioning on the progress made or improvements sought to achieve universal suffrage. Moreover, the Legislative Council was asked to vote on the Report on 21 December. I was also present on that occasion. What was the people's response then? On 4 December, 250 000 people marched from Victoria Park to the former Central Government Offices (CGO). By taking to the streets, they told the Government clearly that they refused to accept the Report. After the procession, that is, on 7 December, a majority or more than half of the people considered that the Legislative Council should veto the then constitutional reform package.

In fact, this is *déjà vu* time and again for many Hong Kong people. Looking back at history, after the idea of universal suffrage or electing Members of the Legislative Council through general direct elections was first floated, people were told in 1988 that no direct elections would be allowed; and in 1991, some seats could be returned by direct elections. At that time, Taiwan still had the so-called "non-reelection Congress", and it was only until 1992 that the first reelection of members of the Legislative Yuan was held. Nowadays, the President of Taiwan and all members of the Legislative Yuan are returned by one person, one vote.

By comparison, Hong Kong has been staying put with no progress made at all. I do not know how to describe this feeling, except anger. Hence, we note the recent proposal from some academics who are supposedly conciliatory, that is, the public generally consider that these academics will definitely tolerate the Government; even the most mellow academics have come out with the suggestion of "Occupy Central". Even persons who, in our view, can have exchanges with the Chinese side, Directors of Bureaux and the Liaison Office of the Central People's Government in the HKSAR (LOCPG) have also come out to say clearly that they will not settle for less.

People can see what is happening. A group of people who have been most tolerant and sincere in their discussion with the Government no longer want to hold discussion; they want to "turn hostile". Do you want to make all Hong Kong people "turn hostile" against you? Would you only stop when all of us rally in Central and besiege the CGO? What for? Why would a government be so afraid of universal suffrage?

I do not make this up. The implementation of universal suffrage has been written in the Joint Declaration in 1984, as well as the Basic Law. How come the Government now acts to the contrary by mincing words and claiming that FCs can still exist even with the introduction of universal and equal elections, or FCs can still exist even with the disputes on universal suffrage? The Government is playing on words, in the hope of buying time to delay the matter further.

All senior officials of the SAR Government are well-remunerated. I recall that during each budget debate, some Members would always want to delete the provisions of the Constitutional and Mainland Affairs Bureau. Of course, they have their own reasons for doing so. But they are clear about one point: Nothing has ever been done by this Policy Bureau.

With nothing done in 2013, the Government will try to rush things through in 2014 and 2015. Once again, it will conjure up some policy proposals which we find hardly acceptable; once again, society will be ripped apart creating further division in the community and inducing more people to take part in processions, demonstrations and rallies; once again, more and more people will completely lose faith in the Central Government, the LOCPG and the SAR Government. Is that what we want to see?

I often find it difficult to understand the mindset of the LOCPG and the SAR Government; why must they antagonize themselves with the people? Perhaps we have to put our hope on the new term of Central Government. XI Jinping, the General Secretary, once said that he would embark on a so-called domestic political reform as he earnestly hoped to see China's institutional reform moving forward. Shouldn't Hong Kong have a role to play? Since the time of Dr SUN Yat-sen more than a century ago, Hong Kong has always been a testing ground for China, particularly in respect of political development.

Nobody can stop the trends in society and the aspirations of people. If you choose to stand in the way, we must all pay the price. You often say that there is no need for the people and pro-democracy camp to oppose the Government or even the Central Government. Hong Kong people take to the streets not because they have been mobilized, enticed or coerced; unlike some members in the pro-establishment or royalist camp who hired people to show support in demonstrations and then paid them outside a public toilet afterwards, we do not have the money to do so. We have not paid anyone a cent.

Hundreds of thousands of Hong Kong people had taken to the streets because they want to show the Government the views of the people. Of course, LEUNG Chun-ying can still say that he has not seen anything.

As President LINCOLN once put it, "You can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time." If the SAR Government, LEUNG Chun-ying, the Central Government and the LOCPG consider that they can once again get away from holding consultation or discussion by some empty talk or evasive remarks and then force people into accepting a last-minute deal against their wish, I would say they have underestimated Hong Kong people. I believe that the repercussion this time will be even greater. When even those who are most mellow and most eager for dialogue have also refused to hold discussion, you are actually forcing more and more people into a road of no return. Why does it have to be so? The Government owes people an explanation as both the Central Government and the SAR Government are duty-bound to implement universal suffrage in 2017 and 2020 as stipulated in the Basic Law.

I so submit. Thank you, President.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, in accordance with the provisions in the Basic Law, it is the common goal of the SAR Government and the Hong Kong community to pursue constitutional development. It has been clearly provided under Articles 45 and 68 of the Basic Law that the HKSAR must, in the light of the actual situation and in accordance with the principle of gradual and orderly progress, proceed towards the ultimate aim of selecting the Chief Executive and electing all the Members of the Legislative Council by universal suffrage.

The Decision adopted by the Standing Committee of the National People's Congress (NPCSC), as the highest organ of state power, in December 2007 has made clear the timetable for implementing universal suffrage in Hong Kong: the method of selecting the Chief Executive by universal suffrage may be implemented in 2017; and following that, the method of electing all the Members of the Legislative Council by universal suffrage may be implemented. The NPCSC's Decision is solemn and with legal effect.

The Basic Law and the NPCSC's Decision have already laid a solid foundation for Hong Kong's constitutional development. The SAR Government will definitely promote the implementation of the ultimate aim of universal suffrage in accordance with the Basic Law as well as the NPCSC's Decision.

Regarding work in relation to formulating the election methods of the Legislative Council in 2016 and the Chief Executive in 2017, the Chief Executive has stated clearly in the Policy Address that the SAR Government will initiate the constitutional procedures at an appropriate juncture, and consult the views of various sectors of the community including the Legislative Council. We will definitely allow sufficient time for a thorough discussion on the two election methods by society, as well as the completion of the relevant legislative process.

President, I will give a further reply later after listening to the views of Honourable Members.

Thank you, President.

MR CHEUNG KWOK-CHE (in Cantonese): President, LEUNG Chun-ying's Policy Address spans across 200 paragraphs of text, yet only two paragraphs or some 100 words are about Hong Kong's constitutional development. In fact, LEUNG Chun-ying is telling Hong Kong people that "there is no constitutional development" because nothing has been mentioned about when the Government will activate the discussion on the constitutional reform proposal. When answering a related question from Ms Emily LAU, he said there was still time before 2017. He also said that the Government must stay focussed and concentrate its efforts on handling livelihood problems. The Secretary has just left the Chamber. When replying Members' questions, he also said that the current-term Government will not activate the process of implementing universal suffrage for the Legislative Council Election in 2020. Once again, it proves that for the Government, the basis of the SAR, namely, "Hong Kong people ruling Hong Kong" with a "high degree of autonomy", has already become irrelevant and insignificant.

LEUNG Chun-ying said that the Government must stay focussed and concentrate its efforts on handling livelihood problems. Of course, I understand that given the gravity and urgency of livelihood problems faced by the grassroots

in Hong Kong, appropriate measures should be introduced by the Government immediately. Yet, only two paragraphs in the Policy Address are about Hong Kong's future political development, and compared with 40 paragraphs on land and housing, the difference is just too great. In this respect, I have two hypotheses. First, LEUNG Chun-ying has ignored the real situation, and for the sake of appeasing the people, he just focuses on livelihood issues in order to create an illusion and try salvaging his personal reputation. Nonetheless, we know very well that all along, Hong Kong lacks a political system which adequately reflects public opinion. As illustrated by experience over the past decade or so, Hong Kong will remain a place where there is collusion between the Government and businesses, with the consortia being the only winner eventually. By blowing his own trumpet on those so-called livelihood issues, he has once again lied to the people. Second, if that is not the case, he is relying on having adequate support from the royalists in the Legislative Council so that he can disregard the general public's demand for *bona fide* universal suffrage in 2017, and continue to put Hong Kong in a subservient position to the Central Authorities, sacrificing society's basis of "Hong Kong people ruling Hong Kong" with a "high degree of autonomy" in the pursuit of a social governance model with authority and alacrity as that in the Mainland. I think this is exactly the most dangerous inclination for Hong Kong.

Public opinion must be the basis of any development and reform in a modern society, and that is what meant by "the people are the most important element in a nation; the spirits of the land and grain are the next". If the right of interpretation of development and reform in a society is only vested with authoritative political leaders, it might be possible for policy decisions made without listening to the views of others to achieve visible results right away. But it is clear from the Mainland's development over the past few decades that under an authoritarian regime, while the Government could seemingly deal with some social problems swiftly, and controversies during the decision-making process would also die down quickly, we all know that in the end, the losses would outweigh the gains. For example, in the 1990s, the Central Government engaged in a major initiative of economic reform without listening to public views. Nowadays, although the economy is booming, problems such as the poverty gap, environmental pollution, unsustainable growth rate, and so on, have surfaced. Moreover, the situation has gone so bad that it could not even guarantee the quality of its baby formula, not to mention the panic caused around the world. Some academics have already warned that if the situation should go

on, the entire society and nation could possibly suffer from irreparable consequences as a result of wrong decision-making by the rulers.

In fact, mistakes could be minimized more effectively under a democratic system with the rule of law. While efficiency during the planning stage might be affected if social planning is made through a democratic approach, much savings in terms of remedial cost during the implementation stage could be achieved. Moreover, by encouraging social engagement, it can create solidarity which helps achieve stable and healthy development in society. In fact, this is the trend of political development around the world, as well as a feature of all developed countries. This is a fact which the Government cannot deny.

LEUNG Chun-ying said that we still have time before 2017. Indeed, four years would be ample time to arrange for the Chief Executive Election. Nonetheless, over the years, people have been taken in time and again by the Government's arrangements with regard to constitutional development, and they have a serious lack of confidence in the Government. Members would certainly recall that while society had demanded for the implementation of dual universal suffrage in 2007 and 2008, the matter was eventually decided not by public opinion, but the Standing Committee of the National People's Congress which made an interpretation of the Basic Law in 2004 the rule against it. In 2007, Donald TSANG said that he would "play a big game". But eventually, those were also empty words. The election of the Chief Executive by universal suffrage has been postponed from 2007 to 2012, and then 2017. Once again, Hong Kong wasted 10 golden years. Given that Hong Kong people have been cheated time and again, they have become increasingly suspicious of the Government's hidden agenda. How can Hong Kong people be assured by LEUNG Chun-ying's statement that we still have time before 2017?

I request that the Chief Executive should immediately present to us the proposal to elect the Chief Executive by universal suffrage in 2017, and all the Members of the Legislative Council be universal suffrage in 2020, and consult public views accordingly, so as to allow thorough discussion in society.

President, I so submit.

DR KENNETH CHAN (in Cantonese): It is an ironical contrast to discuss the subject of expeditiously implementing dual universal suffrage in this almost empty Chamber. If Members of this Council are going to be returned by universal suffrage, there should be more heated debates. More Honourable colleagues should be concerned about this subject and enthusiastically plead for justice on behalf of the public, they should also strive to defend and protest for social justice. But, from the situation of today, I can tell that eventually the result will be "N have-nots". Under the separate voting system, all amendments relating to dual universal suffrage will all be voted down and negated. This Council will once again witness the voting down of motions on constitutional reform and dual universal suffrage, and the public will see that all Members will again become "N have-nots" in connection with dual universal suffrage.

No matter it is the "Nth" time to debate on dual universal suffrage or the expeditious abolition of functional constituencies, we still have to proceed because these subjects are not only problems for Hong Kong. Some people in Hong Kong have been fighting for democracy and universal suffrage for 29 years since the signing of the Sino-British Joint Declaration in 1984. I was a student when people strived for direct election at the Victoria Park in 1988 and more than 20 years have passed. For the Chinese nation, the Xinhai Revolution, which stressed on saving the country by democracy, happened over 100 years ago while the May Fourth Movement in 1919 happened over 90 years ago. We will continue our struggle because we believe that Chinese people will only have dignity in a democratic country.

The most important basic concept of democracy is that everyone is born equal, and the dignity and rights of each person should be fully protected under the relevant systems. In elections, there should be "one person, one vote" rather than "one person, two votes". Some functional constituencies (FCs) only have some 100 so-called electors, and their votes are not individual votes but company votes and corporate votes. The so-called "super District Council seats" will be returned by electors throughout the territory but the eligibility is subject to restrictions. From the perspective of the international order and universal values, this election method is simply a freak and rectifications should rapidly be made, so that the Government will function well and people will live in harmony. Otherwise, if the Government is "hijacked" by the Chief Executive who lacks integrity and recognition, many civil servants will be baffled and many competent

people will not be willing to serve the Government which lacks integrity and recognition.

Different opinion polls have recently shown that the popularity of the LEUNG Chun-ying's Government has been declining. From January to June 2012, his average score was 53.4, but it has dropped to 50 from July and December 2012, and further dropped to 48.9 in the first half of this year. Mr James TIEN from the Liberal Party has criticized Chief Executive LEUNG Chun-ying for not making any achievement. I agree, especially when we compare his manifesto to the Government's Policy Address and the policies introduced, I considered that he has not made proper preparations and he has not thoroughly considered various issues. Even worse, he says one thing and does another, and there is all thunder but no rain. I am really worried that the outcome of our demand for dual universal suffrage will be the same. We must keep striving even though we are worried.

Having said that he has achieved nothing, I would also like to say that this problem is not simply related to an individual but the system itself. A system lacking recognition fails to support the Chief Executive who lacks integrity. Hong Kong people want a genuine democratic system, unlike the present situation where we are not even clear about whether we are buying something genuine or fake. Are the flats bought by owners really for self-occupation or for renting out as hotel rooms? Is the formula milk powder genuine or fake? Why are milk powder put in bags but not in cans?

From the news, we learnt that in Hong Kong which is a free market, there are so many strange phenomena. So, we have reasonable grounds to worry and doubt if universal suffrage in the future is genuine universal suffrage; and whether the Chief Executive Election is a genuine election which does not involve screening and with a low threshold so that many people can participate and various parties and groupings can play a role; as well as whether the Legislative Council in the future will still have separate voting system and functional constituencies. These are the requirements and aspirations of the public, and the common stance of the democrats, be they radical, moderate or mainstream democrats. With such insistence, we can see whether the constitutional reform package introduced in 2017 is genuine or false. It is good if the package is genuine, but if it is false as many Honourable colleagues have

recently discussed, we have to be united to take collective actions, so as to convince Hong Kong people that we want genuine universal suffrage.

This matter has dragged on for so many years and we can no longer accept a defective and false universal suffrage package. Furthermore, we cannot accept a Chief Executive who has political and personality flaws, who issues lawyer's letters to sue other people whenever he is not pleased with their comments. President, what the current governance team lacks most is democracy and recognition. Without democracy, the public will not be happy about the forthcoming Budget and no matter whatever handouts will be given by the Financial Secretary, and LEUNG Chun-ying's popularity will not rebound (*The buzzer sounded*) Democracy is our core value

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

DR KENNETH CHAN (in Cantonese): I so submit, thank you.

MR CHARLES PETER MOK (in Cantonese): President, Hong Kong people have been most concerned about the constitutional system since the reunification. Our long-term goal is to elect the Chief Executive and Members of the Legislative Council who can represent them by the method of "one person, one vote" in a fair manner. The political evolution in Hong Kong has lasted three to four decades and Hong Kong people have staggered along the long road to democracy, but the pursuit of a democratic constitutional system has passed from generation to generation without a gap. According to Articles 45 and 68 of the Basic Law, the ultimate aim is the selection of the Chief Executive and all the members of the Legislative Council by universal suffrage. The Standing Committee of the National People's Congress (NPCSC) decided that the Chief Executive should be elected by universal suffrage in 2017 and all Members of the Legislative Council should be elected by universal suffrage in 2020. We do not wish to see that universal suffrage cannot even be implemented in 2047.

If the decision of the NPCSC is a trustworthy undertaking rather than just a "possibility", we should have vaguely seen the destination. That being the case,

we should not stay put, instead we should quicken our pace and agree on an election method which is democratic and practically feasible.

However, the SAR Government tells us that livelihood and economic issues should be urgently addressed, and it has all along adopted a stalling tactic in dealing with constitutional issues. The motion moved by Mr Ronny TONG today precisely reminds the Government not to evade the matter. The Government now focuses on dealing with the land and housing supply crisis, which has been hugely magnified, and it tells the public that there will be sufficient time to deal with the election method slowly. This is an act of diverting the public's attention. Some people allege that as the new SAR Government does not have enough time to deal with issues concerning people's livelihood and the economy, Members who suggest that the issue of a constitutional reform should be handled expeditiously have ulterior motive and they want to weigh Hong Kong down. This is a completely wrong conspiracy theory. Hong Kong people eagerly request for the implementation of genuine universal suffrage, so as to change the unfair election system and the legislative assembly which have caused many social problems. From the 1 July rally in 2003 to the discussion in 2010 on constitutional reform, the aim of the public has all along been the implementation of dual universal suffrage.

President, when you were interviewed at the RTHK programme "Friday Forum" two weeks ago, you questioned whether the pan-democrats truly wanted to implement genuine universal suffrage in Hong Kong, you queried whether they wanted to keep the so-called "bargaining chips". President, I really wish to lose the game and give you these chips. You said the pan-democrats paid lip service in pursuing genuine universal suffrage; but the problem is that the Government is not even willing to discuss the matter with us. At the Question and Answer Session on the Policy Address, LEUNG Chun-ying just said that "we still have time", which stunned us, and he also said that he was "determined" to strive for the election of the Chief Executive by universal suffrage in 2017. At the meeting of the Panel on Constitutional Affairs on 20 January, the Secretary for Constitutional and Mainland Affairs — Secretary Raymond TAM is not present now — also said that "we still have time" in response to the question on when to initiate the discussion on the election method in the year 2016-2017. This line-to-take is really nonsense because the Government has not told us who will determine the time to trigger a constitutional reform consultation, how it is determined, what is work plan for the preparation work and the progress. This is

consistent with the style of the present Government of not being accountable to the public and the Legislative Council. The Government is operating in a black box and we have absolutely no idea what it is happening inside. For issues such as the abolition of functional constituencies (FCs) system or the reduction of FC seats in 2016, the abolition of the separate voting system, the nomination threshold of the Chief Executive Election and the composition of the Nomination Committee, a long time is needed for discussion and reaching a consensus. Furthermore, after a formal consultation, more time is required to complete the five-step mechanism of a constitutional reform. Surely, there is not much time left. We should take one step backward and work out a timetable as soon as possible. The Government is extremely irresponsible to sweep such important issues under the carpet. The motive for delaying until the eleventh hour is obvious.

Obviously, all of us are psychologically prepared and are ready to discuss the future election methods, but the Government keeps delaying, saying that "we have time and we need not hurry". Thus, we do not have any expectations. Even some moderate academics have recently lost patience, and they proposed that we should resort to civil disobedience at the critical moment to occupy Central in a non-violent and non-confrontational manner. They call upon the people to participate directly in the fight for democracy. No one knows how things would turn out to be. For the pro-establishment camp, instead of guessing whether the democrats are paying lip service to universal suffrage, they should join us in forcing the Government to do some work at an earlier stage, so as to activate the consultations on the 2016 Legislative Council Election and the 2017 Chief Executive Election by universal suffrage for extensive public discussion. Regardless of what parties and groupings we belong to, we should start the discussion as soon as possible, rather than allow the Government to bury its head in the sand and to drag on.

Mr Ronny TONG mentioned that he participated in the Legislative Council Election in order to fight for universal suffrage. I can also say that I engage in politics in pursuit of democracy. I also want to play a role in the fight for universal suffrage and the abolition of FCs.

I was in the United States after the June 4 incident in 1989. I got together with a group of young professionals, academics and students from Hong Kong and started to express concern for democratic universal suffrage in Hong Kong.

We watched from a long distance in the United States the first Legislative Council Election in Hong Kong in 1991, and I have been pursuing democratic universal suffrage for more than 20 years so far. Today, more than a decade since the reunification, the implementation of dual universal suffrage has been delayed and the proposal has been voted down by the pro-establishment camp again and again. We need to wait another four, five or eight years. We have discussed universal suffrage in 2007, 2008, 2012, 2017 and 2020, and we have even skipped 2016. If we are going to skip another specified time again, we may have to wait until 2025 or 2028.

President, this is totally unreasonable and undemocratic, and we are pushing even the gentlest persons to the corner. We refuse to wait any longer as the Government's delaying will only intensify the grievances of Hong Kong people, making our economic development stagnant and creating more chaos in society. I fear that the Government and even the Central Government will only be playing with fire in creating the obstacles to the development of democratic universal suffrage.

With these remarks, President, I support Mr Ronny TONG's original motion. Thank you.

MS CLAUDIA MO (in Cantonese): The Basic Law was promulgated in late 1980s during the Sino-British negotiations. At that time, a large group of reporters from Hong Kong gathered around one of the responsible senior Beijing officials, JI Pengfei, and asked him when full democratic election of "one person, one vote" would be implemented in Hong Kong. JI Pengfei replied "around 10 years after the reunification." It was the year 2007 ten years after the reunification. Dual universal suffrage was not implemented in 2007 and 2008, which had let Hong Kong people down. Could we say that the then senior Beijing official was talking nonsense, as DENG Xiaoping had once said? Indeed, the then senior Beijing officials obviously intended to allow Hong Kong people to enjoy "a high degree of autonomy" a decade after 1997. It is now 2013 and our generation has let the next generation down.

Many people query if Hong Kong really needs universal suffrage as the Beijing authorities are worried that we may create trouble. They are most concerned that Beijing's governance of Hong Kong will get out of control.

Actually, they need not worry so much because Hong Kong people have good self-control. When 500 000 Hong Kong people took to the streets in 2003, not even a glass bottle had been broken; thus, Hong Kong people are most restrained.

Some people say this will not work. If Hong Kong people have the election of "one person, one vote", this kind of democratic ideology will spill over the border to the Mainland. This ideology will cause a revolution in the Mainland. President, Hong Kong, being a SAR, is very different from Mainland China, and that was why DENG Xiaoping introduced the concept of "one country, two systems". It will be ridiculous to say the other way round that the Mainland will be jeopardized if Hong Kong is highly democratic.

Third, very often some people will that universal suffrage and democracy should not be introduced in Hong Kong. They even mock the so-called democrats, saying that the democrats dared not fight for democracy during the British colonial era, they were sycophants and yes-men, and all they could do was to say "Yes, Minister". Yet, when they are now facing their own sovereign state, they keep wrangling and demanding for democracy and universal suffrage. These people who make such comments do not understand what history is. When Hong Kong was a British colony during the colonial era, would Britain promote democracy in Hong Kong? Who would have treated you so well? That is the essence of colonial rule. The generation of our parents was subject to such rule, we fully understand the life of living under other's roof. It can even be described as a life of shame as we were ruled by a foreign race. However, Hong Kong people have been given the "promise" that they can have "a high degree of autonomy". The problem is, is the "how" measured against your standard or my standard? How about "autonomy", is it in your pocket or in my pocket? They have the final say. It is right when they say it is right, and it is wrong when they say it is wrong. They may say that a certain extent is very high or very low, and it is completely up to them.

According to my understanding, President, another reason for delaying the implementation of universal suffrage in Hong Kong is that — as you have enlightened me — too many Chinese people in Hong Kong have foreign nationality. The Central Authorities worry about the allegiance of these people. Therefore, they dare not give every people one vote in the election. The largest group of foreigners in Hong Kong is definitely not foreign domestic helpers from the Philippines, nor the British or the Americans, but Canadians. My

understanding is that Hong Kong permanent residents holding Canadian passports also have Hong Kong identity cards and they have voting rights. Is this the case? This issue is open to discussion. If there is such a worry, extensive discussion should be held in the community. Let us discuss why there is a lack of mutual trust between Beijing and Hong Kong.

Prof CHAN Kin-man is the most moderate scholar whom I know. Even Prof CHAN Kin-man who often has discussions with Mainland scholars has said that it is a waste of time to hold discussion. All discussions are futile and fruitless. Another scholar whom we are familiar with is Prof Benny TAI from the University of Hong Kong, he even proposed to occupy Central. We can only choose this way out when Hong Kong people who are very rational and restrained have no way out.

President, Hong Kong people do not trust the Mainland. By carrots and sticks, the Mainland authorities said to us that Hong Kong can integrate with the Mainland. That implies that Hong Kong is going to be Mainlandized. A Member from the pro-establishment camp — I do not bother to name him — had written a press article to criticize Mr Gary FAN and I for being intolerant to the use of Simplified Chinese characters even though Hong Kong is a pluralistic society. Has he gone out of his mind? We certainly support the use of simplified Chinese characters, and my son has started learning simplified Chinese characters as a child. It is because there is no choice and even those going to Cambridge have to learn simplified Chinese characters. Nonetheless, the problem is that it is unacceptable for the simplified Chinese characters to replace the traditional Chinese characters in Hong Kong. President, all these problems must be aptly discussed before the implementation of universal suffrage. Thank you.

MR KENNETH LEUNG (in Cantonese): President, the implementation of dual universal suffrage had actually been discussed for 20 years and the community had discussed different options. In my view, to implement universal suffrage, we must abolish the functional constituencies (FCs). As a FC Member, I will lose my Legislative Council seat after the abolition of FCs. I would like to quote the remark of the barrister, Lawrence MA, "So what! I am a professional. I have got the credential. I need to deal with bloody difficult, sensitive issues here in this Chamber."

The idea of FCs stems from the 1984 Green Paper: The Further Development of Representative Government in Hong Kong, which recommended FC elections. The original intention was that people from different professions within the then Legislative Council would contribute to society with their professional knowledge and that the professionals with unique knowledge could discuss various livelihood issues in the Legislative Council.

The introduction of FCs was just a transitional measure and it was intended that FCs would be abolished when all members of the Legislative Council were returned by direct election. The former Secretary for Justice, WONG Yan-lung, also mentioned that the SAR Government explicitly stated in 1999 when it submitted a report of the United Nations that the existence of FCs was a transitional arrangement.

People have different interpretations about universal suffrage. But, this interpretation is clear enough because there is a universal definition in the international arena. The definition of universal suffrage comes from Article 25 of the International Covenant on Civil and Political Rights (the Covenant). To put it simply, there are two principles of universal suffrage under this article: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage. There are two rights — the rights to vote and to be elected; therefore, FCs do not meet this definition.

The Covenant gives universal suffrage a universal definition, and under Article 39 of the Basic Law, the provisions of the Covenant as applied to Hong Kong shall be implemented through the laws of the Hong Kong, that is, Article 21 of the Hong Kong Bill of Rights, to protect the electoral rights of all Hong Kong people.

I know that many Honourable colleagues think that FCs have made contributions. I also know that many FC Members are authoritative and experts in various professional fields. Nevertheless, these contributions refer to the contributions of Members as individuals only. This is a totally crap system.

Some Honourable colleagues have commented that balanced participation in the Legislative Council is essential. The Legislative Council needs balanced participation but it may not need FCs. In conducting a consultation, the

Government can seek the views of different experts and academics on various issues, and we can draw reference from overseas examples on how we can ensure, through different electoral mechanisms, that voices of different sectors and people, including professionals and the business and industrial sectors, can be represented in the Legislative Council. Let us take the election of the Taiwan Legislative Yuan as an example. Apart from direct election based on geographical constituency, there is also an election system which is not based on geographical constituencies. Under this system, the major political parties will include in the electoral lists different scholars, professionals, representatives of the business community and the disadvantaged, so as to fight for the support of the largest number of voters, and ensure that the legislators represent the voices of different classes. Is that not balanced participation?

To reflect the views of all sectors in the Legislative Council, there are other possible arrangements under the system, and FCs do not provide the only way out. In fact, the distribution of FC seats in the Legislative Council is also a serious problem. As Ms Emily LAU has just said, this is a unique system in the world. Under the existing FC election system, some sectors have more than 1 million voters while some others only have tens of thousands of voters, some even have only a few dozen voters. Moreover, some people can even serve as Legislative Council Members forever without going through elections. This is really a weird system.

It has already been stipulated in the Basic Law that all Members of the Legislative Council will ultimately be elected by universal suffrage. If the community still spends time to discuss whether we need to reform FCs, that is, the so-called "midway option", I think this is just a waste of time, and some people will take advantage of the discussions to make FCs more reasonable such that FCs will still exist after 2020. I welcome Mr Gary FAN's amendment about the election of all members of the Legislative Council by direct election in 2016. Yet, if we really adhere to the timetable under the Basic Law and have all members of the Legislative Council elected by direct election in 2020, I hope the proportion of directly elected Members would be increased and that the separate voting system would be abolished in 2016, in order to eliminate the unfair elements of this system.

I so submit, President.

MRS REGINA IP (in Cantonese): President, Mr Ronny TONG's motion today on expeditiously implementing dual universal suffrage is really important.

I have listened to the speech of a number of Honourable colleagues. Although I do not fully agree with their arguments, I concur that the community has strong aspiration for universal suffrage and dual universal suffrage, especially the election of the Chief Executive by universal suffrage. This is evident from the surprising and unexpected results of the mock election of the Chief Executive by universal suffrage last year.

I dare not speak on behalf of millions of voters in Hong Kong but I can for people whom I am familiar with, such as senior government officials and former senior officials. Senior Administrative Officers do not have the right to choose their boss and they can just accept a person returned from an extremely restrictive election, and they feel I have worn my microphone upside down; sorry, President.

This situation is known as "wardrobe malfunction", meaning that there are problems with props and costumes.

I will continue. Regarding the Chief Executive Election last year, I dare not speak on behalf of millions of voters in Hong Kong, but I can for people whom I am familiar with, such as civil servants, senior officials and former senior officials. Even senior Administrative Officers do not have the right to choose their boss and many of them feel that they have no choice. I agree with the comments of a number of Honourable colleagues just now that many members of the community will be very disappointed if the Government does not make effort this year to fight for dual universal suffrage.

In my view, there are two major difficulties in implementing dual universal suffrage. First, how to comply with the provision of Article 45 of the Basic Law that "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures". In other words, the first difficulty is about how to work out the

nomination procedure. The second difficulty, as Mr Kenneth LEUNG has just said, is about how to deal with the functional constituency (FC) seats.

In my view, the first difficulty is easier to solve. However, I wish to point out that I disagree with some Honourable colleagues' description of screening as negative and unacceptable. Screening is one of the spirits of a democratic system. In many western countries such as the United Kingdom, the United States, Australia and New Zealand, when the head of state is to be elected, political party members or non-political party members who wish to stand for election will have to go through the primary election and screening procedure, and the head of state is elected. For example, in France, the so-called "runoff system" is adopted, under which candidates have to go through several rounds of voting as a screening procedure, and the last candidate after screening will be elected.

Screening is essential to all democratic elections. We should not oppose a proposal just because there is a screening element; we should not oppose screening. But the screening procedure must be fair, impartial and transparent, and I believe all parties should work hard to achieve this objective.

As for FC seats, I have heard Mr Kenneth LEUNG's remarks a while ago. He also agrees that there should be different voices in the Council, with representatives of different classes in society, so as to attain balanced participation. I have served as a Member for five years, and from my experience, it is very dangerous to have just one single voice in society — prohibiting price increases; asking the Government to foot all bills; buying back all tunnels; demanding charge-free services; buying back of shares of The Link Real Estate Investment Trust; caring about spending money but not making money; as well as soliciting votes or interests rather than investing for the long-term development of Hong Kong. The composition of the Legislative Council should reflect the social mix, and there should be representatives of different classes or voices, as well as professionals. There should also be representatives of the business community and the general public.

In the early 1980s, the British put forward the idea of FCs because they recognized the development needs of our society and opined that members of large business consortia should become Members of the Legislative Council because Hong Kong relied on the business sector to create wealth and attain sustainable development. Moreover, Members of the Legislative Council

should also include representatives of the most important pillar industries in Hong Kong at that time (manufacturing, textiles, agriculture and fisheries). This arrangement is in line with the principles that I have just mentioned.

As a number of Honourable colleagues have just pointed out, the problem with FCs is that there are corporate votes in some FC sectors, and representatives of certain sectors can serve as Members for a very period of time. People are not happy with these situations. In any case, to solve the problem of how to achieve dual universal suffrage, we must identify ways to make the election method of the Legislative Council consistent with the principles of gradual and orderly progress, balanced participation and promoting the sustainable development of capitalism. Otherwise, the Legislative Council will only create more chaos in Hong Kong which is not conducive to the well-being of Hong Kong people.

In any case, I agree that all of us should be able to vote if we have the opportunity to elect the next Chief Executive. Even though universal suffrage is not a panacea — universal suffrage will not bring great scourges but it is not a panacea either — if everybody has the right to elect the next Chief Executive, even though universal suffrage may not solve all thorny questions, it can certainly increase people's participation in solving the problems of Hong Kong and the governance of Hong Kong, as well as make them bear more responsibilities.

As we all know, dual universal suffrage can only be implemented with the consensus of this Council, that is, agreed by a two-thirds majority. This requires the efforts of various parties and not only a single party. Apart from the efforts made by Legislative Council Members from different groupings, the efforts of the SAR Government and the understanding of the Central Government are also very important.

I call upon Honourable colleagues to make efforts towards this goal, be accommodating with a view to seeking a breakthrough.

DR JOSEPH LEE (in Cantonese): President, Mr Ronny TONG just now said that the motion proposed by him today is very neutral. After carefully reading the motion, it is indeed very neutral as it only urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal

suffrage and allow sufficient time for the general public to discuss the relevant report before its submission.

Earlier, I heard Members expressing views on different issues, debating or discussing how dual universal suffrage should be implemented and how the functional constituencies (FCs), pro-establishment camp or pan-democratic camp should be dealt with. But after listening to the issues and points highlighted by Mr Ronny TONG in his opening speech, I find that today's motion will only be beneficial with no harm done, and there is no reason to oppose it. In the face of such important issues as dual universal suffrage, people of Hong Kong will naturally ask why the consultation has not been conducted expeditiously.

As the Chief Executive has stated in his election manifesto, there should be extensive public discussion on the 2016 Legislative Council FC elections, so as to consider expanding the electorate to enhance the representativeness of the members, making them more accountable to the community at large. During the election period, the Chief Executive said that he would seek to gain the support of the Central Government and Members of the Legislative Council in order to finalize the specific election method for the Chief Executive by universal suffrage in 2017, thereby laying the ground work for the 2020 Legislative Council Election and abolishing all the appointed seats of the District Councils in 2016. These are the undertakings made by the Chief Executive during the election. It would be weird if we still do not bring his undertakings out for discussion.

The most ridiculous of all is, in paragraph 195 of this Policy Address, the Chief Executive has only briefly mentioned that the Government would launch a comprehensive consultation on the election methods of the Chief Executive in 2017 and the Legislative Council in 2016, and initiate the constitutional procedures at an appropriate juncture. He only said that the Government would proceed as scheduled and there would not be any changes. I hope that he can make it. And yet, apart from saying that something would be done at an appropriate juncture, he has not even formulated the most basic timetable for consultation. Is this another example of the Chief Executive's art of double-talk? Being a member of Hong Kong, I cannot help asking what will happen in 2016, 2017 and 2020. These issues have to be discussed and the discussions may be pretty complicated, as clearly mentioned by some Members. Actually, election of the Chief Executive by universal suffrage involves very complicated procedures. For example, how should the threshold be set? Can

the Chief Executive have political background? What is the composition of the nominating committee? I think Members of different political parties present at the meeting, be they the pro-establishment camp or pan-democratic camp, as well as various community groups have diverse views. Are such views worth discussing? Furthermore, with regard to the proposed abolition of the FCs in 2016, how many seats should be abolished? Should we first abolish FCs with 50 000-odd voters and retain those with just 10 or dozens of voters? There are numerous issues for discussion. Why is it so weird that no discussion has been held so far?

Is this an attempt of the Government to hold up the discussions so as not to show its cards on the table, and it will only show the cards at the very last minute in the hope of pushing through the proposal? After all, the Legislative Council will endorse whatever is tabled before it. Is it the bottom line of the Government to have the proposal pushed through under very tight schedule, and in case the proposal is not endorsed, the Government needs not assume any responsibility for it is the Legislative Council that should be blamed? Members of the public are very worried about this. Why did the Government not commence consultation and extensive public discussion on such an important issue as early as possible? This is unprecedented.

In fact, we do hope that there will be sufficient time for public discussion. So long as members of the public are aware of the consultation period, they can express views on the various proposals. For example, how should we deal with the development of political talents and political parties? Given that a timetable for universal suffrage has been formulated for the overall election system, should we also consider the training of talents and the development of software in the course of implementing dual universal suffrage? How can political parties co-operate with the Government? Will there be a ruling party in Hong Kong? Will Hong Kong be ruled by a ruling party after the implementation of dual universal suffrage? If not, a new Chief Executive will be selected in the Chief Executive Election to be held every five years and completely different policies will be introduced as a result. How can Hong Kong develop then? What is the general view of the community towards universal suffrage? It seems that no progress has been made in the relevant discussions and debates are restricted to this Chamber. I believe the 7 million people outside this Chamber are also very eager to express their views.

Many people queried whether Hong Kong people are qualified to implement universal suffrage. This is just a mere concern. Has the community or the Government done their due diligence to educate people in this regard? The Government should ascertain if Hong Kong people have a good understanding of universal suffrage so that they can use their vote to elect a Chief Executive or Legislative Council Members to work for a better Hong Kong and enable our children to lead a better life. This is what the Government should do. As many complaints have been received about the previous District Council and Legislative Council elections, both the Independent Commission Against Corruption and the police have been preoccupied with investigations of various cases. Has our corrupt-free election system been upset? Should we strive to ensure that all elections are held in a corrupt-free, fair, impartial and open manner, so that people can rest assured there will not be money politics and vote rigging? All these are important work to do.

Advancing the discussion of universal suffrage will enable us to have sufficient time to prepare for the elections of the Chief Executive in 2017 and the Legislative Council in 2020 by universal suffrage. I really hope that Mr Ronny TONG's motion can be passed, so as to urge the Hong Kong Government to expeditiously commence consultation on implementing dual universal suffrage in a responsible manner and enable the general public to express views before the submission of the report. I therefore support Mr Ronny TONG's motion.

Thank you, President.

MR SIN CHUNG-KAI (in Cantonese): President, I speak in support of Mr Ronny TONG's original motion and Ms Emily LAU's amendment. As a Member has said, the original motion of Mr Ronny TONG is so neutral as if nothing has been said, thus Ms Emily LAU has proposed amendments to enrich it.

Ms Emily LAU's amendments, which are precisely the longstanding aspirations of the Democratic Party, propose that problems relating to the elections of the Legislative Council in 2016, 2017 and 2020 by dual universal suffrage should be resolved by adopting the mode of legislating in one go. This is no easy task, and the struggle for democracy is really tough. Nonetheless, President, I would like to take this opportunity to state that we are not as

pessimistic and hopeless as Mr Ronny TONG. Comparatively speaking, struggle for universal suffrage is easier in Hong Kong. At least, Mr Ronny TONG will not be sentenced to imprisonment or forced to commit suicide like LIU Xiaobo or LI Wangyang.

I do not feel pessimistic not because I have confidence in LEUNG Chun-ying's Government, but simply because I have faith in the major democratic trend. In fact, different parts of the world are making good progress in their democratic development. Even in the more conservative Middle East countries, democratization was seen to be advancing in many countries after the "Arab Spring". Even China has given an undertaking to Hong Kong. According to the Basic Law, elections of the Chief Executive and the Legislative Council by universal suffrage will supposedly be held in 2007 and 2008 respectively. However, the Government subsequently went back on its words and postponed them for as long as a decade. As such, elections of the Chief Executive and the Legislative Council by universal suffrage will not be held until 2017 and 2020 respectively. In other words, election of the Legislative Council by universal suffrage will come after the election of the Chief Executive by universal suffrage.

Despite the undertaking, can the Chinese Government refute or go back on the undertaking made in front of the world? I am not so pessimistic about this. Of course, it is not easy for the authorities to address the complicated conflicts, which actually requires a high degree of social consensus. It could be very difficult to foster a consensus on a minor issue. Although the Secretary is not present, the Under Secretary is. He used to be the "cannon man" of the Democratic Alliance for the Betterment and Progress of Hong Kong and had directed many criticisms at the democratic camp on the progress of the political reform, but he has now taken the new seat as the Under Secretary. I hope that he can address the predicament and enable Hong Kong to implement universal suffrage.

As Mrs Regina IP said earlier, there are only a few critical issues, such as the nomination threshold and the screening of candidates. Mrs Regina IP was so right. I agree that the screening of candidates is a normal practice under universal suffrage, but the question is who should be responsible for the screening. If the nomination threshold is so low that both the democratic camp and the pro-establishment camp can make a couple of nominations, we may schedule two rounds of voting like the French Presidential Election, during which people will do the screening according to their own preference. This is an

all-win proposal and there should not be any problem. The question in hand is how a consensus can be fostered as there are still many outstanding technical problems.

Chief Executive LEUNG Chun-ying has rarely or even never touched on this issue, neither in this Council nor in his Policy Address. Although he indicated in a Question and Answer Session of the Legislative Council that we still had time, time is actually running out. As we can see, numerous problems remain unsolved and the community has big differences but little consensus, especially on the election of the Legislative Council in 2016. We have to tackle two issues in this term: one is the election of the Chief Executive by universal suffrage in 2017 and the other is the election of the Legislative Council in 2016.

Judging from the time, the election of the Legislative Council in 2016 seems to have a tighter schedule but is more difficult to tackle. Therefore, we should first properly deal with the election of the Chief Executive by universal suffrage in 2017 before turning to the elections of the Legislative Council in 2016 and 2020. In fact, to many Members from the democratic camp — at least to me and the Democratic Party — election of the Legislative Council in 2016 has a high versatility, which aims to achieve "one person, one vote" for the election of Legislative Council in 2020. With the election method of universal suffrage in mind, how the Legislative Council Election should proceed in 2016 will not be a problem. Nor will the number of seats to be abolished cause any problem. The most important consideration is to achieve universal suffrage in 2020.

Therefore, we should accept Ms Emily LAU's amendment and solve the three election problems by legislating in one go. It would be very difficult to discuss the methods for the election in 2016 without mentioning the election in 2020 as no one knows if universal suffrage can be implemented in 2020. If universal suffrage can actually be implemented in 2020, then the number of FC seats to be elected in the 2016 election can then be calculated by simple deduction, that is, deducting the existing 35 FC seats by half and abolishing all FC seats over two terms. Am I right? These are the issues that the community needs to discuss and foster consensus. Secretary Raymond TAM once replied that the Legislative Council Election to be held in 2020 does not fall into the scope of the current-term Government and universal suffrage may not be implemented even if we proceed in accordance with the five-step mechanism for constitutional reform. There are so many complicated problems which are very

imminent, but the Chief Executive still insisted to give priority to people's livelihood problems. It is true that people's livelihood problems must be resolved, but the authorities can actually deal with the problems in parallel. While the importance of people's livelihood problems cannot be denied, should we shelve the discussion of the constitutional reform? Even Donald TSANG had established the Commission on Strategic Development in 2007 to discuss the matter. Although the discussions were not fruitful, this is the first step after all.

LEUNG Chun-ying's Government is extremely disappointing, and of course, he has been under various attacks. A newspaper pointed out that the democratic camp has attacked him for six times, but I think there were at most four to five attacks only. The crux of the problem is, being elected the Chief Executive, he should supposedly take the first critical step of the five-step mechanism for constitutional reform. And yet, in the Policy Address, he was silent on the issue. What can we do then? The mere wish of the democratic camp is to foster a consensus. It is hoped that the Chief Executive, the Central Government and Hong Kong people can reach a consensus on the constitutional reform and take a few steps towards democracy.

Hong Kong currently has many deep-rooted conflicts which cannot be resolved by "giving out candies" alone. Mr LEUNG Yiu-chung said that in the coming Budget, the Government should not only "give out candies" as certain problems cannot be resolved even if it "gives out the whole factory". Those are deep-rooted political conflicts. If we do not resolve such deep-rooted political conflicts by universal suffrage, the political deadlock in Hong Kong could never be broken.

With these remarks, I support the original motion and Ms Emily LAU's amendment.

MR JAMES TIEN (in Cantonese): President, Articles 45 and 68 of the Basic Law respectively provided that the Chief Executive and the Legislative Council shall be elected by universal suffrage in the light of Hong Kong's actual situation and in accordance with the principle of gradual and orderly progress. The implementation of democracy and universal suffrage in a gradual and orderly manner is not only the target set in the Basic Law, but is also the common aspiration of Hong Kong people.

The decision made by the Standing Committee of the National People's Congress has set out the universal suffrage timetable, providing that the Chief Executive will be elected by universal suffrage in 2017, to be followed by the election of all Legislative Council Members by universal suffrage in 2020.

Although a timetable has been drawn up, the community has yet to thoroughly discuss or reach a consensus on the roadmap for the implementation of universal suffrage. It would therefore be desirable for the Government to expeditiously commence the relevant consultation so as to allow more time for members of the public to consider, negotiate and foster consensus.

Nonetheless, in the maiden Policy Address delivered by LEUNG Chun-ying last month, he only mentioned that the Government will launch a comprehensive consultation on the election methods of the Chief Executive in 2017 and the Legislative Council in 2016 and initiate the constitutional procedures "at an appropriate juncture", a phrase often used by the new Chief Executive. Yet, he has failed to state the exact date of consultation, which is pretty disappointing. It seems that what he said are empty words.

We are only three to four years away from the 2016 Legislative Council Election and the 2017 Chief Executive Election. If we draw reference from the previous experience on constitutional reform, it is almost time to commence the public consultation.

When preparing for the 2012 electoral arrangements, former Chief Executive Donald TSANG advised that the relevant consultation would commence in the first half of 2009. In other words, he had reserved three years to complete the preparatory work relating to the five-step mechanism for constitutional reform. However, subsequently, as he had to work full strength to cope with the blow dealt by the financial tsunami on our economy, he had postponed the consultation to November 2009 and thus made the schedule pretty tight. At that time, the Liberal Party had reminded the Government that there should be no further delay so as to allow sufficient time for the community to foster consensus.

Since Hong Kong is not currently facing any crisis as serious as the financial tsunami, there should be no reason for Chief Executive LEUNG Chun-ying to postpone the consultation further. What is more, as the electoral

arrangements for the election of the Chief Executive by universal suffrage in 2017 will inevitably touch on more complicated issues, such as how to deal with functional constituencies, there will definitely be serious conflicts in the community which necessitates negotiations. Therefore, we absolutely support the Government to expeditiously commence public consultation. We support Ir Dr LO Wai-kwok's amendment to urge the Government to allow sufficient time for public discussion and commence the consultation on the 2016 Legislative Council Election and the 2017 Chief Executive Election.

With regard to public consultation, we opine that there should not be any pre-determined position or proposal. Instead, the Government should solicit and gather views from different strata of society in order to allow the greatest room for members of the public to consider and discuss the way forward of Hong Kong's constitutional development. Against this background, we do not support other amendments but will support the original motion of Mr Ronny TONG. Thank you, President.

I so submit.

MR TONY TSE (in Cantonese): President, I support the implementation of dual universal suffrage by the SAR Government. As to how dual universal suffrage should be implemented, I think the answer should be left with the SAR Government and the general public. Noting that a constitutional reform may have widespread and far-reaching implications on Hong Kong, all decisions must therefore be cautiously made through thorough consultation and discussion. Therefore, today, I will not support any amendment proposed by individual Members suggesting concrete proposals on constitutional reform that have neither gone through thorough discussions nor solicited general public support.

According to the decision made by the Standing Committee of the National People's Congress, the Chief Executive of the HKSAR will be selected by universal suffrage in 2017 and Legislative Council seats will be elected by universal suffrage at the earliest in 2020. Given that the timetable to implement universal suffrage has been formulated, we should stop chanting slogans and respond with concrete actions by joining hands with the Government, different political parties and sectors in society to come up with a constitutional reform proposal that best suits the development and actual needs of Hong Kong with a sincere attitude of seeking common ground while reserving differences, thereby striving to promote the implementation of dual universal suffrage with concerted efforts. I think that doing so is meaningful and constructive. I hope that

various political parties will seriously engage in self-reflection to see if they fight for dual universal suffrage simply for the sake of fighting or for promoting Hong Kong's constitutional development. Do they intend to promote or hinder constitutional development? I hope that Members would think twice.

Recently, issues relating to the continued existence of the functional constituency (FC) system in the Legislative Council and its way forward have aroused widespread concern and discussion in society and among various sectors. Some people thought that all FC seats should be abolished, so as to allow Hong Kong people to elect all Legislative Council Members by the method of "one person, one vote". Today, a Member has proposed a relevant amendment. Nonetheless, a large number of people have requested to retain the FC system. On the question of how the FC seats should be returned, they considered that more in-depth discussions and studies could be conducted in respect of universal suffrage.

In the past, many professionals (including those from the Architectural, Surveying and Planning sector which I represent) told me it was their wish to retain the FC seats such that the voices and views from various professional sectors could be fully reflected, for the purpose of manifesting the principle of balanced participation. I also notice that some people in the community only accept the election method of "one person, one vote" but strongly oppose the principle of balanced participation. Which election method for constitutional development is in the overall interest of Hong Kong? Regardless of what the final decision is, I think public support is of paramount importance.

President, the electoral systems vary with different places and each has its own characteristics. Thus, whichever method is adopted, it will have far-reaching implications on the country's economy, people's livelihood and political development. Hong Kong's electoral system must dovetail with its social and economic development, and serve the overall long-term interest of the territory. Furthermore, comprehensive consultation should be conducted on the premise that public views must be truly reflected with appropriate adjustments. As such, I oppose all concrete proposals put forward by Members to revise the existing electoral system which have yet been thoroughly discussed or secured general support.

President, I so submit.

MR ALAN LEONG (in Cantonese): President, in that case, I think there should not be any difficulty for Mr TSE to support Mr Ronny TONG's motion, which only "urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage". Judging from the earlier speeches made by Members from the pro-establishment camp, Mr Ronny TONG's motion may not be so lucky as to get passed, which is very sarcastic. If the mere word "expeditiously" is so unacceptable to Members, what can be done then? Should we do it slowly rather than "expeditiously"? Or, what do Members from the pro-establishment camp consider acceptable? I am really puzzled.

President, dual universal suffrage is not the pursuance of a political ideology. At present, in Hong Kong, we do not have a system in place that is justly and fairly blessed with public authority, so that a person with authority can secure sufficient political recognition that allows him to fully realize his vision of ruling Hong Kong through his political platform or electoral procedures after he has obtained support from the majority of Hong Kong people. This system does not exist. The Chief Executive has authority but he does not have any vote in this Council, while Members of this Council have vote but do not have any authority. As a result of such a mismatch, and coupled with the fact that the small-circle Chief Executive Election has failed to gain the recognition of Hong Kong people, he has been placed in a very difficult position. Worse still, as the President may be aware, the Chief Executive Election Ordinance provided that the elected Chief Executive should not have relations with any political parties, this has rendered him a "commander with no soldier".

The predicament has made many people feel very disappointed. I am aware that some businessmen have been so frustrated to see Hong Kong's competitiveness being weakened to such an unacceptable level. Also, we have probably heard from Members that the business sector has simply neglected Chief Executive LEUNG Chun-ying for his failure to deliver. How can we break such a predicament? This is an issue of grave concern to all of us and must be resolved at the earliest possibility. One possible solution is the introduction of a fairer and just system which has higher public acceptance and legitimacy for conferring public authority. In so doing, the political legitimacy of the Chief Executive elected under the system would not be called into question. Also, the system would prevent the majority from submitting to the minority as a result of the presence of FC seats and the separate voting system, as well as prevent the

pan-democratic camp which holds more than 50% of the votes from gaining the majority seats in this Council. All these have rendered the Government unable to promptly resolve our livelihood problems, and the Chief Executive has met with great difficulties in his governance as well.

Earlier, many colleagues have mentioned the "Occupy Central" plan put forward by Prof Benny TAI, who proposed to pursue universal suffrage by resorting to civil disobedience, using justice through law as the last resort for universal suffrage. I have already openly indicated that the Civic Party fully supports the pursuance of genuine dual universal suffrage in this way. Nonetheless, at present, I think the most urgent thing to do is to solicit support from the democrats in order to expeditiously formulate action plans and strategies for another round of democratic movement. Once we find out that both the Central Authorities and the SAR Government are not sincere in the implementation of universal suffrage and it can never be realized, we will go to our last resort. We look forward to discussing the matter with Prof Benny TAI in the near future.

Last of all, President, I would like to use one minute to explain why the Civic Party cannot support Mr WONG Yuk-man's amendment. We opine that Mr WONG's amendment involves the formulation of constitution by the people and other proposals which probably take very long time before the community can reach a consensus. Not much time is left for us to finalize the electoral arrangements for 2016 and 2017. Under this circumstance, we consider this an ideal practice and will certainly not oppose it. But considering the current situation and existing strategic planning, the approach suggested by me seems more desirable.

I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, in his earlier speech, Mr Tony TSE has not indicated if he would support Mr Ronny TONG's original motion. It would be weird if he does not. Judging from his speech, his logic would seem contradictory and absurd if he does not support the original motion. Why? He stated that though the proposals on universal suffrage as contained in other amendments are very concrete, they have not been discussed by members of

the public. Nor have they obtained public support. He thus found it difficult to support those amendments.

I certainly appreciate this. On the other hand, he has also highlighted another issue, and that is, the community has conducted heated discussions on the issue and the views are divergent. Hence, I cannot help asking if the Government should take the lead to conduct consultation to enable people to discuss the matter through proper and open channels, and gather public opinions on the concrete proposals on the 2016, 2017 and 2020 elections before the enactment of legislation. If this is the case, he should provide full support to Mr Ronny TONG's original motion.

I also hope that he will support other amendments. Why? In his speech, he pointed out that the amendments have not been discussed, which is not true. As he said earlier, the community has divergent views. Are the divergent views not the outcome of previous discussions? So, I hope that Members will no longer allege that those amendments have not been discussed. Hong Kong's constitutional reform has been a subject under discussion since 1980s, which is two or three decades ago, only that people have divergent views. So, I hope that Members will not say anymore that the proposals have not been discussed.

The motion under discussion consists of three areas. First, it urges the Government to expeditiously commence consultation and enact the relevant law, which is very important. According to the Under Secretary, he oversees Mainland affairs and is therefore not concerned about Hong Kong's constitutional reform. In that case, I do not understand why he but not the Secretary has attended this meeting. I wonder why they have swapped their duties, which is weird.

No matter what, the Government should expeditiously commence consultation as we are really running out of time. The phrase used by the Chief Executive, which I think is consistent with the usage in the Mainland, is "at an appropriate juncture". Before 1997, when the Central Government was asked when Hong Kong would be returned to China, its reply was "when the opportunity is ripe". However, it had not explained the meaning of "when the opportunity is ripe". Likewise, what is meant by "at an appropriate juncture"? What is the definition of "appropriate"? How come the present moment is still

not the appropriate juncture? Why is it more appropriate at a later stage? After all, it is nothing but an excuse for procrastination.

Mr Tony TSE just now said that the community is engaging in heated discussions and there are divergent views. Why is it still not the appropriate juncture? Given that constitutional reform is a major issue with far-reaching implications, so why do we not spend more time on the relevant discussion? Why should there be further delays? We are really running out of time. It is now 2013 and we have less than three years to reach 2016. Why do the authorities not commence the consultation? We all know that the views gathered from the consultation will have to be consolidated before handing to the Legislative Council for the necessary legislative process, which takes a long time. If we do not commence now, when should we commence the consultation? In my opinion, the SAR Government should not procrastinate anymore.

Another area that I am going to discuss is the election of the Legislative Council by universal suffrage. Many colleagues mentioned that elections by universal suffrage must comply with the principle of balanced participation, which I find pretty weird. Why would any election by universal suffrage not comply with the principle of balanced participation? How come only the existence of functional constituencies (FCs) will comply with the principle of balanced participation? I really do not get it.

In the last Legislative Council Election, a number of Members were returned by geographical constituencies through direct election, such as Mr James TIEN and Mr Michael TIEN. Furthermore, some grass-roots people were also elected as Legislative Council Members through direct election. Then why would universal suffrage not comply with the principle of balanced participation? How come only the existence of FCs complies with the principle of balanced participation? After all, the reason is that the professionals or the professional sectors dare not face the masses, or they are too lazy to communicate with them. They prefer to have an easier lunch — I would not say this is free lunch — which requires less effort and has lower cost. To preserve their seats, they would opt for the easier way out. This is the characteristics of the FCs.

Regarding the concept of balanced participation, I wonder if it does not exist anywhere else in this world. Does it not? No. If a person from a certain sector thinks that he is obliged to contribute to society and protect the rights of his

own sector, he should seek to express his views by taking part in the direct election. How come direct election cannot be regarded as an alternative? Why must everyone be returned by FCs?

With regard to the election of the Chief Executive by universal suffrage, I consider that the discussion just now mainly focuses on screening. While I accept screening, I think details of the screening process or the how screening is conducted is of paramount importance. People are gravely concerned that the future Election Committee (EC) will conduct small-circle screening process, which does not comply with the principle of being fair and just.

Mrs Regina IP just now said that the screening process must be fair and just, but she has missed out another element, and that is, democracy. The screening process must be fair, just and democratic. If the screening process is fair, just and democratic, I think it would be acceptable too. And yet, this is not the case. Our gravest concern is that the EC comprising 1 800 members will conduct screening, which is hardly acceptable to us.

I am also very concerned about the threshold. There were suggestions in the past that the number of candidates should not exceed four as each of them has to secure 450 nominations. This threshold is difficult or even impossible to meet. We do not consider this desirable. Instead, members of the public should have the right to make nomination and be confirmed by the EC. As to the percentage of nomination from registered voters which a person must obtain to be nominated as candidate, this can be further discussed.

MS CYD HO (in Cantonese): The motion proposed by Mr Ronny TONG today is indeed very fundamental and simple. He mainly urges that the consultation be expeditiously commenced to allow sufficient time for the general public to discuss the issue. In fact, this is also consistent with the five-step mechanism set out in the "Decision of the Standing Committee of the National People's Congress (NPCSC) on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage" as promulgated by the NPCSC. Hence, there is no reason why Members should oppose this motion. I hope that this fundamental and simple original motion will get passed later on.

President, the amendments proposed by the few Members are very diverse and some of them are mutually exclusive. Therefore, I would like to elaborate the voting stance of the Labour Party.

The first amendment was proposed by Ir Dr LO Wai-kwok. He mainly called on Members to seek common ground while reserving differences with a rational attitude. I do not think anyone will oppose the call to be "rational", but I do have reservation about "seeking common ground while reserving differences". What "differences" should we reserve? Why is there a need for us to "seek common ground"?

If the proposals put forward by Members comply with the major principles of "universality and equality" and "genuine democratic election", Members may proceed to discuss the differences in adopting the "proportional representation system" or the "single-seat, single-vote system" for the elections. The most important principle is that all election methods must comply with the principles of "universality and equality". If the difference concerned is the retention of functional constituencies (FCs), whereby voters are being divided into nine classes, in which some have very few voters but some have numerous voters, then this would violate the principle that "all elections must be universal and equal". Such a difference should not exist.

The International Covenant on Civil and Political Rights (ICCPR) has provided a definition for "universal suffrage". It provides that all elections must comply with the principles of "universality and equality", and there should be "one person, one vote" under which all votes carry equal weight. Furthermore, Article 2 of the ICCPR also provides that everyone is equal before the law, and the rights are recognized without distinction of any kind, such as race, property, status or social origin.

The election of FCs in Hong Kong is precisely a violation of the principle of "equality". For example, under the existing newly revised system — though it has been revised — five "super District Council" seats have been added to the FCs, which will be elected by 3.25 million eligible voters, but the winner of the only seat of the insurance sector obtained a mere 127 votes. Given this huge difference, how can the election be regarded as equal? We therefore declare that we do not agree with Ir Dr LO Wai-kwok's proposal to "seek common ground while reserving differences".

In the amendment, Mr Gary FAN has clearly set out the requirements for a comprehensive direct election. We certainly agree with this proposal, which should actually be implemented as early as 2012. Members should know clearly that many amendments failed to get passed in this Council, and just now a Member has indicated that he would oppose all proposals which have not been discussed. Yet, we have a completely opposite stance and will support those few mutually exclusive amendments. We predict that Mr Gary FAN's amendment will certainly be voted down.

Regarding Ms Emily LAU's amendment which proposes the mode of "legislating in one go, implementation in phases", we will support it. As you can see, the Labour Party is not a metal plate. But if the relevant changes have to be made in two steps, say, making improvements to the FCs, specific actions should be taken. Regardless of whether there will be 30 or 35 FC seats, the simplest way is to abolish half of the seats and convert them into direct election seats in 2016, to be followed by a complete abolition of the remaining half in 2020, with a view to converting them all into direct election seats. This is clear and easy to understand, and Members can discuss on it.

In fact, Ms Emily LAU has adopted the views of the Labour Party in her amendment. She proposed that people with nominations of 3% of the registered voters can be nominated as Chief Executive candidates, which is a compromise. We do not care about the existence of privilege or the number of small-circle nominations, but there must be a channel for Hong Kong people to make direct nominations. To secure nominations of 3% of the registered voters is tantamount to obtaining 100 000 valid nominations, which is no way easy. And yet, we are willing to accept this arrangement. If such a channel is available, I can be the only candidate to stand for the election. If there is a chance to win, one candidate would be enough. Of course, there may also be four or five nominations to share out the votes. Hence, I agree with Ms Emily LAU's proposal.

We also agree with Mr WONG yuk-man's amendment, which proposes an ideal scenario of "formulating a constitution by the people". The details warrant discussions under the existing political system. Why should we urge for an expeditious commencement of the consultation? Because time is needed to discuss whether our political system should continue to develop on the basis of the presidential system of the United States, or should we adopt a parliamentary

system or model on systems of other places, where the President, Prime Minister and the administration are separated from the Head of State.

As the systems adopted in different parts of the world do worth our consideration, we therefore welcome public discussion of the constitutional system. And yet, there may be minor technical problems as the formulation of a constitution by the people can only be achieved under two conditions. Firstly, there must be a revolution. People have to force the Government into discussion or overthrow the existing government and disband the executive authorities. Only by so doing can the formulation of a constitution by the people be achieved. Second, a negotiation process is essential.

Concerning the negotiation process, I would like to mention in passing the Velvet Revolution of the former Czechoslovakia in Eastern Europe. In 1989, some 200 000 people gathered at the Wenceslas Square in Prague for more than two weeks. Russia back then was too occupied to deal with former Czechoslovakia though its Communist Government was planning to introduce a reform. Subsequently, a constitutional convention was formed for the discussion of various parties, which was followed by a general election. As Members may be aware, the majority of the Czech Communist officials later became members of the Social Democratic Party, which has emerged as Czech's ruling party.

In this connection, there is no need for Members or the Communist Party to be afraid. So long as the Communist Party is willing to be monitored by the people and seeks people's mandate through a democratic political system, improvements can be made and it may win in the end. What I fear most is the "bogus democracy" launched by the Communist Party.

Thank you, President.

MR ALBERT CHAN (in Cantonese): President, absurdities are common in this Chamber. The most absurd thing facing us now is that a defeated candidate, who has been cast away by people, is now taking part in a discussion on a political decision which affects the interests of all Hong Kong people on behalf of a government which does not have the people's mandate. Here, we have Mr LAU Kong-wah, and we heard his comments and remarks earlier. It is precisely

because the entire Government lacks people's mandate and appoints people who have been cast away by the general public, all policy decisions have failed to obtain the recognition and support of the general public. Therefore, it would be absurd to count on this Council to, like what the pan-democratic camp did — I wonder if they are genuine democrats — urge the Government time and again to draw up a consultation proposal.

This Government, which has no legitimacy at all, is merely holding up, depriving people of and distorting their rights. And yet, Members still request, cherish, hope, wish and expect it to do something. In the end, they will definitely be disappointed. Even though they have pursued for many years, they are still deceiving themselves and Hong Kong people, luring them to wait for an unrealistic hope. Could Hong Kong people please open your eyes and look carefully at the current political situation, as well as the attitudes and approaches adopted by Members in this Chamber, especially those of Members from the pan-democratic camp, towards constitutional reform. If Hong Kong people follow the banner held up by Members of the pan-democratic camp, they may not have genuine universal suffrage even until 2047.

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

Deputy President, let us talk about the current problems and situation. The HKSAR was established under the Sino-British Joint Declaration, under which the People's Republic of China has undertaken to Hong Kong people that their lifestyle shall remain unchanged for 50 years and Hong Kong people shall rule Hong Kong. However, the basic undertaking that "Hong Kong people ruling Hong Kong" has been contravened by the Government of the People's Republic of China and the Chinese Communist Party. Even people who are visually impaired can see that Hong Kong is no longer ruled by Hong Kong people. The rise of LEUNG Chun-ying to power is tantamount to formally announce the handover of the rule of Hong Kong to the Chinese Communist Party. Is there still "Hong Kong people ruling Hong Kong"? Given that the Government of People's Republic of China has destroyed the Sino-British Joint Declaration as well as undermined and distorted the Basic Law, there is no need for Hong Kong people to respect and accept the Basic Law. Neither should we accept the ruling of the HKSAR of the People's Republic of China through the Hong Kong communist regime. As such, to wait for, hope, request and cherish

the so-called "689 Government" to implement a constitutional reform package desired by Hong Kong people is tantamount to waiting for Godot, or a situation or reality that can never be realized.

What Hong Kong people should do right now is to hold the hope of striving for political power in their own hands. People should not expect too much from the consultation conducted by the Government. Hong Kong people should model on the Jasmine Revolution, and use their own power, deeds and strength to force the Government into formulating a desirable political blueprint to formulate a constitution by the people, conduct a referendum and implement immediately universal suffrage.

Why do I use the word "revolution"? Because under the leadership of the Communist Party of the People's Republic of China, the Chinese Government is still a revolutionary government, where one-party dictatorship prevails. According to the theoretical model of Communism, the Communist Party practices one-party dictatorship and considers that the country is still in a revolutionary state. Given that the Communist Party is a revolutionary political party, people can use the same tactics to overthrow this revolutionary party by revolution. Members may refer to the Manifesto of the Communist Party, the publications of LENIN and the theoretical basis of the Communist Party, this idea has been clearly outlined. Countries that truly practice Communism would not practice one-party dictatorship and no Communist Party should exist. Nor would one-party dictatorship rule enshrined in the Constitution. Given that the Communist Party is a revolutionary political party, people under its leadership should have the right to overthrow it by revolution. Therefore, we are promoting a revolution similar to the Jasmine Revolution, which started two years ago and is still taking place throughout the world, and the Arab Spring which has taken place in North Africa and the Middle East. Many countries have overthrown autocratic rule by people's revolution, and one-party dictatorship is an example of autocratic rule.

People should pursue the formulation of a constitution by the people. Hong Kong people must rise to paralyse Central, paralyse the governance and paralyse the economic system, such that the Government cannot maintain normal operation. We should establish a constitutional formation convention and implement universal suffrage and referendum by means of the approach and timetable decided by this convention, with a view to determining the mode of constitutional reform. This would be followed by a selection of the Chief

Executive, political representatives and Members of this Council by the people, and the parasitic FCs will then be abolished in one go. It is now time for the wakening of the people. If Hong Kong people still do not wake up but remain as slaves under the system and dream their dreams (*The buzzer sounded*)

MR NG LEUNG-SING (in Cantonese): Deputy President, the Legislative Council must take the lead in conducting its duties in accordance with law. Even more so, Hong Kong's constitutional development must abide by the provisions under the Basic Law, as well as the relevant decisions of the Standing Committee of the National People's Congress (NPCSC), and proceed in accordance with the principle of gradual and orderly progress and in the light of the actual situation in Hong Kong, while meeting the interests of the different sectors of society and facilitating the development of Hong Kong's economy. According to the relevant decision of the NPCSC, the election of the fifth Chief Executive of the Hong Kong Special Administrative Region in the year 2017 may be implemented by the method of universal suffrage; and that after the Chief Executive is selected by universal suffrage, the election of the Legislative Council may be implemented by the method of electing all the Members by universal suffrage. Pursuant to this decision and in accordance with the principle of gradual and orderly progress, I am confident that Hong Kong's constitutional development will proceed gradually, but the goal may be necessarily be attained in one go. The Legislative Council election in 2016 must also proceed according to the prescribed time frame such that universal suffrage cannot be attained in one go. Hence, we should not take the matter forward carelessly at this stage. Instead, we should discuss the methods of electing the Chief Executive in 2017 and the Legislative Council in 2016 in an orderly manner.

As a timetable has already been set, we should work steadily but not hastily. We must create sufficient complementary conditions in society, which are conducive to the smooth implementation of universal suffrage. Due to various historical and practical reasons, Hong Kong people have yet to gain in-depth understanding on "one country, two systems" and the Basic Law. I note that there are comments on the Internet discussion forum stating that as Hong Kong's constitutional development does not fall under defence or foreign affairs, it should have no relationship with the Central Government. This reflects that people do not clearly understand the actual situation of Hong Kong's constitutional development. It is indeed necessary to allow sufficient time for

people to understand and grasp clearly the far-reaching impact of constitutional development on Hong Kong.

Moreover, it is necessary to enhance the nurturing of political talents and political groups. All along, Hong Kong has been a financial centre focussing on economic development. Hence, it is natural for Hong Kong people to put a greater emphasis on the economy over politics. Under the Government's policies, the ratio of social talents entering politics has all along been relatively low. In order to ensure a successful promotion of constitutional development in future, the nurturing of political talents and the allocation of relevant resources are critical. Hence, I hope the SAR will, through further developing district administration as pledged in the Policy Address, attract more talents to enter politics, help political parties achieve mature development, promote the study of local policies and nurture more political talents in anticipation of universal suffrage.

Moreover, we should put universal suffrage in perspective, rather than having the misconception that it is a cure-all for all problems. We must guard against the side effects of universal suffrage, for example, the tendency to give rise to welfarism or populism. There are many such examples in Western societies. With the implementation of universal suffrage, politicians tend to ignore overall social interests in order to appease voters, resulting in overly imbalanced government policies, leading to reduction of investment, withdrawal of foreign capital, outflow of talents, instability in fiscal position, and so on. All these can eventually affect Hong Kong's economic development. Of course, it has all along been proven that so long as there is balanced participation in politics by representatives from various classes and sectors in society, Hong Kong's long-term prosperity and stability can be ensured.

At present, some people have simply attributed various kinds of injustices or difficulties in society to the absence of dual universal suffrage or democracy in Hong Kong. There are also some people who hold different views and do not concur with the antagonistic stance against the Government as adopted by some Honourable colleagues in the Legislative Council. These colleagues claim that the absence of universal suffrage is the root cause, and consequently the tension between the Executive and the Legislature have intensified, creating even more difficulties and obstacles in the course of orderly progress of constitutional development.

Deputy President, as such, I support Ir Dr LO Wai-kwok's amendments, in particular, the last sentence which states that, "this Council appeals to the various social sectors and political parties, with a rational and accommodating attitude of seeking common ground while reserving differences, strive to forge social consensus in the process, and join hands to promote and achieve the aim of dual universal suffrage". In this connection, all political parties must let go their prejudices and strive for a consensus; as the President of the Legislative Council has said during an outside interview, there is indeed no alternative route on this question.

Deputy President, I so submit.

MR DENNIS KWOK (in Cantonese): Deputy President, if the Chief Executive has stated in the Policy Address when the consultation on constitutional reform will be launched, and provide a detailed roadmap, I believe we need not have this motion debate today.

At this juncture, the prospect of universal suffrage is uncertain as we do not even know when consultation will be launched. As such, we should use this opportunity to review the lessons learnt by Hong Kong people in our fight for democracy over the past few decades. From then on, we can hopefully figure out or understand what we should do on the road to democracy ahead.

The road to democracy of Hong Kong people started from the early 1980s. Chinese leader DENG Xiaoping said that China would take over Hong Kong, yet Hong Kong people were still wary about reunification with a country which had remained authoritarian and closed. As such, DENG Xiaoping put forth the concepts of "one country, two systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", in a bid to win the confidence of Hong Kong people in reunification.

When receiving a delegation of Hong Kong industrialists and businessmen in Beijing on 22 June 1984, DENG Xiaoping spoke about "one country, two systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" as follows: "[The Chinese in Hong Kong] have the ability to run the affairs of Hong Kong well and they should be confident of that. The prosperity of Hong Kong has been achieved mainly by Hong Kong residents, most of whom

are Chinese. Chinese are not less intelligent than foreigners and they are no fools. Do not think that only foreigners can be good administrators. We Chinese are just as capable. The saying that the people of Hong Kong lack self-confidence does not truly reflect the views of the people of Hong Kong."

It has been 15 years since the reunification, but the constitutional reform has remained stagnant. Some Members of the pro-establishment camp once again sing the old tune in this Council today as they try to obstruct constitutional development by their so-called justifications which have been repeated hundreds of times in the past. Citing the words of DENG Xiaoping back then, I want to tell them, Hong Kong people are no fools, and we must be confident that Hong Kong people are just as capable; in DENG's words then, "Hong Kong people ruling Hong Kong" with "a high degree of autonomy" will not, as Mr NG Leung-sing has just said, result in Hong Kong's economy being ruined by universal suffrage, and so on. We have heard all these arguments before.

Article 3(4) of the Sino-British Joint Declaration (Joint Declaration) signed in 1984 provides that the Government of the Hong Kong Special Administrative Region (SAR) will be composed of local inhabitants, and the Chief Executive will replace the Governor and lead Hong Kong people's Government. The meaning of this provision is clear enough, the SAR Government shall be formed through election of Hong Kong people, and the Central People's Government is only responsible for appointment. After the signing of the Joint Declaration, the drafting of the Basic Law went underway, and the principles expounded in the Joint Declaration had been specifically written into the laws of the Basic Law. But we must pay attention to two episodes.

In 1987, the British Hong Kong Government issued the Green Paper on the Review of Developments in Representative Government to consult public views on the introduction of directly elected seats into the Legislative Council in 1988. At that time, most public opinion surveys or most Hong Kong people supported the direct election of Members of the Legislative Council. Yet the British Hong Kong Government said otherwise, claiming that most Hong Kong people opposed to direct elections in 1988. Eventually, Governor Chris PATTEN revealed in his memoir published after he left office that the British Hong Kong Government had deliberately distorted public views. However, is that not what the SAR Government also tries to do now?

When the Basic Law was promulgated in 1990, Articles 45 and 68 have clearly provided that the Chief Executive and the Legislative Council shall ultimately be elected by universal suffrage, yet no detailed timetable or specific method for implementing universal suffrage has been specified. If we review the first draft of the Basic Law which was about the specific methods and detailed arrangements for electing the Chief Executive and the Legislative Council, we can see that the Chinese side had put forth the so-called "CHA-CHA proposal". What was the "CHA-CHA proposal"? Under this proposal, it was suggested that after the reunification, a referendum should be held for Hong Kong people to decide for themselves whether dual universal suffrage would be implemented in 2012 at the earliest. It turned out that the Central Government had already suggested on its own accord as early as 25 years ago that the matter of dual universal suffrage in 2012 should be decided by a referendum. Nonetheless, as we can see, the implementation of dual universal suffrage as provided in the Basic Law is vaguely described as the ultimate aim, it is a sort of elusive vision. Actually, the pace of democratization in Hong Kong after the reunification is utterly disappointing.

In 2004, the Standing Committee of the National People's Congress (NPCSC) made its own interpretation of the Basic Law, which ruled out the implementation of dual universal suffrage in 2007 and 2008. In 2005, Donald TSANG floated the rotten District Council proposal. In 2007, the NPCSC formally announced that dual universal suffrage would not be implemented in 2012. In 2010, Donald TSANG put forth a rehash of the rotten 2005 package. In 2013, that is, this year, LEUNG Chun-ying did not even bother to say when public consultation would be launched, and he merely scribbled a few lines in the Policy Address. This indicates that first, LEUNG Chun-ying is even worse than Donald TSANG; second, LEUNG Chun-ying attaches no importance to the issue of constitutional reform at all.

Deputy President, I recount the above history merely to show Members that from the 1980s up till 2013, three decades have passed, but the Hong Kong Government, Members of the pro-establishment camp as well as the Central Authorities still adopt the same conservative attitude towards democracy, so much so that people who support and fight for democracy are regarded as antagonists with "contradictions between ourselves and the enemy".

Lastly, Deputy President, I want to respond to Ir Dr LO Wai-kwok's amendments. Ir Dr LO's amendments mainly seek to substitute the wording in the original motion about expeditiously commencing public consultation with that of reserving sufficient time to conduct consultation. What is meant by sufficient time? Different people will have different views. Some consider that one month is sufficient, while others consider that we should grasp every moment. In fact, Mr Ronny TONG's original motion asks us to grasp each available moment to conduct consultation properly and expeditiously, so that we can perform our proper duties expeditiously, and introduce expeditiously (*The buzzer sounded*)

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

MR DENNIS KWOK (in Cantonese): a proposal for implementing universal suffrage which is long overdue.

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

MR MARTIN LIAO (in Cantonese): Deputy President, the relevant decision made by the Standing Committee of the National People's Congress (NPCSC) on 29 December 2007 on the timetable for implementing dual universal suffrage in Hong Kong states clearly that the election of the Chief Executive may be implemented by the method of universal suffrage in 2017 at the earliest, and after the election of the Chief Executive by universal suffrage, the election of the Legislative Council may also be implemented by the method of universal suffrage. Pursuant to the relevant decision, the Chief Executive undertook, in the Policy Address, to launch a comprehensive consultation on the election methods of the Chief Executive in 2017 and the Legislative Council in 2016 and initiate the constitutional procedures at an appropriate juncture. While the Chief Executive has not explained clearly what is meant by "an appropriate juncture", he only undertook to allow sufficient time to initiate the relevant procedures.

Of course, there are different views in society as to when consultation on constitutional reform should be launched. But the decision on this question is within the scope of executive powers to be exercised by the Chief Executive.

We need not worry that the Government will default on its undertaking because the relevant decision of the NPCSC is solemn and with legal effect. The Chief Executive must abide by this decision, and is duty-bound to achieve the aim of implementing dual universal suffrage in accordance with the provisions of the Basic Law.

Deputy President, in order to give effect to the amendments to the election methods of the Legislative Council in 2016 and the Chief Executive in 2017, one very important precondition is that the amendments must comply with the Basic Law as well as the relevant decisions of the NPCSC. According to the interpretation made by the NPCSC of Annexes I and II to the Basic Law on 6 April 2004, if there is a need to amend the election methods of the Chief Executive and the Legislative Council, it must proceed according to the legislative process specified in the interpretation, that is, the so-called five-step mechanism of constitutional reform as it is commonly known.

First, the Chief Executive must make a report to the NPCSC as regards whether there is a need to amend the election methods of the Chief Executive and the Legislative Council; second, the NPCSC must, in accordance with the relevant provisions of the Basic Law, decide whether the SAR Government can make amendments to the two election methods; third, the proposed amendments must be passed a two-thirds majority of all the Members of the Legislative Council; fourth, the proposed amendments must receive the consent of the Chief Executive; and finally, the Chief Executive must report the proposed amendments to the NPCSC for approval or for the record. In other words, to initiate the constitutional procedures, the Chief Executive must first make a report on constitutional reform to the NPCSC, which should reflect mainstream public opinion consolidated after extensive consultation.

Deputy President, the first step of the above five-step mechanism is critical because the final package would be more or less decided once the first step is taken if the constitutional reform package can be passed smoothly. I believe that the SAR Government will have no difficulty launching extensive consultation, but more importantly, the questions are about whether quality consultation could take place, and whether different feasible options are set out in the consultation paper to allow in-depth discussion and forging of consensus by various sectors in society. According to the decision of the NPCSC on 26 April 2004, "Any change relating to the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of

the Hong Kong Special Administrative Region shall conform to principles such as being compatible with the social, economic, political development of Hong Kong, being conducive to the balanced participation of all sectors and groups of the society, being conducive to the effective operation of the executive-led system, being conducive to the maintenance of the long-term prosperity and stability of Hong Kong." I think these principles represent the underlying spirit of the Basic Law.

Hence, before launching extensive consultation, I think the Government should conduct in-depth study on various election modes and options to determine whether they comply with the Basic Law as well as the relevant decisions of the NPCSC. The most important step is for various sectors in Hong Kong to come to a broad consensus; otherwise, no constitutional reform package can be passed by a two-thirds majority of all the Members of the Legislative Council.

Deputy President, in the past, various sectors had clearly divided views on the mode of universal suffrage. Today, we can still see clearly that this situation has also led to the continuous polarization in society. Hence, for this constitutional reform consultation, the Government should, instead of working hastily or carelessly, act with prudence and caution so that consultation is properly conducted on the feasibility and social acceptability of various options. Of course, the Government must allow sufficient time for the general public to discuss the consultation paper thoroughly for the purpose of forging the greatest consensus in society.

Deputy President, as Ir Dr LO Wai-kwok's amendment is rational and pragmatic, and do not contravene the Basic Law or the relevant decisions of the NPCSC, I will support it. Regarding the original motion which proposes to conduct two rounds of public consultation separately before the submission of report, I have reservation about this and hence, I will abstain from voting. As for other amendments, some of their contents are not in line with the Basic Law or the relevant decisions of the NPCSC, or they have jumped to many conclusions even before consultation is launched on the election methods for the Legislative Council in 2016 and the Chief Executive in 2017; this is tantamount to "putting the cart before the horse" and hence, I cannot support these amendments.

Deputy President, I so submit.

MR IP KWOK-HIM (in Cantonese): Deputy President, the Basic Law provides that the ultimate aims are the selection of the Chief Executive of Hong Kong, and the election of the Legislative Council of Hong Kong by universal suffrage in accordance with the principle of gradual and orderly progress. This provision entails the following: first, universal suffrage will ultimately be implemented in Hong Kong, which is the solemn undertaking made by the Basic Law; second, universal suffrage shall be taken forward in accordance with the principle of gradual and orderly progress. Hence, the focus of discussion held by various sectors in Hong Kong society in relation to future constitutional development is no longer whether we want universal suffrage or not, but how to proceed in accordance with the principle of gradual and orderly progress in the course of taking forward Hong Kong's constitutional development by adhering to a rational and pragmatic attitude.

Although in 2005 the Legislative Council did not pass the election methods for the Chief Executive in 2007 and the Legislative Council in 2008 causing the then constitutional reform to mark time, the Standing Committee of the National People's Congress (NPCSC) had, in the light of the actual situation in Hong Kong as well as Hong Kong people's aspiration for further development of our political system, and in accordance with the principle of gradual and orderly progress, finally made a decision in 2007 to clearly specified that "appropriate amendments" to the two election methods in 2012 may be made, in order to serve as a pit stop towards universal suffrage. What is even more worth noting is that the NPCSC's decision in 2007 (the relevant Decision) has further set a timetable for implementing universal suffrage, that is, the Chief Executive may be returned by universal suffrage in 2017, and all the Members of the Legislative Council of the ensuing term may be returned by universal suffrage. It is clear that under the so-called gradual and orderly progress of democratic development in Hong Kong, the ultimate aim of universal suffrage is attained through discussion and amendments to the election methods of one term after another.

Hence, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) considers that the Legislative Council elections in 2016 and 2020 should not be bundled together. As the saying goes, "more haste, less speed". In particular, as Hong Kong is a society with diverse interests and demands, it takes concerted efforts and extra work from all parties to formulate a constitutional reform package that is supported by the majority of Hong Kong

people, and also considered acceptable to the conservatives in minority in society. It is by no means easy.

Regarding Ir Dr LO Wai-kwok's amendment, that is, at this stage, we should first focus our discussion on the methods for the election of the Legislative Council in 2016 and the election of the Chief Executive by universal suffrage in 2017 in accordance with the Basic Law and the relevant Decision of the NPCSC, the DAB considers that it conforms to the decisions of the NPCSC, as well as the actual situation in Hong Kong, which is more conducive to Hong Kong's constitutional development.

Many Honourable Members have expressed their views on Mr Ronny TONG's original motion. The original motion suggests that before the submission by the Chief Executive of a report on constitutional reform to the NPCSC, extensive consultation on the contents of the report be conducted. The DAB does not agree to this point. The relevant Decision has stated specifically that whenever the election methods for the Chief Executive and the Legislative Council are to be amended, the Chief Executive must first submit a report to the NPCSC. Although the relevant Decision has not specified the work to be done by the Chief Executive before the submission of the report, we all know that Hong Kong has an established and open process or method for the amendment of major policies, which invariably involves extensive consultation to allow in-depth discussion by the public, and the Government will collect and collate different views from person in various sectors and political groupings before drafting its report. Hence, given that consultation would invariably be conducted for the relevant report to allow full participation of all Hong Kong citizens, and the report would reflect the majority view of people, I really do not understand why the original motion would suggest that public consultation on the report be conducted again. This procedure has contravened the five-step mechanism provided by the NPCSC. Therefore, the DAB does not accept Mr Ronny TONG's original motion.

Regarding the amendments of Mr Gary FAN, Ms Emily LAU and Dr KWOK Ka-ki, they either seek to completely abolish the functional constituency (FC) seats in the Legislative Council in 2016 or impose certain limitations on the report to be submitted to the NPCSC to include certain contents or stands. The DAB considers that no constitutional reform consultation should be conducted with any pre-set stance, or hindered in terms of exchange of views and expression

of public opinions. In particular, different sectors in Hong Kong society so far still have diverse and divergent views in respect of the abolition or retention of FC seats, as well as the amendments to the election methods. At the stage, consultation has yet to commence. Even before the contents and outcome of consultation are available, these amendments already demand that the Legislative Council should decide the way forward for the FC seats or impose restrictions on the report to include certain contents. This is against the principle of conducting consultation in an open, fair and free manner, so as to listen and extensively collect views from all parties. As such, the DAB cannot support these amendments.

Mr WONG Yuk-man's amendment once again suggests the conduct of a referendum, which contravenes the Basic Law, as well as the constitutional requirement of "one country, two systems", and disregards the five-step mechanism for amending the election methods as specified in the relevant Decision. As such, the DAB will oppose his amendment.

I so submit.

MR CHAN CHI-CHUEN (in Cantonese): From the advocacy of dual universal suffrage in 2007 and 2008, dual universal suffrage in 2012 and Mr Ronny TONG's motion today that "this Council urges the SAR Government to expeditiously commence extensive consultation on implementing dual universal suffrage", it seems that we are getting farther and farther away from the ultimate aim of universal suffrage, and that the termination of universal suffrage is expecting. I think Hong Kong people's dream of universal suffrage would be shattered, or perhaps in a more positive sense, I should say that Hong Kong people should wake up from their dream.

From the fact that this Council has to teach the Government how to conduct its business and that Members have to urge the Government and LEUNG Chun-ying to get things done, I notice that LEUNG Chun-ying loves to drag on. The Policy Address was delivered three months later than usual and the new Chairperson of the Equal Opportunities Commission was appointed two months later; and we are not sure how much longer it will take before a consultation on universal suffrage will be conducted. LEUNG Chun-ying is really the "Slow Beat".

Although he wishes to stall and evade, Mr Raymond TAM, Secretary for Constitutional and Mainland Affairs, should shoulder the responsibilities. Even if his boss wants to evade, the Secretary should remind and urge him to address the issue squarely; otherwise, he will be in dereliction of duty. I once thought that we have to push the Government to conduct a consultation on "Equal rights for people of different sexual orientations", yet it turns out that we also have to make such strong effort to push the Government to draw up a consultation timetable for the constitutional reform package. The present situation can be described as the son teaching his father how to have another baby. The date of birth is set to be in 2017, but the parents must make efforts. Things may not work by one or two hits, so daddy must try harder, otherwise the baby cannot be born. Come one, daddy and mommy, get to work! Have they tried hard? This is the situation.

To implement dual universal suffrage in Hong Kong is really more difficult than conceiving a baby. How is the look of the baby? Even the parents, Hong Kong people and Legislative Council Members have no idea. Most probably, a freak will be born, even the parents fail to recognize the baby or are not willing to accept the baby.

While it is said that dual universal suffrage should be implemented as soon as possible, but what exactly is dual universal suffrage? The deplorable fact is that though we have a timetable now, we cannot specifically tell what dual universal suffrage is. We have not yet reached a consensus about dual universal suffrage and universal suffrage; should functional constituencies (FCs) be abolished or should they exit in another form? What is universal and equal suffrage?

I remember that, not long ago in 2010, some democratic Members supported the 2012 constitutional reform package, and one of them said loudly, "the League of Social Democrats and the Civic Party launched a *de facto* referendum, and we should also have *de facto* universal suffrage". Is "*de facto* universal suffrage" the "genuine universal suffrage" pursued by Hong Kong people? The so-called "*de facto* universal suffrage" refers to the Super District Council FC election. A candidate will be nominated with the votes of 15 District Council Members and some 3 million voters in Hong Kong have the right to vote. Is this universal suffrage that Hong Kong people want? Many Hong

Kong people who supported democracy, including me, were very angry at that time.

One major reason why I participate in politics is that some democrats made a U-turn and supported the 2012 constitutional reform package. They had not only abandoned their commitments about dual universal suffrage in 2012, but also let their voters down. Many people were disappointed. Worse still, they sowed seeds of calamity leading to endless trouble. If one says that the super District Council FC election, which controls the right to nominate and the right to stand for election, and only allows the right to vote, complies with the principles of universal and equal suffrage, it would pave the way for FCs to exist forever. Many people have now raised the view that universal and equal suffrage can be achieved by broadening the voting rights of FCs. For example, the education sector can nominate three teachers and the legal profession can nominate two lawyers as candidates, to be elected by all people in Hong Kong, and such election can then be described as universal and equal suffrage. By then, small-circle election will no longer exist, a person with two votes will then become a person with 31 votes. "Small-circle election" will become "big-circle election". For those Members who had rendered support or who will make a U-turn to render support, they can very well display banners and give out leaflets, claiming that they have been successful in getting more votes for people, from one person, two votes to one person, 31 votes. Yet, is that the genuine universal suffrage that Hong Kong people have been fighting for in the past two decades?

When LEUNG Chun-ying stood for the Chief Executive Election, he said that he experienced the hardship of an excessively high nomination threshold. He had a difficult time in getting the nomination and he almost failed to enter the contesting field. After hearing what he said, we certainly think that he supports a lower threshold. Nevertheless, he changed his stance after the election, saying that the threshold could not be too low; otherwise, there would be another round of voting as one might not have more than 50% of the votes. I really do not know why the two are related.

I would like to remind people who support Prof Benny TAI's "Occupy Central" proposal, as far as I understand, some democrats may still consider this action as the last resort, which will only be activated when no other choices are available. The sword should not be drawn out causally, and it will only be used to intimidate the Government. I am telling you, we are not intimidating the

Government, it is the Chinese authorities who are intimidating us. Have you heard what NG Hong-mun said? He said that if a member of the opposition camp is elected the Chief Executive by universal suffrage, the Central Authorities will certainly refuse to appoint him. Therefore, screening by the Nomination Committee is crucial. In other words, the election of the Chief Executive by universal suffrage must involve a screening mechanism with a high threshold will be set, so as to exclude all candidates not preferred by the Beijing authorities. This is completely contrary to the democratic principles of being equal and open, and this deprives Hong Kong people of the rights to stand for election.

Therefore, no matter your dream of universal suffrage have been shattered or you have woken up from your dream, I hope everybody will get ready. "Occupy Central" is not just empty words, we will really put it into practice, and even at a faster pace, as the Chinese authorities have forced us to do so. *(The buzzer sounded)*

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

MR WU CHI-WAI (in Cantonese): Deputy President, I am very disappointed with this motion debate today because this Council has discussed this issue of universal suffrage for such a long time. Members have repeatedly stated that we already have the timetable and roadmap — according to the timetable, the Chief Executive would be elected by universal suffrage in 2017 and according to the roadmap, Members of the Legislative Council would be elected by universal suffrage in 2020.

Now that we have the timetable and roadmap, the next issue for discussion is the definition of universal suffrage. Believe it or not, QIAO Xiaoyang said in 2010 that the definition of universal suffrage was that the election was universal and equal. This is also an international standard. In response to the general public's questions about the definition of universal suffrage, I remember that the SAR Government had repeatedly said that the definition of universal suffrage adopted by the SAR Government and the Central Government is an election that is universal and equal, and in compliance with the international standard.

Since we have the definition, timetable and roadmap, the discussions today should be very simple. We should expeditiously work out the details of the constitutional reform package, so as to ensure that the roadmap, timetable and election methods can meet the standards of universal and equal suffrage. However, we are discussing how to achieve the so-called consensus and balanced participation, and we are finding ways to conform to the actual situation. What does that mean?

We must not forget that, at the time of the reunification, the Basic Law specified that the Chief Executive and Members of the Legislative Council should be elected by universal suffrage in 2007 and 2008 respectively. At that time, the community and even the Liberal Party and the DAB had proposed, in their platform, universal suffrage in 2007 and 2008. We all know that there were changes in the timetable changed because of the disapproval of the Mainland Authorities.

Many people said today and during the election as well, since we already had the timetable and roadmap, we should not argue, and we would definitely move forward towards achieving democratic universal suffrage. In that case, there is not much time left indeed. It is now 2013 and there will be another Legislative Council Election in 2016, and then in 2020. We have to act in accordance with the principle of universality and equality, as well as gradual and orderly progress. Some may regard a one-off change not feasible and does not comply with the principle of gradual and orderly progress. Hence, it is vital that the constitutional reform proposal must clearly account for how gradual and orderly progress can be attained two terms later in 2020.

However, most Members in their speeches said that more time is needed and a consensus in society should be forged. I think a consensus has already been forged, and I just want to ask the pro-establishment camp to refrain from using the art of double-talk because they have somewhat treated the Central Government unjustly. The Central Government has clearly given a timetable and roadmap, as well as the definition of universal suffrage, what else should we argue about? The bone of contention is that the pro-establishment camp or functional constituencies (FCs) are unwilling to give up their vested interests. This is the core of the problem. Hence, we cannot arrive at a consensus no matter how long we discuss the issues.

Furthermore, the Basic Law specifies that the constitutional reform proposals must be passed by not less than a two-thirds majority of all the members of the Legislative Council. In other words, we are not seeking a 100% consensus; so long as a consensus is reached by a majority of all members of the community, we can move forward towards attaining a universal and equal political system, and a democratic system. If that is the case, why have FC Members repeatedly asked us to discuss matters slowly and think of solutions? It is because they are unwilling to give up or they want to drag on, attempting to delay the democratic progress.

The pro-establishment camp has also pointed out how members of the public can have the opportunities for balanced participation in universal suffrage. Under all political systems in the world, direct elections provide the opportunities for balanced participation. People can have the right of balanced participation under a democratic political system, but the premise is that such right cannot be given by a small-circle election, it must be delegated by the public. And public delegation must come from a universal and equal election that complies with the international standard. On this basis, a consensus on constitutional reform proposals should have been reached in the community after more than a decade's discussions.

From the findings of opinion polls and the result of the Legislative Council elections in the past, we can see that the proportion of votes secured by the pro-establishment camp and the democrats was roughly 40% to 60%. This more or less reflected that most people supported the expeditious implementation of a democratic system in order to resolve social contradictions, unlike what is happening today. We are now discussing a very important issue concerning constitutional reform, but only a few Members are present in this Chamber. Why? Perhaps we have to discuss a lot of issues and the pro-establishment camp is worried that prolonged discussions will evolve into populism. Populism means that we have the votes but not the power under the system while the Government which has the power will not listen to public opinion (*The buzzer sounded*) this is the core issue

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

MR WU CHI-WAI (in Cantonese): I support the original motion. Thank you, Deputy President.

MR LEE CHEUK-YAN (in Cantonese): Once again, I have heard many pro-establishment Members speak against universal suffrage today. I do not know how much longer Hong Kong will have to rot and decay before the most fundamental and important problem of Hong Kong can really be solved. Our society cannot have further development if a constitutional reform is not conducted.

The development of our society relies on a fair system so as to win public support. Such a system is conducive to improvements in the economic aspect and people's livelihood. Such a system is not in place at present. Worms will grow in something rotten and we have already seen so many worms. Have we not seen enough? The whole system is basically rotten. We had a small-circle election system, and the number of voters was at first 800 and then increased to 1 200. The three big worms, TUNG Chee-hwa, Donald TSANG and LEUNG Chun-ying, are the product of this rotten system.

I am not sure if Honourable colleagues have read a widely circulated comment on the Facebook. Of the three Chief Executives, one is a fool, one is a hog and one is a liar. In a mature society like Hong Kong, how can our Chief Executive be a fool, a hog and a liar? As the system itself is not perfect, worms have grown and keep on decaying the society. It has been proven that the system under which the Chief Executive is returned by a small-circle election is a failure, our society has become very unfair and being monopolized by the privileged class. If we do not learn a lesson from years of painful experiences, the social conflicts cannot be eased through a democratic political system.

Apart from the decadent Chief Executive election system, the Legislative Council election system is equally rotten: half of the seats are returned from functional constituencies (FCs) and half are returned from direct election. We do not have a ruling party which can unify Hong Kong and leads everybody ahead in the same direction. The election system of the Chief Executive is unsatisfactory and there are FC seats in the Legislative Council.

Today, I hear FC Members telling lies about balanced participation again. What is balanced participation? How come architects can be elected as Legislative Council Members by a small group of people, but other employees in the retail sector and other wage earners cannot elect a Legislative Council Member to represent them? If there is balanced participation, how come only FC Members but not other people can have balanced participation? The only way to achieve genuine balanced participation is to establish a democratic system under which every person has one vote. Without such a system, the so-called balanced participation is non-existent, and we only have the participation of the privileged. Why do professionals and the business community want to have the privilege? Being well-educated and claim to be professionals, they do not even have the basic concept of equality. I am really ashamed of these professionals. Under a democratic system, all men are equal, and everyone is a member of the community. How can they be regarded as professionals if they even do not have this concept of equality?

Indeed, I am worried about our education system if the persons representing the sector are like that. Even though they are university graduates with many years of working experiences, they only want to enjoy privileges in the end.

Basically, FCs denote privileges and benefits but not participation. Members returned from FC are reluctant to leave, yet they claim to serve the whole community, or for professional participation. Let us not forget what had happened with regard to the participation of the banking profession. What was the attitude of Legislative Council Members who represented the banking industry after the Lehman Brothers incident? If the banking sector was really professional, Members who represented the banking industry should have told us that the products concerned would do people great harm. Why had they not revealed this fact? It was not because they were not aware but because of the interests involved after all.

If professionals want to participate in politics, they will be easily elected because they have university degrees, extensive social networks and experiences. Many professionals have become Legislative Council Members through direct elections and they may not necessarily need to run for FC seats. So, I am very disappointed that we are discussing the same things again today.

In addition, the two rotten systems have caused the degradation of Hong Kong. How much longer do we have to wait? The Chinese Communist Party has been hampering the development of democracy in Hong Kong. The interpretation of the Basic Law by the National People's Congress on two occasions made FCs in Hong Kong indispensable; thus, a ratio of 50:50 will always be maintained and Hong Kong will be strangled.

Will there really be universal suffrage in 2017? We do not know. NG Hong-mun has said that he was pessimistic. I have confidence in the people but I am pessimistic about the Chinese Communist regime because it will not automatically allow Hong Kong to have democracy. We must fight for our due rights. Hence, I hope Hong Kong people will not listen to the false reasoning against universal suffrage given in this Chamber today.

I have just heard Mrs Regina IP's false reasoning. She said that democracy means screening. The 1 200 members of the nomination committee have the privilege of screening but that is not democratic screening. People who cast a vote is a screening process. Her false reasoning made Hong Kong people believe that screening is desirable, which is absolutely not the case. Deputy President, I hope Hong Kong people would (*The buzzer sounded*)

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

MR LEE CHEUK-YAN (in Cantonese): fight for dual universal suffrage themselves.

MR ALBERT HO (in Cantonese): Deputy President, today, Mr Ronny TONG moved a motion urging the Government to expeditiously commence extensive consultation on implementing dual universal suffrage. His motion is mildly worded, but I must emphasize that no matter how a consultation will be conducted, there is not much room for consultation. It is because the Chief Executive will have to be elected by universal suffrage in 2017 while the election of all members of the Legislative Council by universal suffrage will be implemented not later than 2020, according to the explicit decision of the

Standing Committee of the National People's Congress. It can definitely not go back on the decision.

(THE PRESIDENT resumed the Chair)

As the Basic Law has confirmed, the definition of universal suffrage under the International Covenants on Human Rights is universality and equality, and this principle of universality and equality is absolutely applicable to the rights to run for election, the right to nominate and the right to vote. In that case, the nomination procedure of election of the Chief Executive by universal suffrage must be fair and impartial, without any unreasonable threshold for the purpose of screening. Moreover, candidates cannot be pre-selected through an undemocratic nomination committee so that there will not be a truly meaningful democratic election.

Owing to the nomination limitation for FC election, even if the super District Council constituency has more than 2 million voters, this is not universal suffrage. The FC system must be abolished, it absolutely cannot perpetuate forever. In 2010, when the Democratic Party supported the constitutional reform package, we made it clear that this was a FC election which ought to be abolished, and it could absolutely not exist forever.

However, I must emphasize that any consultation or negotiation with the Government in the future, be it a negotiation with the local or central government, or even a referendum or drawing up the constitution by all the people, the above principles must not be violated. Therefore, we must bear in mind that there is not much room in this connection. In order to elect the Chief Executive by universal suffrage in 2017, we must decide upon the election method within this term of the Legislative Council. We must lay our cards on the table and the Government cannot drag on any more.

I would like to reiterate that, when the transitional constitutional reform package was adopted in 2010, one of the factors considered by many people was that no opportunity should be given to some people to request for the withdrawal of this commitment on electing the Chief Executive by universal suffrage in 2017.

At this time when we must lay our cards on the table, I wish to make it clear to the Government and Hong Kong people that I will spare no effort to fight for, at least, the implementation of the election of the Chief Executive by universal suffrage in 2017. We cannot absolutely make any concession. As we all know, many of us have waited many years to exercise this democratic right, and many people have participated in the fight for the implementation of a democratic system, and they have also taken part in social movements for nearly 30 years. Today, I want to tell Honourable colleagues why this group of people including me, at least, who are regarded as not very radical, will come forward and support the action and concepts of Prof Benny TAI's "Occupy Central" proposal.

This idea comes from a moderate and rational Professor of Law at the university who attaches importance to the rule of law. This evidently reveals the views of some members of the community who have always been regarded as relatively gentle. When we are going to lay our cards on the table, we know very well that, if Beijing deliberately makes things difficult and goes back on its words, deceives Hong Kong people and creates fake universal suffrage; many people will find that unacceptable. They will not hesitate to fight by all peaceful and rational means because so up until now, we still insist to adopt such practice.

We fully understand the consequences of civil disobedience. I do not want to go to jail and I do not want to have my lawyer's licence revoked. Nevertheless, if the Beijing authorities go back on the promise and universal suffrage cannot be implemented in 2017, nobody will believe that there will be universal suffrage in 2020. I trust that I have no choice, but to join the civil disobedience movement to stage a protest and express my indignation, even at the expense that I may go to jail and be professionally disqualified. I believe that many other people will join me in taking these actions. I hope the Government would listen very carefully. In a calm and peaceful mood, let me tell you that is the action that I am going to take.

DR PRISCILLA LEUNG (in Cantonese): President, the political deadlock in the past two decades or so caused stagnant constitutional development. It is all about trust after all. Hong Kong people fear being tripped by the Central Authorities while the Central Authorities are afraid of being tripped by the proposals made by the democrats or people from certain camps in Hong Kong;

thus, a significant breakthrough cannot be achieved. As there is a serious lack of trust between the Central Authorities and the local authorities, many radical proposals have been raised today.

Today, I bring with me a rope. When I was a Girl Guide in secondary school, my coach told us that we could tie a live knot with this rope and use it to climb up the cliff to save ourselves. We could also tie a dead knot, which is so intertwined cannot it be untied. The current constitutional system seems to be a dead knot, failing to move forward.

On 22 September 2006, three academics, including me, from the Department of Politics, the School of Economics and the Department of Law jointly proposed the three-step procedures of constitutional reform. According to the proposed timetable and roadmap, the electorate of functional constituency will first be broadened, and then move on from one person, two votes to one person, three votes. At that time, many people laughed at us because they considered that it was the most fantastic tale. If we ponder over this point, we will understand that this proposal of one person, many votes is not the ultimate proposal. As long as we can walk that far, I strongly believe that direct election in full scale will then be achieved. The crucial point is how we can make people who are asking for universal suffrage realize that healthy development means achieving universal suffrage in accordance with the principle of gradual and orderly progress, instead of implementing populism and abolishing all representatives of the professional and business sectors in one go. If people can focus on this perspective, they will understand that it may not be impossible to untie this knot of direct elections. Why can't all roads lead to Rome?

I read the book *Between Zero and One* (《零與一之間》) written by Prof HO Hsin-hwang when I was studying in university. Everyone wants to move from zero to one as soon as possible, but they will eventually break the glass bottle if they want to reach their goal in one go. I am really astonished and sorry to hear today that Benny TAI, a legal scholar whom I have known for more than 20 years, has unexpectedly called upon people to intentionally violate the law. I have tried to clarify with him whether I have misunderstood him. After debating with him for half an hour in an English-language programme on RTHK, I trust that I have not misunderstood him. He is really calling upon people to intentionally violate the law.

First of all, he is calling upon 10 000 or 30 000 people to besiege Central but not the Legislative Council, hoping that those who go to work and engage in commercial activities in Central would stop and think about their proposed democratic proposals. He also hopes that the police will not have sufficient manpower to arrest them. They will then go to the Wan Chai Police Station to turn themselves in, so as to paralyse the police's registration procedures, forcing the Central Authorities to put all their cards on the table. They want to find out if the People's Liberation Army will be mobilized. Why do they want to put an end to the negotiations? Has Hong Kong come to such a point that the Police Force cannot work at all, just like their counterparts in the Philippines? All of us should recall that, two years ago, a sergeant fell to his death from a flyover in Wan Chai when he attempted to rescue a demonstrator out of good intention. Have Honourable colleagues visited the families of the sergeant who was only in his forties? There are many similar unintended consequences, and even a well-planned activity involving 10 000 or 30 000 people may not necessarily come under control.

I have received two emails today; some audiences asked me to read out the views they expressed after listening to the debate yesterday. As it is an English-language programme, the letter is also written in English and the audience may be a foreigner. He is not against people's fight for democracy and their ideals, but he wonders why they have to penalize law-abiding citizens. He wants to go to work as usual and he hopes that the stock market can operate as usual. Why will he be forced by people fighting for their ideals to stop carrying out his normal activities? He queries that you may love me, but why do you want me to stop doing everything and force me to love you? Is Hong Kong not a pluralistic society? Another email asks what should be done if there is an emergency in Hong Kong because the police cannot work anymore. These people have even worked out timetables about when the police station will be paralysed. Are they inviting the criminals to take the opportunity to rob goldsmith shops? The police will be at a loss how to deploy policemen and the administrative functions will also be paralysed. Some members of the community have especially raised these questions and they have asked me to read out their comments.

I earnestly hope that people fighting for democracy will not take actions at the expense of the normal operation of Hong Kong, and that they will respect Hong Kong as a pluralistic society. It is a good deed to fight for democracy but

I hope their actions will not be daunting and they will not go to the extremes. Why have they called upon people to violate the law? Why can they not fight for democracy according to legal provisions? When I first engaged in politics, I was just an academic without any experience, but later I have been directly elected. I will try my best to co-operate and I also want to encourage more people from the business and professional sectors to have confidence in the direct election system. It is very difficult to strive for people's confidence; once the economic lifeline and the Police Force have been paralysed, I believe the negotiation process will remain stagnant for at least five years, and the democratic ideal of these people cannot be realized.

I really hope that people fighting for democracy would wake up to the danger at the last moment and that they will not stifle the normal negotiations. They should not say that it is the responsibility of the Central Authorities because we all have the responsibilities. They actually have greater responsibilities, especially when they are calling for people to paralyse the Police Force, and I hope they would not do so. I also urge Prof Benny TAI to rethink this dream. I think he is dreaming, but I am not sure if anybody will be sacrificed when tens of thousands of people really respond to his appeal and take actions to paralyse Hong Kong. He may have forgotten about the sight of the man who attempted to jump off the bridge kneeling down in repentance. I believe that all of us want to contribute to the well-being of Hong Kong; yet, I implore those people to think twice and refrain from taking such actions.

I so submit, President.

DR FERNANDO CHEUNG (in Cantonese): When we have been pursuing a universal value for three years after three years, three years after three years, and eventually find that we have been cheated and being misled on a wild-goose chase; when we see a widening wealth disparity in society, people leading a more miserable life and society becomes more unjust; when we note that the entire ruling class is completely out of touch, and people fail to get democracy, a requisite for a society considered to be advanced, open and civilized in the 21st century; when we have said all that can be said but the elites in the ruling class and the people in power do not have the slightest sincerity, what should we do?

The community has surpassed the ruling class. As compared to the current ruling class, our vision, suggestions and experience they have been blinded by their power and wealth. What should we do? When peaceful and rational movements are considered as radical the Council of today has also been built on the sacrifice of many martyrs and predecessors, may I ask, was the Founding Father, whom we highly respect, radical? Was MAO Zedong radical? Was DENG Xiaoping radical? When we notice that social injustices have reached an intolerable level, what can we do? Should we just continue to endure silently? Is it appropriate if we allow people with vested interests to plunder further so as to maintain social order and the *status quo*? Such disparity can no longer be accepted.

What have we achieved after years of struggle? Even for universal suffrage, which is a simple tool to achieve democracy, we cannot get it after years of struggle. Let us look at some recent examples. In 2002, TUNG Chee-hwa was re-elected uncontested. In 2003, he pushed through legislation under Article 23 of the Basic Law, causing 500 000 people to take to the streets. It is a well-known fact. On 6 April 2004, the National People's Congress (NPC) interpreted how the methods for forming the Legislative Council and selecting the Chief Executive of the SAR Government stated in the Basic Law could be amended, and changed the three steps into five steps. On 9 April, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) revised its platform by changing "seeking dual universal suffrage in 2007 and 2008" to "seeking dual universal suffrage in 2012". On 26 April, the Standing Committee of the NPC (NPCSC) decided that the election of the Chief Executive in 2007 shall not be by means of universal suffrage and the election of the fourth Legislative Council in 2008 shall not be by means of an election of all the Members by universal suffrage. All these moves were planned.

In March 2005, TUNG Chee-hwa stepped down. In December, the pan-democrats organized a mass protest of 250 000 people. On 21 December, the constitutional reform package was tabled to the Legislative Council and I was one of those who voted it down. In 2007, Mr Alan LEONG stood for the Chief Executive Election as a pan-democrat for the first time and included in his manifesto the implementation of dual universal suffrage in 2012. On 1 February, the DAB deleted the pledge of "seeking dual universal suffrage in 2012" from its platform. On 22 March, in a tea gathering with the media, Donald TSANG stated that he would, in his tenure, thoroughly resolve the issue

of universal suffrage and engage the territory in "doing something big". On 29 December 2007, the NPCSC decided that the election of the fifth Chief Executive of the HKSAR in the year 2017 might be implemented by the method of universal suffrage; and after the Chief Executive was selected by universal suffrage, the election of the Legislative Council of the HKSAR might be implemented by the method of electing all the Members by universal suffrage. This decision turned down the implementation of dual universal suffrage in 2012. After that, there was the "five geographical constituencies referendum" before Donald TSANG tabled another constitutional reform package. I do not think I have to highlight this incident again.

After all these ups and downs, we still cannot get an election system that is fair and universal. What are the evils for not having universal suffrage? Let us do some stocktaking. During the term of TUNG Chee-hwa, the Home Ownership Scheme was haunted by the piling scandal; the NPCSC had interpreted the right of abode for three times; and the opinion poll of the University of Hong Kong had aroused disputes. Do you still remember this guy? Andrew LO Cheung-on. Cyberport, the Mandatory Provident Fund Scheme, the Principal Officials Accountability System, legislation under Article 23 of the Basic Law, the Harbour Fest, and the voting down of dual universal suffrage in 2007 and 2008. Then, what had Donald TSANG done? During his term, the real estate hegemony surfaced, the wealth gap was widened, the population policy was messed up, new immigrants were discriminated, the issue of "doubly non-permanent resident pregnant women" got out of hand. He also gave out more than \$180 billion or probably \$200 billion in his term carelessly. President, why should we wait further? I speak to support all of the motion and amendments which urge for an early implementation of dual universal suffrage.

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

MR FREDERICK FUNG (in Cantonese): President, dual universal suffrage was something decided by the Standing Committee of the National People's Congress (NPCSC) in 2007. It means that the Chief Executive may be elected by universal suffrage in 2017 and all Members of the Legislative Council may be elected by universal suffrage thereafter. As the NPCSC's decision is tantamount

to a national policy and has the same significance as the Basic Law, it carries specific power. In other words, the introduction of universal suffrage in the 2017 Chief Executive Election is a decision which must be implemented. Therefore, I think the NPCSC and the SAR Administration must suit the action to the word, the word to the action, and turn the decision into a fact.

To my dismay, in the last couple of days, Mr NG Hong-mun, a senior leftist and a NPCSC member who has in-depth knowledge of the Mainland and the Central Government, told us that the Central Government did not have much confidence in us and would control Hong Kong. I do not know how good he knows about the Central Government but he will surely have a better knowledge than I. If his words are true, I will be deeply disappointed. Also, I think this remark went against the decision made by the NPCSC earlier. Given the background of NG Hong-mun, he should help Hong Kong promote and achieve real universal suffrage in the 2017 Chief Executive Election.

President, I agree with some colleagues in saying that social conflicts are intensifying, and trust does not exist between the democratic camp and the Central Government or the pro-establishment camp. Yes, this is the situation facing us now, and our situation has worsened when compared with that of one year, two years or 10 years ago. But does it mean that we should not have real universal suffrage in the 2017 Chief Executive Election? I know that Europe, America and, particularly, Japan are picking on China lately, and our country is under a number of threats, especially the Diaoyutai Incident. As the current situation is sensitive, the Central Government may worry that foreign countries will make use of Hong Kong and the democratic camp to carry out subversion activities against the Mainland. It may even worry that if a democrat is elected the Chief Executive, he will make use of the position of Chief Executive to subvert China. Do these worries, as well as its suspicions about the democrats and social activists, justify that we cannot or should not have universal suffrage in the 2017 Chief Executive Election?

On the other hand, the democratic camp also worries and suspects that the Central Government may not really allow Hong Kong to have true democracy and it may not want to implement the NPCSC's decision on the 2017 Election. Firstly, the remark of NG Hong-mun, in my view, has more or less reflected that we may not be allowed to have real universal suffrage in 2017. Secondly, the intervention of the Liaison Office of the Central People's Government in the

HKSAR (the Liaison Office) was noted in the elections of the District Councils and the Legislative Council; and in the Chief Executive Election, the Liaison Office even came out to intervene and solicit votes for LEUNG Chun-ying, so as to send him to the office of Chief Executive. These acts went against the direction to achieve real universal suffrage in 2017 as decided by the NPCSC, and yet they were done by the Liaison Office designated to represent the Central Government in Hong Kong. If the Central Government actually knew and approved these acts, does it mean that the democratic camp is justified to worry and suspect that the Central Government will not allow Hong Kong to have real universal suffrage in the 2017 Chief Executive Election?

It seems that both sides have their own justifications. But should we be barred from having real universal suffrage when there is lack of mutual trust? Will Hong Kong really be messed up if we have real universal suffrage in 2017? I will try to analyse the situation. First of all, for all I know, Hong Kong's society and the general public are conservative. They will not allow Hong Kong to be in a state of chaos or being used as a base for subverting the Mainland. Secondly, the livelihood of Hong Kong people, such as water supplies, food supplies or even our financial and real estate industries, is linked to the Mainland. The livelihood issue is something we cannot afford to ignore. Otherwise, Hong Kong will suffer more than the Mainland, though the situation was the other way round 20 years ago. Therefore, I think economic and livelihood issues cannot be separated from the issue of universal suffrage. Thirdly, both Hong Kong people and Mainlanders are Chinese. We are from the same race and are closely related. If we do not have trust on people of the same race and of the same blood, how can we be people of the same country? How can the people believe that we are governed by the ruling party on the grounds that we are people of the same race and belong to the same country?

What is the democratic camp best at? To give comments and represent public opinions. At present, the public consider that the Mainland Government has addressed various issues poorly; therefore, they cannot accept the policies introduced by the Governments of the Mainland and the HKSAR. However, we have got our weaknesses. As these weaknesses are well-known, perhaps, it is no harm for me to say them loud. Firstly, most of the democrats are just armchair political critics. Secondly, there are many political parties in the democratic camp and they are loosely-tied. Thirdly, the democratic camp is in lack of resources. What does the Government fear for? For those who have power,

troops, food and water in hand, if they themselves do not have the breath of mind to take the first step and let Hong Kong implement the NPCSC's Decision on the 2017 Election, how can they expect the democrats, being oppressed, controlled and denied of democracy to take the first step? We have gone through the era of discussion and the era of struggle. We agree that we must have consents from both Hong Kong and the Central Government to implement real universal suffrage. Yet, the first step must be taken by the Central Government. Also, I believe that Hong Kong may have democracy if the Central Government has confidence in itself. What is the big deal for Hong Kong to have democracy? If Hong Kong can enjoy democracy, we can act as the role model for other Mainland cities to draw reference from in the process of opening up, democratization and enhancing transparency. Thank you, President.

MR IP KIN-YUEN (in Cantonese): President, I suppose the implementation of dual universal suffrage does not require further discussion, but we are still discussing this issue here today. In our previous debate on the Motion of Thanks, I mentioned in the session of political system that when I acted as the Vice President of The Hong Kong University Students' Union in 1983, the Union issued a submission on Hong Kong's democracy and autonomy. It has been 30 years since then. While 30 years have passed, we are still discussing the same issue. At that time, we held that Hong Kong must take the reunification as an opportunity to develop democracy and introduce universal suffrage in the elections of the executive authorities and the legislature. However, 30 years later, dual universal suffrage is still a far hope. Hong Kong people have time and again voiced their grievances against the political system and social problems in their repeated outbursts. It is just a matter of time for their grievances to reach the critical point and burst. Currently, a gentle scholar, not to mention the radical social activists, has proposed to occupy Central or blockade other major routes to block the traffic and paralyse the operation of the Government. I think it is a signal or message which warrants the attention of everybody. I myself actually share the feeling of the scholar sending out this message as I have also waited for 30 years.

When the people, from bottom to top, dare to fight against the Government till death so as to take back their say in political system and election proposals, they are not just expecting the death of the Government but also their own death.

It is really a sad story of lament. Whether in the colonial era or after the reunification, Hong Kong is never close to democratic universal suffrage and has hardly moved towards this goal. Why is it so?

President, I think it is a basic right for people to have democratic universal suffrage. I am only one of the many, including some pro-establishment Members now present, holding this view. If a genuine democratic system cannot be established, there can be no chance of political and social reforms. In addition, Hong Kong has got the social, cultural and political requisites for the full implementation of universal suffrage. Therefore, Hong Kong should conduct the Chief Executive and Legislative Council Elections based on universality and equality as soon as possible. The public view is clear, that is, the Central Government and the SAR Government should propose concrete package and steps (which are a reasonable and practical timetable and roadmap) to bring Hong Kong towards a full universal suffrage step by step.

Let us first discuss the Legislative Council Election. In the 2016 Legislative Council Election, the number of functional constituency (FC) seats should be reduced as far as possible to total abolition; and separate voting should also be abolished. All FC seats should be abolished no later than 2020. The rights to stand for election, to nominate and vote for all Legislative Council seats must meet the principles of universality and equality. Next, let us look at the executive authorities. In the 2017 Chief Executive Election, the nomination threshold must be low and the procedure must be democratic and fair. It should allow Hong Kong people to elect the Chief Executive by the method of "one person, one vote". I believe that if we can formulate methods for the election of the Chief Executive in 2017 and the elections of the Legislative Council in 2016 and 2020 with the mode of "legislating in one go, implementation in phases", and ensure compliance with the definitions of universality and equality under the International Covenants on Human Rights, we may be able to enjoy a lasting peace and stability in future.

President, for the effective governance of Hong Kong, for the fulfillment of "Hong Kong people ruling Hong Kong" as promised by the Basic Law, and for the realization of democratic universal suffrage, the Central Government and the SAR Government have key roles to play. They must take the approach of "legislating in one go" when formulating a roadmap to universal suffrage. I hope that we will not have to entangle in the problems with our political system

over and over again. Every argument will just cause delays and troubles. This issue has already generated a lot of problems and annoyance to the entire society. If we can resolve this issue in one go and implement universal suffrage with the mode of "legislating in one go", we can then get to the root of the deep-rooted conflicts over our political system and prevent people from having continuous fight over the political system. In this way, we will be able to reduce our internal friction and improve the overall governance of Hong Kong.

It is often our hope to have a harmonious society and avoid disputes. However, it is just like fishing in the woods if we are asked to achieve harmony and eliminate disputes without being treated equal. It is barely impossible. In Hong Kong, which is a modernized society, we seek equality, fairness and justice in the commercial arena; politically, we must do the same. Therefore, dual universal suffrage can indeed solve the problems in the entire society.

Regarding the amendments to the original motion, I oppose the amendment of Ir Dr LO Wai-ki as he has deleted two important points, including "to expeditiously implementing dual universal suffrage" and "before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report". This deletion has indeed changed the subject of the motion significantly. Therefore, I cannot give my support to this amendment. As for the amendment of Mr WONG Yuk-man, I consider the first part which concerns constitutional amendments agreeable. However, his last point suggests that Legislative Council Members should resign *en masse* and the Chief Executive should also resign. In this case, who will be responsible for governing Hong Kong? Why should we count on civil servants, who are not elected, to maintain the daily operation of the Government? Is this suggestion too idealistic and theoretic? In view of this, I cannot support this amendment and will abstain from voting. I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, today, a number of Members have said that we should wait because the Central Government, which is the Communist Party of China (CPC), has already stated that there will be

universal suffrage. They remind me of my conversation with Under Secretary LAU Kong-wah at an election forum in 2008. At that time, I asked him for his view on universal suffrage. He replied, "We are very pragmatic. We follow the Central Government, and it has already laid down the rules." Then, I asked him how he could be so sure that the CPC, which is the Central Government, would not fall from power in the next five years. If it fell from power, what should we do? Of course, LAU Kong-wah did not answer me directly but just gave an artful reply. He said, "I will give a consolidated response to this question later if time is allowed." After that, he spent all his time responding to trivial matters like those concerning "Rodent Queen", Priscilla LEUNG, but not other big issues. Then, he said that he had used up his time.

This case has clearly indicated the existing problem in the fight for universal suffrage. For the five steps mentioned by the pro-establishment camp, the Communist Party had amended the I mean it had interpreted the Basic Law twice to deny the implementation of universal suffrage in 2007 and 2008 as stated in the Annexes to the Basic Law. The implementation of universal suffrage in 2007 and 2008 was thrown out by the interpretation and the decisions made by the Standing Committee of the National People's Congress (NPCSC).

President, I cannot see the point for them to continue to act in this way. Let me give you an example. Look, this guy (*holding a cardboard cutout of LEUNG Chun-ying*) we have gone through the "rule" of several Chief Executives, but which one of them has lost all his credibility right from the very beginning? Which one of them has cheated us from the start? According to the pro-establishment camp, things will get better and better as told by the Central Government, and we should hence follow the Central Government. Yet, this poor system has brought this bad guy to power, right? Look at his butt. Yesterday, I protested before him and showed him this cushion. The words "你 呢人！唔好講大話！（You liar! Stop lying!)" are printed on it. It got dirty as it was trampled by G4 offices in the Victoria Park.

Before LEUNG Chun-ying was elected the Chief Executive, he always wore a smile when receiving petitions, as if he would say "yes" even when being called a eunuch. But look at him now. He no longer listens to the people. President, I am here to whip his butt (*whipping the cardboard cutout of LEUNG Chun-ying*) and whip again. Why do I do so? To express my unhappiness with this poor system as it has brought this super bad guy to power.

It is not that we have not waited. But what has our wait brought us? A man worse than this guy, and he is ZHANG Xiaoming. Colleagues of the pan-democratic camp, you should have known about this guy. ZHANG Xiaoming was the principal secretary of LIAO Hui. He is very familiar with developers because, as we all know, LIAO Hui is close to developers. Why does he come to Hong Kong? To repair the Government's relationship with developers. If he succeeds, the political crisis of LEUNG Chun-ying can be solved as those who used to be in the pro-establishment camp will come back after the healing of rifts. What is the purpose of asking them to come back? It is, of course, to work for Secretary ZHANG, Director ZHANG.

First of all, the pro-establishment camp will have to promote his absurd theory of "universal suffrage can work well in the presence of functional constituencies (FCs)". It is just like saying that there is no difference between black and white. He studied law under the nurture of the CPC. He has previously told many people this theory in person. Secondly, they will have to promote his view of "one country comes before two systems". "One country comes before two systems". What does it mean if we relate this view to the Basic Law? President, it means that Annex I and Annex II, which are about "two systems", can be ignored, and the decisions of the NPCSC should be taken as final. Yet, Article 23 is about "one country". Article 23 is about constitutional duties, right? In this logic, how can we have universal suffrage before legislation is made under Article 23?

I wish to put it on record: If things do not go this way, I will cut my head off. It is the purpose of ZHANG Xiaoming coming to Hong Kong. Unfortunately, the democratic camp is still in a muddle. What are they talking about now? Benny TAI makes his appeal now because he sees the risk. ZHANG is negotiating with the pan-democrats and the rich. Firstly, as "one country comes before two systems", you guys must first deal with legislation under Article 23; otherwise, there will not be universal suffrage. It is tantamount to saying that if you want a birthday gift from me, you must first hand me your gun to let me shoot you to death. This is the first big problem faced by the democratic camp.

The second problem is: When you try to help him settle the issue of legislation under Article 23, he will secretly tell others that "universal suffrage can work well in the presence of FCs". This theory is absolutely new to me.

Perhaps, he may later have to invent loads of new stuff, say, having 2 000 people to select one person or manipulating the nomination with different tricks. In this situation, I think Mr Albert HO, "Iron Head", should sacrifice himself bravely by resigning to trigger the "five geographical constituencies referendum". Otherwise (*The buzzer sounded*).....Benny TAI's movement which mobilizes 10 000 people to occupy Central will not be able to give any effect

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

MR LEUNG KWOK-HUNG (in Cantonese): yes, I see.

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

MR PAUL TSE (in Cantonese): President, after I have listened to Members' speeches on this motion for so long today — including the one just given by Mr IP Kin-yuen — I find that there are something wrong with the choice of words of Members. While it may seem to be a minor problem in wording, this problem has caused a significant difference in meaning. In the original motion moved by Mr Ronny TONG, the wording is "to expeditiously commence extensive consultation on implementing dual universal suffrage", with the word "expeditiously" modifying consultation. However, a number of Members who expressed their disagreement to Mr Ronny TONG's motion were indeed speaking on a request for "expeditiously implementing dual universal suffrage". In their mind, the word "expeditiously" was used to modify "dual universal suffrage". Consequently, Members were not actually discussing the same topic as they had mistaken each other's views. Although it is just a minor problem in the interpretation of words, it has, more importantly, reflected that many Members, not to mention the general public, are relatively naïve about political issues and the operation of the Council. By using the word "naïve", I am directing against the performance of a number of political parties. Some political parties have initiated a campaign called "You Sue Me For Libel". Yet, campaigns of this kind can win nothing more than a laugh. They may also be regarded as an act to take advantage of others. When we look at this campaign, can we imagine it is

something done by our well-educated legislators and large political parties which have wide public support?

President, I absolutely agree that the authorities should "expeditiously commence consultation" on constitutional reform. However, in my view, before the commencement of such consultation, it is more important to equip members of the public with basic knowledge of this issue. For example, when we seek legal advice on a case ruling, the people whom we consult must have some basic legal knowledge for our consultation to be meaningful. Similarly, when we consult others on the issue of constitutional reform, these people must have some basic political knowledge for the consultation to become meaningful. Therefore, instead of requesting an early consultation, I think it is better to address a more pressing issue, that is, to expeditiously equip Hong Kong people with basic political knowledge, with the Government taking the lead and joining hands with all individuals who have their hearts in building a better future for Hong Kong. The Government should make every endeavour to let the general public truly understand the meaning of "one country, two systems" and constitutional reform. After the people have got a better knowledge, it will be meaningful to conduct a consultation. I remember that Dr Joseph LEE has raised this point earlier and another colleague — who should be Mr Martin LIAO — has also said that the consultation will not be meaningful unless it is of good quality. Otherwise, the consultation will just be a superficial enquiry.

Unfortunately, over the years, Hong Kong has been under the influence of media which, I think, have their stances. Besides, the biased views of certain Members and politicians have played up the issue of functional constituencies (FCs) for many years. If you pick a person at random and ask him for his view on FCs, he may not really know what FCs are. However, as he has been unconsciously influenced by what he constantly hears and sees, he will associate FCs to small-circle elections and consider all FC Members as people going after benefits and free lunch. He will put an equal sign between FCs and scourges, and hold that they must be removed as soon as possible. Honestly speaking, how many people will have the leisure and interest to dig into the origin of FCs and the concept behind them? One should know that the design and the execution of a concept are two different issues. The most regrettable thing for Hong Kong is that the concept of FCs, which was excellently designed, has been executed in a way which completely goes against the original intention. As a result, there are a multitude of unnecessary misunderstandings of this concept.

Why do I say so? Just now, Mr LEE Cheuk-yan has said that FCs only represent professionals. Yet, I wish to remind him that there are indeed a number of FC Members representing the labour sector. They are also elected without going through direct elections. If the concept of FCs can be executed properly, it will make the Council more representative. On the contrary, if this Council is only filled with Members returned by geographical constituencies (GCs) through direct elections, the doubling of GC seats will only bring the Council with two "Mr WONG Yuk-man", two "Long Hair" and two "Mr Albert CHAN". How meaningful can that be? Can it really give the Council a broader representation? These questions are food for thought.

The issue of uncontested seats is what FCs have often been criticized for. As a matter of fact, in the election just held, 16 FC Members were elected uncontested. This is indeed a denouncement. For FCs to be truly healthy and representative, their Members should not have been elected uncontested. It is a problem with the execution. Before the reunification in 1997, the Government had failed to handle loads of important affairs or had just tackled them in a slow pace. LEUNG Chun-ying was once the Secretary General of the Basic Law Consultative Committee, so he cannot absolve himself of the blame. Yet, we should also be blamed because, over the years, we have not given thought to seeking improvement and changes. I hold that FCs deserve our true understanding before we decide the way forward of Hong Kong's constitutional development.

Therefore, basically, I do not agree with some colleagues in saying that we should set a consultation framework for constitutional reform. We should not determine the way forward before educating the public.

President, I agree to your previous remark that there are many problems to be solved before dual universal suffrage can be implemented. In a forum, you had listed 10 problems which had to be addressed, but they are just the tip of the iceberg. The problems just mentioned by Mr Alan LEONG in his speech, such as "political power is not always backed by people's mandate", "people's mandate does not always give power" and those with political affiliation cannot stand for the Chief Executive Election, are what we have to face, consider and resolve. While universal suffrage cannot be achieved in one step, the Government is doing Hong Kong an injustice as it does not even take the first step to kick start the implementation; it does not do anything to promote or to educate, not to mention

to consult. If we have to take a healthy path to achieve democracy, the Government must expeditiously carry out all sorts of education programmes and consultations for the sake of Hong Kong's future. This is the only way for Hong Kong to achieve meaningful, high-quality and healthy democracy.

Thank you, President.

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

DR HELENA WONG (in Cantonese): President, the path to democratic universal suffrage is really long for Hong Kong. We have all witnessed the twists and turns of this path. In 1986, when I was still very young, I joined the fight to demand direct elections for a proportion of Legislative Council seats. It was at that time the local pro-democracy movement in Hong Kong commenced. In those days, I had never realized that the democratization of Hong Kong would take such a long time and progress at a snail's pace so that we are still arguing over this issue in the Council today.

Twenty-seven years has passed since the commencement of the local pro-democracy movement in 1986. If all the Legislative Council Members can be elected by universal suffrage in 2020 in accordance with the decision of the Standing Committee of the National People's Congress (NPCSC), 34 years will have been taken to achieve democracy. Yet, today, we are appalled to hear that some Members present are still holding the view that universal suffrage should be implemented in a gradual, orderly and slow manner as if there is still plenty of time. I would like to ask the Members present: How many 34 years are there in our lifetime?

Dr Priscilla LEUNG has just presented her views vehemently and questioned us angrily why we incite others to break the law. It seems that she does not know much about civil disobedience or the snail-paced progress of Hong Kong's democratization. How many decades are there in one's life? The so-called gradual and orderly progress is really too slow and outrageous. This outrage has stimulated the law-abiding people who have never taken to the streets nor have gone to the stake for universal suffrage to say that they will occupy Central. Mr Albert HO, who is a lawyer, has also said that he will risk losing his

lawyer qualification to fight for real universal suffrage. If the NPCSC's decision on implementing universal suffrage in the 2017 Chief Executive Election does not realize and the Government introduces only fake universal suffrage, I, as a university professor, will join other professors to occupy Central.

People who are known as rational, gentle, reasonable and always put the interest of the whole above everything else may one day fight for universal suffrage by sacrificing themselves at a cost of law-breaking. This situation is well-expected if the authorities does not keep their words and deceive Hong Kong people by introducing fake universal suffrage under this unjust political system. However, we will not motivate others to break the law indiscriminately as stated by Dr Priscilla LEUNG. We have made it clear that we demand a roadmap and a timetable for constitutional reform, and we have been kept waiting for years. While we now have a timetable, we hope that the Government can expeditiously commence the consultation on constitutional reform to let people voice their views and hence work out a roadmap.

However, the Government is now adopting delaying tactics to procrastinate. It has greatly disappointed us. While the Government considers that there is still plenty of time, today we see that Members are deeply divided over this view. Therefore, regarding this subject today, we support Mr Ronny TONG's motion and request the Government to propose a roadmap for constitutional reform. Many people have taken to the streets again and again to seek universal suffrage. They have successfully obtained a timetable after lots of hardships. When the timetable of constitutional reform is available, we now demand a roadmap.

The amendment proposed by Ms Emily LAU focuses on this roadmap. We hope that the Government can make proposals for the Legislative Council elections in 2016 and 2020, as well as the election of Chief Executive by universal suffrage in 2017, in its consultation for public discussion. We support the suggestion of "legislating in one go" as it will give two big advantages. Firstly, the public and society will not have to argue over constitutional reform every few years. After all, such arguments will again tear our society and draw away our attention from livelihood and economic issues.

In fact, in the constitutional reform in 2010, we had suggested the mode of "legislating in one go, implementation in phases" to the SAR Government and the

Central Government in the hope that this controversial issue could be settled in one go to prevent the community from entangling in it. The second advantage of "legislating in one go" is that it will give a final blueprint for universal suffrage so that we can know how universal suffrage will be implemented in 2020. It will then be easier to lobby different political parties to accept the interim proposal for the election in 2016. If the vision of implementing universal suffrage in 2020 does not exist, many people will doubt whether there will be real universal suffrage in the 2020 Legislative Council Election. In this case, it will be more difficult to reach consensus and come to terms.

We are now talking about democracy which allows real choice in political competition. Regarding the 2017 Chief Executive Election, we know that Article 45 of the Basic Law contains the provision: "The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Yet, we think that, in this election, the most important thing is that the nomination right must embody the principles of democracy and equality. This right must be given to all members of the public, and the nominating committee should not be allowed to completely control the nomination of Chief Executive candidates. This is to avoid the further existence of the political privileged class.

Therefore, the Democratic Party is in support of opening up the nomination of Chief Executive candidates to require the nominating committee to endorse the candidature of anyone who receives the nominations of 1% to 3% of voters (*The buzzer sounded*).....

PRESIDENT (in Cantonese): Dr WONG, your speaking time is up. Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr Ronny TONG, you may now speak on the five amendments. The speaking time limit is five minutes.

MR RONNY TONG (in Cantonese): President, I wish to express my gratitude to the 32 colleagues who have spoken on this motion, particularly the nine pro-establishment Members, as they are at least willing to stand up and face this issue in front of the camera. Yet, I feel a little bit sorry for the fact that none of the Members from the Hong Kong Federation of Trade Unions have given their views. I can just hope that they will support my motion.

President, just now, Ir Dr LO Wai-kwok said that I had not read his amendment carefully, but indeed I had. To us, the most unacceptable thing in his amendment is that he has deleted the key point of the original motion, which is our request for allowing sufficient time for the general public to discuss the contents of the report. This suggestion does not mean to violate the rules set by the Standing Committee of the National People's Congress (NPCSC) as there is no stipulation saying that the Government cannot seek public consensus on the contents of the report before its submission. This is the key point of today's motion.

As the reports submitted by the Government in the two previous constitutional reforms were not in line with or were even against the consultation results, we do not wish to see the Government making the same mistake again. I hope that the Government, before submitting its report, can first provide the draft report for Hong Kong people to discuss, speak up and tell whether the contents of the draft report reflect their wishes. Therefore, if this key point is deleted, it is tantamount to taking away the soul of the original motion. So, I am sorry. I have already read through the amendment of Ir Dr LO Wai-kwok carefully, but he himself may not have read it clearly. We really find it hard to accept his amendment.

As regards the amendment of Mr Gary FAN, some colleagues have remarked in their speeches that his first proposal, that is, to completely abolish the functional constituency seats in the Legislative Council in 2016, is in breach of the NPCSC's decision in 2007. If this amendment is meant to immediately implement universal suffrage in the election of all the Legislative Council Members, it may somewhat contradict the NPCSC's decision. However, I think it is alright for him, as a Member, to have his aspiration. There is no need for us to negate his aspiration after he has made it public. Therefore, in my view, we can support Mr Gary FAN's amendment.

The amendment of Ms Emily LAU is almost completely the same as the constitutional reform proposal put forward by the Alliance for Universal Suffrage (the Alliance). Being a member of the Alliance, as well as a member of the Civic Party, I will certainly consider that this amendment is worthy of our support. I believe the Civic Party will share my view.

As for the amendment of Mr WONG Yuk-man, President, I must say that it is a very idealistic amendment and I admire his courage. If there is no constitutional restriction or his proposals are politically practicable, I will definitely consider supporting this amendment. However, I do not think the political reality at present will allow this idealistic amendment to realize. Therefore, it is a bit hard for us to support this amendment. The Civic Party will abstain from voting on this amendment.

The last amendment is from Dr KWOK Ka-ki. As he is a member of the Civic Party, the Party will of course agree to his amendment. Also, the points raised in this amendment are just an elaboration of certain principles and details. His second request, that is, to conduct public consultation on reforming the methods for the elections of the Chief Executive and the Legislative Council respectively, is an issue concerning the detailed arrangement, and is completely in line with the original motion. As for the point "to completely abolish functional constituency seats in the Legislative Council", it does not violate the 2007 NPCSC's decision in the slightest as he has not specified the year.

President, I would like to appeal to all colleagues for their support of my original motion and negation of Ir Dr LO Wai-kwok's amendment. On other amendments, I will suggest Members voting for all of them, apart from the one raised by Mr WONG Yuk-man. Thank you, President.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, regarding the original motion moved by Mr Ronny TONG, there are a total of five Members, including Ir Dr LO Wai-kwok, Mr Gary FAN, Ms Emily LAU, Mr WONG Yuk-man and Dr KWOK Ka-ki, proposing amendments to it. Also, more than 30 Members have just given their views on this motion. I would like to give some responses in my following speech.

Firstly, the Basic Law and the Decision passed by the Standing Committee of the National People's Congress (NPCSC) in 2007 have provided a clear direction and a timetable for Hong Kong to move towards universal suffrage.

The Basic Law is the constitutional paper of the Hong Kong Special Administrative Region (SAR) and the Decision of the NPCSC is a solemn and legally-binding decision. Their authority is beyond doubt. The SAR Government will show our greatest sincerity and do our utmost to promote the implementation of universal suffrage based on the provisions of the Basic Law and the Decision of the NPCSC.

The current Government will formulate the methods for the election of the Legislative Council in 2016 and the election of the Chief Executive by universal suffrage in 2017. As stated by the Chief Executive in the Policy Address, the Government will initiate the constitutional procedures at an appropriate juncture and widely consult different sectors of society, including the Legislative Council.

Members have requested in the original motion and their speeches that the SAR Government should expeditiously initiate the procedures and commence public consultation on the two election methods. Ir Dr LO Wai-kiok has proposed in his amendment that sufficient time should be allowed for consulting the general public. I fully appreciate Members' concern. On the promotion of constitutional development, the SAR Government will not change our tune or go in reverse. As stated by the Chief Executive earlier, the most urgent task of the Government is to deal with the more pressing livelihood issues, including housing and poverty alleviation, which are gravely concerned by the people. However, we will definitely leave sufficient time for the public to fully discuss these two election methods and for us to complete the relevant legal procedures.

In conducting the public consultation, we will take an open, well-balanced, pragmatic and aggressive attitude to listen to the people, different sectors of society and Members from different parties on their views on the two election methods. We will then fully and truthfully reflect these views to the Central Government.

Besides, some Members have just given specific views on the election of the Legislative Council in 2016 and the election of the Chief Executive by universal suffrage in 2017. I must emphasize that the SAR Government does

not have any developed proposals for these two elections. I believe these specific views and other views will be fully discussed by the public in detail during the public consultation.

President, the Basic Law has outlined a clear blueprint for Hong Kong's constitutional development and the Decision of the NPCSC in 2007 has clearly specified the timetable of universal suffrage. The current Government will strictly follow the provisions of the Basic Law and the NPCSC's decision to formulate the election methods for the 2016 and 2017 elections in a proper manner.

According to the provisions of the Basic Law, we must secure the support of a two-thirds majority of all the Legislative Council Members for our bills to amend Annexes I and II of the Basic Law to be passed. Some may feel pessimistic and some do not think it is easy for us to achieve this. However, I think we cannot let our people down. As long as all Members in this Chamber can let go their partisanship and attach the greatest importance to the overall and long-term interests of Hong Kong, we can work together with different sectors of society to seek common ground while reserving differences, forge consensus, and jointly promote constitutional reform in accordance with the provisions of the Basic Law and the NPCSC's decision. By doing so, we can definitely achieve universal suffrage.

President, I so submit.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok, you may now move your amendment to the motion.

IR DR LO WAI-KWOK (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

Ir Dr LO Wai-kwok moved the following amendment: (Translation)

"To add ", as the timetable for implementing universal suffrage has not come by easily," after "That"; to delete "expeditiously commence" after "the SAR Government to" and substitute with ", in accordance with the

provisions of the Basic Law and the relevant decisions of the Standing Committee of the National People's Congress ('NPCSC'), reserve sufficient time to conduct"; to delete "implementing dual universal suffrage and, before the submission by the Chief Executive of a" after "extensive consultation on" and substitute with "the methods for the election of the Chief Executive by universal suffrage in 2017 and the election of the Legislative Council in 2016, so as to allow sufficient time for the general public to discuss the contents of the consultation document; and, in the"; and to delete "to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report" immediately before the full stop and substitute with "to be submitted by the Chief Executive to NPCSC, to truthfully and fully reflect the views of the general public; this Council appeals to the various social sectors and political parties, with a rational and accommodating attitude of seeking common ground while reserving differences, strive to forge social consensus in the process, and join hands to promote and achieve the aim of dual universal suffrage."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ir Dr LO Wai-kwok to Mr Ronny TONG'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 Ronny TONG rose to claim a division.

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

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 against the amendment.

Geographical Constituencies:

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 CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted for the amendment.

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN

Chi-chuen, Dr Kenneth CHAN, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG 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, 31 were present, 22 were in favour of the amendment and nine against it; while among the Members returned by geographical constituencies through direct elections, 33 were present, 14 were in favour of the amendment and 18 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.

MR ANDREW LEUNG (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Implementing dual universal suffrage" or any amendments thereto, this Council do proceed to each of such divisions 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 "Implementing dual universal suffrage" or any amendments thereto, this Council do proceed to each of such divisions after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr Gary FAN, you may move your amendment.

MR GARY FAN (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

Mr Gary FAN moved the following amendment: (Translation)

"To add ", as Articles 45 and 68 of the Basic Law provide for the selection of the Chief Executive and the election of the Legislative Council of HKSAR by universal suffrage as the ultimate aim," after "That"; and to add "; the contents of the report on constitutional reform should include: (1) to completely abolish the functional constituency seats in the Legislative Council in 2016, allowing Hong Kong people to elect all Legislative Council Members by the method of 'one person, one vote'; (2) on the election of the Chief Executive in 2017, to adopt a low nomination threshold, and allow Hong Kong people to elect the Chief Executive by the method of 'one person, one vote'; and (3) to ensure that the proposal on constitutional reform complies with the principles of universality and equality under Article 25 of the International Covenant on Civil and Political Rights of the United Nations, i.e. Hong Kong people should have the right and the opportunity to vote and to be elected in fair, impartial

and open elections of the Chief Executive and the Legislative Council" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Gary FAN to Mr Ronny TONG'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 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 amendment.

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

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, 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 CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted against the amendment.

Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, nine were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 33 were present, 15 were in favour of the amendment, 14 against it and three abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Ms Emily LAU, you may move your amendment.

MS EMILY LAU (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

Ms Emily LAU moved the following amendment: (Translation)

"To add ", as the general public longs for expeditious implementation of dual universal suffrage," after "That"; to delete "and" after "dual universal suffrage"; and to add "the contents of which should include: (1) to reduce the number of functional constituency seats, increase the number of seats returned by geographical constituencies and abolish separate voting in the Legislative Council in 2016; and abolish all functional constituency seats no later than 2020, so as to achieve the aim of conducting elections based on universality and equality; (2) on the election of the Chief Executive in 2017, to directly elect the Chief Executive on a 'one person, one vote' basis; the procedure for nominating candidates must be democratic and fair; the nominating committee should not screen or pre-select candidates and should not use the nomination threshold to exclude people with different political views; the nomination threshold should not be higher than the current requirement of one-eighth of the nominating committee members, an upper limit should be set on the number of subscribers obtained by a candidate, and the nomination mechanism should be opened up, so that people with nominations of a certain percentage (e.g. 3%) of the registered voters can be nominated as candidates; and (3) with the mode of 'legislating in one go, implementation in phases', to formulate methods for the election of the Chief Executive in 2017 and the elections of the Legislative Council in 2016 and 2020, and to ensure compliance of the methods with the definitions of universality and equality under international covenants on human rights; and" before "before the submission"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Emily LAU to Mr Ronny TONG'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 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 amendment.

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

Geographical Constituencies:

Mr LEE Cheuk-yan, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, 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 LEUNG Kwok-hung, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted against the amendment.

Mr LEUNG Yiu-chung, Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, nine were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 33 were present, 13 were in favour of the amendment, 15 against it and four abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you may move your amendment.

MR WONG YUK-MAN (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

Mr WONG Yuk-man moved the following amendment: (Translation)

"To delete "expeditiously commence extensive consultation on implementing dual universal suffrage and, before the submission by the Chief Executive of a report on constitutional reform to the Standing Committee of the National People's Congress, to allow sufficient time for the general public to discuss the contents of the report" immediately before the full stop and substitute with "convene a constitutional amendments convention composed mainly of public opinion representatives and constitutional experts to study amendments to the Basic Law and propose using the methods of 'one person, one vote' and 'no screening of nominations' for electing the Chief Executive ("CE") and Legislative Council Members, to be followed by the SAR Government's proposal of bills for amendments to the relevant parts of the Basic Law and the conduct of a referendum on such amendment proposals; after passage of the referendum but before implementing dual universal suffrage, Legislative Council Members to resign *en masse*, and CE to also resign, with civil servants maintaining the daily operation of the SAR Government; following the election of CE by universal suffrage on a 'one person, one vote' basis and the appointment of a new team of accountability officials, the election of the Legislative Council by universal suffrage must be implemented immediately"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Yuk-man to Mr Ronny TONG'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 Albert CHAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHAN 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 CHEUNG Kwok-che voted for the amendment.

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

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Dr Joseph LEE, Mr Charles Peter MOK, Mr Dennis KWOK and Mr IP Kin-yuen abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Cyd HO, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Mr Gary FAN, Mr CHAN Chi-chuen and Dr Fernando CHEUNG 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 CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted against the amendment.

Ms Emily LAU, Mr Ronny TONG, Mr Alan LEONG, Ms Claudia MO, Mr WU Chi-wai, Dr Kenneth CHAN, Dr KWOK Ka-ki, Mr SIN Chung-kai and Dr Helena WONG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, one was in favour of the amendment, 22 against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 33 were present, nine were in favour of the amendment, 14 against it and nine abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you may move your amendment.

DR KWOK KA-KI (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

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

"To add "; the relevant contents should include: (1) to respect public opinions: before initiating the five-step mechanism for constitutional reform, sufficient time must be allowed for discussion by the public and the Legislative Council; and the Government should conduct public consultation lasting no less than six months within 2013; (2) to conduct

public consultation on reforming the methods for the elections of the Chief Executive and the Legislative Council respectively, so as to make the arrangements for the election of the Legislative Council in 2016 as early as possible; (3) to completely abolish functional constituency seats in the Legislative Council; (4) to lower the nomination threshold for standing for the election of the Chief Executive, allowing people to elect the Chief Executive by the method of 'one person, one vote'; and (5) to ensure compliance of the methods for the elections of the Legislative Council and the Chief Executive with Article 25 of the International Covenant on Civil and Political Rights of the United Nations, i.e. every citizen 'shall have the right and the opportunity without unreasonable restrictions: To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage guaranteeing the free expression of the will of the electors'" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr KWOK Ka-ki to Mr Ronny TONG's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Dr KWOK Ka-ki rose to claim a division.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki has claimed a division. The division bell will ring for 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.

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

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Alan LEONG, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, 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 CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted against the amendment.

Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, nine were in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 33 were present, 14 were in favour of the amendment, 14 against it and four abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): As Mr Ronny TONG has used up his speaking time, he may not reply.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Ronny TONG 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 Ronny TONG rose to claim a division.

PRESIDENT (in Cantonese): Mr Ronny TONG 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, Mr Vincent FANG, Dr Joseph LEE, Mr CHEUNG Kwok-che, Mr Frankie YICK, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen and Mr CHUNG Kwok-pan voted for the motion.

Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Miss CHAN Yuen-han, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr TANG Ka-piu and Ir Dr LO Wai-kwok voted against the motion.

Mr CHAN Kin-por, Mr MA Fung-kwok, Mr Martin LIAO, Mr POON Siu-ping and Mr Tony TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Mr Paul TSE, Mr Alan LEONG, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, 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, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT and Dr CHIANG Lai-wan voted against the motion.

Mrs Regina IP, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Mr Michael TIEN and Mr CHAN Chi-chuen abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 12 were in favour of the motion, 14 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 33 were present, 15 were in favour of the motion, 11 against it and six 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): It is now 8.46 pm. As there is still a motion debate on the Agenda, which have to be dealt with, it is unlikely that it will be finished by midnight today. Therefore, I will suspend the meeting at about 10 pm.

PRESIDENT (in Cantonese): Seventh Member's motion: Ensuring occupational safety.

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

I now call upon Mr POON Siu-ping to speak and move the motion.

ENSURING OCCUPATIONAL SAFETY

MR POON SIU-PING (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. Today is the 11th day of the first lunar month. After the Chinese New Year holiday, apart from the Legislative Council which resumes its meeting, I believe that many workers in construction sites will go back to work. I very much hope that in the new year ahead, there will be a substantial decrease in the numbers of occupational and industrial casualties so that the economic development of Hong Kong will not be marred by the loss of workers' precious lives when various infrastructural projects are carried out in full swing.

Industrial safety in Hong Kong had at one time showed some promising signs. In 2010, there were only 18 deaths resulted from work-related injuries, nine of which happened in the construction industry, the lowest figures in the past 10 years. The Government did not regard the low industrial casualties was due to lagged-behind effects of the construction projects. It claimed that the significant improvement in work safety and health was the fruit of the Labour Department's three-pronged strategy of legislation and enforcement, publicity and promotion as well as education and training, resulted in constant enhancement of safety and health levels in work places, as well as the concerted efforts of various parties. Unfortunately, a year after the Government's bragging of the significant improvement in occupational safety in Hong Kong, the number of fatal industrial accidents in 2011 bounced back to 29, with 23 involving the construction industry. Last year, that is, 2012, there were 24 fatal industrial accidents, 15 cases involved the new works projects and the remaining nine cases involved repair, maintenance, alteration and addition works. The three-pronged strategy claimed by the Labour Department suddenly failed.

Last year, the casualties caused by industrial accidents were just shocking and unbearable. In October alone, there were seven industrial accidents, including the collapse of the steel platform in the caisson works of the artificial islands of the Hong Kong-Zhuhai-Macao Bridge, causing one death and 14 injuries. Electrocution cases happened one after another, the victims included a 23-year-old worker who just stepped into society and a middle-aged ethnic minority worker who was the bread-winner of his family. Even during the joyous Christmas holiday, a worker fell from a working platform to his death. Whenever we read about the news report on such accidents, we feel sad. It is

hardly acceptable that in such a highly developed society as Hong Kong, its development still costs the lives of workers.

In this year's Policy Address, the Chief Executive advocated infrastructural development and economic development, and decided to carry out massive construction. The annual expenditure on public works is expected to be over \$70 billion. Early this month, the Transport and Housing Bureau submitted a paper to this Council, advising that it would complete the Public Rental Housing (PRH) project in 2017-2018 ahead of schedule, increase the production of PRH units from 75 600 to 79 000 and it has decided to shorten the target PRH construction time from seven years to five years. In the construction industry, the employer groups have been complaining about the short supply of manpower and demanding the importation of labour to meet the needs of future works. However, so far we have not heard the Government say anything about reviewing seriously the shortcomings of the construction industry and enhancing the safety measures for the protection of construction workers. I move this motion today to call upon everyone to stop for a moment and ponder, amid the call for the speedy construction of housing and large-scale infrastructures, how should we value the life and safety of workers?

Of course, I cannot say that the Government completely disregards industrial casualties. For example, last year after the repeated occurrence of cases involving electrocution, the Labour Department stepped up the law-enforcement actions and upon detection of any non-compliance cases during the inspection, prosecution would be initiated and suspension notices would be issued immediately. The Labour Department also joined hands with the Occupational Safety and Health Council (OSHC) to step up the publicity campaign. These measures should certainly be taken, but the problem is, after some time when memory of the incidents has faded away and people have become less alert, what would happen then? Do we have to wait till another tragedy in which another worker is electrocuted before the relevant department sounds the alarm again to remind everyone to pay attention to work safety?

In November last year, I posed a question to the Government on the number of prosecutions instituted against employers for violation of the Occupational Safety and Health Ordinance and the Factories and Industrial Undertakings Ordinance, and the penalties imposed by the Court. People falling from height has always been the number one cause of fatal industrial accidents in

the construction industry. There were six such accidents in 2010 and 10 in 2011 but the maximum statutory fine for the relevant offence, that is, failure to take sufficient steps to prevent a person from falling from height, is only \$200,000. The highest fine meted out in 2010 was only \$50,000 and the average amount of was \$14,387. The highest fine in 2011 was only \$56,000 and the average was \$14,230. Another common offence is failure to provide and maintain safe plant and system of work and the maximum statutory fine of this offence is \$500,000. However, in 2010, the highest fine imposed on law-breaking employers was \$120,000 and the average fine \$14,920; and in 2011, the highest fine was \$50,000 and the average fine \$14,368. The average fine for failure to prevent someone falling from height was only 7% of the maximum fine while the average fine for failure to provide and maintain safe plant and system of work was even less than 3% of the maximum fine. Secretary, human life is not a commodity; the life and safety of workers should not be exchanged for a fine of merely some \$10,000. I demand the Government to comprehensively review the criminal liability of the violation of industrial safety legislation and impose heavier penalties.

The law requires the employer or developer to employ on-site safety officers to monitor the compliance of safety measures in the construction sites. Developers undertaking public works projects will be given demerit points if industry accidents happen in their projects and their chance of being granted public works projects again will be reduced. These measures are well-intended, hoping to improve the safety of construction sites but many problems arise in practice. For example, as on-site safety officers are employees of the developers, there is a conflict of roles in their strict enforcement of on-site safety measures. As employees of the developer, they have to ask their employer to increase the construction costs to prevent likely industrial accidents. This conflict is especially obvious when the works have to be completed a very tight schedule. In the end, on-site safety officers have to compromise with their employers and even become the scapegoat should an industrial accident occur in the construction site. The demerit points system in the construction site is intended for the protection of workers, but it may lead to some undesirable practices. For example, a developer may, by hook or by crook, employ every tactic to cover up the industrial accidents in the construction site. These well-intended measures must be reviewed and improved.

President, I declare that I am a member of the OSHC. The OSHC is responsible for the publicity and education work in respect of occupational safety, and the power to formulate policies and enforce the relevant legislation is vested with the Labour Department. To my understanding, the OSHC has tried to make good efforts within its ambit to promote occupational safety. For example, it has launched the "Occupational Safety and Health Gold Star Enterprise" which allows enterprises with good track record in occupational safety to take out labour insurance at a concessionary premium, and it has also introduced the concept of occupational safety to schools, so as to instill this concept in young people and arouse their awareness while they are still at school.

The OSHC has promoted the establishment of the "Safe Community" in various districts in Hong Kong since 1999. "Safe Community" is recognized by the World Health Organization, the aim is to link up various organizations in a community, including government departments, commercial organizations, schools, hospitals and also local service groups to join hands in providing the community with a safe working and living environment. This is a very good concept. Especially in recent years, with large number of building renovation works, as well as minor works such as installation of air conditioners being carried out in Hong Kong, the best approach is to promote the safety concept on a community basis. However, not all 18 districts have participated in the "Safe Community" Scheme and those districts that have participated emphasize on different themes. I suggest that the various branch offices of the Labour Department, the District Offices of the Home Affairs Department and the District Council should work in concerted efforts to co-ordinate the implementation of the "Safe Community" Scheme, especially in the monitoring of the small works carried out in various districts to ensure the work safety of workers.

President, there are many issues relating to occupational safety, and I have to mention one particular issue, the scope of occupational diseases prescribed by the current legislation lags far behind the current needs. The Federation of Hong Kong and Kowloon Labour Unions (FHKKLU) that I belong to has repeatedly requested the Government to review the types of occupational diseases prescribed by the current Employees' Compensation Ordinance and incorporate some common diseases in the list of occupational diseases, such as varicose veins suffered by salespersons and waiters who have to stand all the time, hearing impairment suffered by telephone operators, as well as shoulder and back pain suffered by clerical workers. As regards the working environment, the

FHKCLU also requests that the guidelines on protection of employees working in inclement weather should be upgraded to have legal effect. Only when these are kept abreast with the times and improvements are carried out promptly can the employees' occupational safety be ensured.

With these remarks, I hope that colleagues in this Council will support my motion. Thank you, President.

Mr POON Siu-ping moved the following motion: (Translation)

"That, as more large-scale works projects will commence in Hong Kong in the future, but the number of fatal industrial accidents in the construction industry remains high, this Council urges the Government to expeditiously adopt effective measures to ensure occupational safety."

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

PRESIDENT (in Cantonese): Three Members wish to move amendments to this motion. This Council will now proceed to a joint debate on the motion and the three amendments.

I will first call upon Mr LEE Cheuk-yan to speak, to be followed by Mr TANG Ka-piu and Mr SIN Chung-kai respectively; but they may not move amendments at this stage.

MR LEE CHEUK-YAN (in Cantonese): President, Mr POON Siu-ping moves a very timely motion for this Chinese New Year holiday. I always write some couplets during the Chinese New Year and one of them is "A smooth start for work". To have a smooth start for work, it is most important is "to go to work cheerfully and go home safe and sound". However, with so many work injuries and fatal accidents over the years, it is by no means easy to be able to "go back home safe and sound".

I started my first job in 1978 in the Industrial Health Centre in Kwun Tong, responsible for dealing with occupational diseases and industrial safety. At that time, Hong Kong was undergoing industrial development, other than the construction industry, many tragedies happened in other industries and many tragic work injuries happened in factories. At that time I hope that I could help to reduce the number of industrial accidents, and at the same time, strive for the establishment of some systems to prevent occupational diseases. Later, I joined the Hong Kong Christian Industrial Committee in 1980 and one of my responsibilities was also related to industrial safety. The Association for the Rights of Industrial Accident Victims that we established then still continues to promote industrial safety in Hong Kong today. I was deeply impressed by a protest banner at that time, which said "Saddened by the prosperity of Hong Kong, our tears are dry".

For many years, we have witnessed the prosperity of Hong Kong, but who had helped in building up this prosperity? It is the workers. However, sadly, many workers had sacrificed in the process. Today, even though industrial safety has been improved and I also recognized the efforts made by everyone in the past decades to improve the situation, there are still over 50 000 industrial accidents on average every year, with about 200 deaths. Of course, among the fatal cases, some involve traffic accidents or other accidents, but in recent years, there is a trend of increasing accidents in construction sites. Last year, at least 22 people died and eight were seriously injured in accidents relating to work-at-height activities; and there were a total of seven deaths involving electrical work.

Therefore, the number of accidents is still high even of today. Of course, when compared with the factory era in the past, when there were many accidents causing broken arms and broken fingers, the situation has improved. Owing to the restructuring of our economy, the service industry has taken over the manufacturing industry, and the nature of industrial accidents has changed. It is only a change in the nature of accident. But does it mean that Hong Kong has progressed to a point that we can be satisfied? Absolutely not. We think Hong Kong can do better. Therefore, I have raised a few proposals in my amendment today.

First, we must legislate on work safety in the stage of construction design. The Guidelines of Construction Design Management has been implemented in

Hong Kong, and I hope that the works professionals and the management staff of construction sites will, at the stage of construction design, take into account work safety during the construction stage, as well as works safety and health during the subsequent maintenance stage. But these are only guidelines. The United Kingdom, however, has enacted legislation clearly defining the legal liabilities of the property owner, construction design management co-ordination staff, construction design staff, the principal contractor and sub-contractor, and so on. For example, the Construction (Design and Management) Regulations 2007 of the United Kingdom provides that construction design staff have to draw up proposals on how to eliminate hazards and risks during the works design stage, and they also have to conduct detailed consultation on the remaining risks. In other words, work safety have been completed when the design stage commence. Risk management in this respect is very important, but Hong Kong has yet to put this in practice. If it can be done at the design stage, accidents can be reduced.

Let me cite an example. There was a case in which the worker had to change light bulbs, but there were a flight of stairs and a slope underneath the lights, making it not possible for workers to step on a ladder to change the light bulbs. This setting would increase the risk of injury. If consideration of the risks involved has been made in designing the layout, accidents would be avoided. We hope that Hong Kong can make some advancement in this aspect and introduce legislation concerning the safety responsibility in the design. I hope that the Bureau can seriously consider my suggestion and promote this idea, so as to further improve the safety level in Hong Kong.

Secondly, we think that it is very important to set a reasonable duration of construction. The Government always boasts that industrial safety has been improved, and when the Secretary came to this Council, he also told us that the numbers of fatal accidents and deaths had decreased. We are indeed very worried. Is the decrease due to the sluggish development of the construction industry? Will the numbers rise again when the construction industry thrives? This is the most worrying, especially with the infrastructure projects entering their construction peaks soon, will the numbers rise again? Why will they rise? Very simple, more accidents will likely occur when workers are working against the clock and when the works slow down, the number of accidents will decrease. This is normal. Therefore, if workers have to constantly work against the clock, and we do not have the concept of a reasonable duration of construction, we are worried that in the end, safety will be sacrificed for efficiency, which is the last

thing we want to see. Therefore, I also put forward the proposal for setting a reasonable duration of construction in my amendment.

Moreover, there is a major problem with the taking out of workmen's compensation insurance (labour insurance) at present. Of course, it is provided that the principal contractor can take out the insurance for the subcontractor but as an employer, the subcontractor is directly responsible for taking out the insurance, and that leads to the problem of "false self-employment". If a "false self-employed" worker has an accident, he will not be compensated and his accident will not be regarded as one entitled to compensation. Very often no one would care in the end.

Therefore, in my view, it is very important to determine who should bear the responsibility. It is better to require by law that the principal contractor should take out labour insurance for all workers engaged in construction works, including employees of subcontractors and self-employed workers. I hope the construction industry will not be bound by the old concept. Do not say that workers are self-employed. In fact, they all work in the construction site, and the principal contractor is actually the employer. He should take out labour insurance for all workers, including those so-called self-employed workers, and bear full responsibility. This approach is the most clean-cut and direct.

Another demand we wish to make is to have the principal contractor report work injury accidents. At present there is a rather odd phenomenon. The number of deaths in the construction industry at its peak was over 50 and now we are happy to see that the number has dropped. But the number is still over 20, which is still alarming. The number was below 10 in 2010 but now it has risen because of the tight schedules of works. However, it is rather odd that as while the number of fatal accidents continues to rise, the work injury accident rate is dropping. When the number of fatal accidents increase, the rate of work injury accident should also increase unless the construction sites have become safer, but the increase in fatal accidents should mean that the sites have become more dangerous instead; then why has the red line indicating the work injury accident rate has not risen? The reason is very simple, that is because these accidents have not been reported. This is a very bad situation as the safety has not been improved but it is only because the accidents have not been reported, making the accident rate look better. This is only a false impression.

Why are these accidents not reported? That is because of the demerit point system. If an accident happens, the principal contractor will employ some tactics to make the subcontractor pay the administration charges and deduct the money they should get. As a result, the subcontractor will just not report them and demand the injured workers to do the same. This puts workers in a difficult situation but presents a lower accident rate. Hence, under such circumstances, we might as well require the principal contractor to report the accidents, that is, to have one party take all the responsibilities. Only in so doing can stop giving people the false impression that work safety has improved.

I very much hope that the Secretary will implement these reform measures so that workers can go home safe and sound. Thank you, President.

MR TANG KA-PIU (in Cantonese): President, today Mr POON Siu-ping has moved a motion with a concise and cogent title, "Ensuring occupational safety", allowing Members who are concerned about workers to put forward proposals demanded by workers. For example, Mr LEE Cheuk-yan proposes in his amendment to require principal contractors in the construction industry to bear the legal liability to take out workmen's compensation insurance (labour insurance) for all workers engaged in construction works in the construction site. My amendment is to add on Mr LEE Cheuk-yan's amendment, meaning that I agree to Mr POON Siu-ping's motion and Mr LEE Cheuk-yan's amendment.

The proposal that the principal contractor should take out labour insurance for all workers engaged in construction works is actually our aspiration and demand. If we review the Guidelines on Measures for Protection of Workers' Entitlement to Wage Payment drawn up by the Construction Industry Council in August 2010, it clearly states that contractors must ensure that all self-employed persons are covered by the personal accident insurance. This requirement actually lags far behind our expectation. First, these guidelines recognize that self-employed workers can work in the construction industry, and such workers are not those engaged in renovation but construction workers; second, the guidelines do not require mandatory compliance and they fall far short of the labour sector's aspirations.

Therefore, if the construction sector keeps talking about the shortage of local workers and want to import foreign labour, may I ask the construction

sector, in particular the business sector, what have they done to meet the construction workers' demand in relation to their protection and remuneration? These are problems that we need to ponder. The construction workers union, a member union of the Federation of Trade Unions (FTU) have reflected to us, although the construction industry has been booming in recent years with property prices being sky-high, the contractor of Providence Bay in Tai Po, sold at a price of \$17,000 per square foot, had shamefully failed to pay the last batch of workers who completed the project. The contractor of a popular residential development project at high property price had not paid workers their wages. Of course, the subject under discussion today is occupational safety but I want to point out here that while the construction industry obtains large quantities of resources and reaps huge profits, it still fails to meet the humble request of the labour sector to "protect workers' safety". We feel deeply regrettable.

The subject of today's motion actually covers a wide scope, not just workers in the construction industry, but also all wage earners in Hong Kong. Hence I especially mention professional drivers who may sacrifice their lives for the work and the pay. Let us look the statistics in 2012, which have also been mentioned earlier. There were 24 cases of death in that year, 23 involving the construction industry. If professional drivers were included, there should have been more than 24 cases, perhaps 34 or even 44, but that is only my estimation and I do not have the actual figures.

I have raised this question in this Council time and again, four times to be exact. I had asked the Labour Department, the police, the Social Welfare Department (SWD) which has launched the Traffic Accident Victims Assistance Scheme, and also the Transport Department how many professional drivers died in traffic accidents every year, but none of the departments can provide me with any figures. I asked the police how many taxi drivers died in traffic accidents last year, the police did not have the figure. I then asked the SWD, it told me that it only had the number of drivers died in traffic accidents, which was over 30 last year, but it did not have a breakdown of the number of professional drivers. Professional drivers are wage earners, they do not drive for pleasure. When we discuss the seriousness of job-related accidents in Hong Kong, if we leave out the 100 000-odd professional drivers, irrespective of whether they are self-employed, false self-employed or truly being employed, are we fair to these people who are serving Hong Kong silently?

Concerning the causalities of professional drivers, we can only make a guess without the backing of statistics. I have sifted through the information in 2012 via WiseNews to see how many news reports concerning fatal accidents involving professional drivers. I found there were 12 cases. There might be fewer or more cases, or it might also be possible that some drivers were critically hurt on the day the news was report and died a few days later unfortunately. For example, on 28 December 2012, a driver was crushed by the board at the rear end of a lorry at the container freight terminal of the airport. The driver died in the hospital after five days of suffering. I learned about this accident from his family, and it was only reported in the news that he was critically injured. He was actually a professional driver who gave his life to his work. How high is the rate of accidents causing injury or death to professional drivers? There is no such information. Has the Secretary, whether the Secretary for Transport and Housing or the Secretary for Labour and Welfare, looked squarely at this issue? Of course, they will certainly answer that the authorities will, together with the Occupational Safety and Health Council and trade unions, hand out publicity pamphlets or publicity materials at the taxi/mini bus terminuses but is it enough to solve this problem?

Last year, I handled a case involving a taxi driver. It was not a traffic accident but the driver suffered gravely. After he delivered the passenger to the destination, the passenger refused to pay, threw a fit and beat up the 63-year-old driver badly. The driver was half-paralysed consequently. This was a tragic case, and the driver was not even eligible to apply for the Traffic Accident Victims Assistance Fund. To put it not so nicely, he could not even get a "driver's award" because it was not a traffic accident. Moreover, because he is a taxi driver, no one has taken out labour insurance for him. However, these kinds of incidents are not uncommon.

In January this year, we were glad to learn that even though the construction industry has very tight schedules, there have not been any unpleasant reports on work injuries so far. However, between January and February 2013, there were many accidents in the transport industry involving professional drivers. One of the cases, which Members may still recall, was the tragedy that happened in Disneyland but it was not counted. Among the 24 cases of death that happened last year, such kind of accident was not included. We have asked the Labour Department, the answer was that the victim was self-employed and hence he was not counted and no one would report it as a work injury accident.

Although they were not being employed, they were working at the time of the accident, not driving around for fun. The problem can only be solved when there are actual figures because only then can the public understand the fact and the industry see the true picture. Therefore, I once again urge the various government departments to at least respond to the concern of the labour sector in this respect: how many professional drivers are injured or died while working each year. I hope that the authorities concerned will have a new way of conducting the surveys, even though they may not have done so before. The authorities concerned must give us an account; otherwise it is unfair to the victims who died under the wheels.

In the face of professional drivers and workers in industries and trades whose nature of employment may not be clear, the FTU has proposed long ago to set up a "central employees' compensation fund". As many incidents have happened in the tourism industry lately, a group of tour escorts and tourist guides have made the same demand. Of course their risks of work injuries are much lower than professional drivers, but I believe that the Government should also actively consider setting up a "central employees' compensation fund" for them. In fact, I have set up a concern group jointly with some professional drivers and professionals and we hope that the Government will set aside a certain percentage of the levies on the transport industry or transport-related levies, either the licence fees or the royalty payments for the use of various tunnels which amount to over \$1 billion, to provide minimum protection for all registered professional drivers. When these drivers fall victim to job-related accidents, they can at least enjoy a period of protection of two years, such as that provided under the current Employees' Compensation Ordinance. Or if they unfortunately died, they can at least receive a compensation of close to \$300,000 so that their families can have immediate relief. I so submit.

MR SIN CHUNG-KAI (in Cantonese): First of all, I wish to thank Mr POON Siu-ping for proposing a motion on "Ensuring occupational safety". The Democratic Party supports the original motion, as well as the amendments proposed by Mr LEE Cheuk-yan and Mr TANG Ka-piu, as the amendments proposed by the two Honourable Members have enriched the details of the original motion and sought to ensure occupational safety by means of contractual obligations, inspection or administrative measures. We support all their proposals.

I mentioned enacting legislation on setting standard working hours and working hour limits in my amendment. First of all, I have to emphasize that I have no intention to hijack the discussion on occupational safety as proposed by the original motion, but we consider that it would be considerably inadequate if we only discuss about occupational safety without touching upon standard working hours. Very often, occupational hazards are caused by overworking; therefore, the protection of standard working hours and occupational safety are relevant. For that reason, I wish to state clearly in the first place that I do not wish my amendment will cause any clash with the original motion.

I wish to explain my amendment. According to the election platform of the Democratic Party, the increase in the number of some industrial accidents is a result of long working hours as workers would suffer from excessive fatigue. The Democratic Party thus calls for the Government to study legislating for setting standard weekly working hours and working hour limits. We should enact legislation on all these measures. Except emergency services, employers should allow employees to enjoy a rest break of at least 20 minutes after five hours of continuous work. The Democratic Party considers that the Government should study the legislation of the above two measures as soon as possible, so that the two can complement with each other. Nevertheless, the Chief Executive LEUNG Chun-ying seemed to be evasive about standard working hours when he attended the Legislative Council meeting, why do I say so? It was because he initially advocated legislating for standard working hours, now only a consultation was proposed. The Democratic Party would like to urge that the Chief Executive to honour the pledges he made during the election.

The Democratic Party considers that legislating for employees' rest breaks is simpler than legislating for standard working hours. Certainly, to general wage earners or white-collar workers, rest break is perhaps no big deal, because they would have a lunch break after working for four to five hours or three to four hours, but to people engaging in specific types of work, in particular professional drivers, they may not be able to have adequate rest time due to the duty roster arrangement. The Democratic Party will keep on urging the Government to legislate for standard working hours, and before enacting the legislation, a comprehensive consultation should be conducted. I know that the Secretary will tell us in his subsequent reply that the administration has compiled a report of 300 pages and he has carried out some studies in that area.

With regards to measure concerning rest break, the Labour Department published the Guide on Rest Breaks in 2003 and (I quote): "draw the attention of employers and employees to the importance of rest breaks and encourages them to work out through consultation rest break arrangements suitable for the employees as well as meeting operational needs of the business Although this Guide does not have a legal binding effect, it recommends that all employers should adopt the best practice of working out, in consultation with their employees, a rest break arrangement for all workers after a continuous period of work" (unquote). President, this Guide has been implemented for some times, of course this is the wishful thinking of the Government that employers would consult their employees and both parties would agree on the arrangement. This is certainly desirable for both parties. However, in Hong Kong, employees and employers are not on an equal footing, and we do not have collective bargaining. For that reason, perhaps large consortia or institutions which attach more importance to corporate social responsibility would carry out the consultation. Many enterprises, in particular small and medium enterprises, cannot make such arrangement, or they just would not do so, or they simply fail to comply, therefore, the ultimate solution is to enact legislation to issue guidelines and regulations.

If we look around the world, in Singapore, workers will enjoy a rest break after working for six hours, and they are entitled to a break not less than 45 minutes when they have worked in excess of eight hours. The situation in Korea is better perhaps owing to the power of its trade unions, Korean workers will enjoy a rest break for not less than 30 minutes after every four hours of work, and not less than one hour rest break for after working more than eight hours. With regards to Japan, 45 minutes break for every six hours of work and one hour break for working more than eight hours. I do not wish to make comparison with Macao, Taiwan, European Union and the United Kingdom, basically there will be a rest break after four to six hours of work. In the less ideal case, workers enjoy at least a 15-minute rest break after working for six hours. For that reason, we propose a rest of no less than 20 minutes after five hours of continuous work, which can be said to be better than that of the European Union, but less favourable when compare with Macao, Japan or other neighbouring places. Our proposal is actually a mid point between the highest and the lowest, which I hope the Government would understand.

Now that the Government is promoting 10 major infrastructure projects, and recently friends from the business sector are calling for the importation of foreign labour, thus there is increasing pressure on demanding workers to work faster. Any delay would result in a rise in the industrial casualty rate. There are many reasons causing an increase in industrial casualty rate, and it is definitely related to the number of projects. Yet, the legislation and measures for workers protection are also relevant. Therefore the Government should also take that into consideration.

We also have to mention why protection should be given to the number of working hours. Workers cannot stay vigilant after working long hours. Many construction workers may have to complete a couple of tasks within a short period in order to get the work done faster. I have friends working in construction sites, overnight work is not uncommon. Although environmental regulations kept a tight rein on overnight work in construction sites, some works can still be conducted overnight as long as no noise is generated, which would in fact put more pressure on workers. Very often, workers would suffer from heat stroke when the weather is hot. People working in air-conditioned office will be better off, but we should not treat the matter lightly. Moreover, we also have to pay attention to health issues in office.

Just now I was talking about rest breaks, yet standard working hours is a bigger question. As far as I know, within the Legislative Council, friends from the business sector have already stated that the standard working hours issue is non-negotiable. However, besides the 300-odd page report compiled by the Secretary, the Chief Executive should do something to honour his election pledges. Members of this Council have a lot of votes in hands; therefore I believe the question will not necessarily be vetoed when it is put to vote. The stance of the Government on standard working hours is too dodgy; it can only be implemented only if the Government is resolute and determined enough to do it. It is rather difficult to gain consensus on this issue, in particular from the commercial sector. The Government can only rely on the support from the general public, as well as the votes to be cast by the solid grass-roots representatives within the legislature and Members who support the general public. I consider that a viable option should be sought in the first place.

Admittedly, Hong Kong's healthcare system cannot fully take care of wage earners who are suffering from injuries, for that reason, as far as this issue is

concerned, we consider that the Government should do something to enhance the health-care system for wage earners. Of course, we also hope that there would be no industrial accidents; it would be the ideal situation, but when industrial accidents happen, we should provide workers with better care.

I so submit.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr POON Siu-ping for moving the motion debate on "Ensuring occupational safety" and Mr LEE Cheuk-yan, Mr TANG Ka-piu and Mr SIN Chung-kai for proposing the amendments, giving me the chance to explain the Government's policies on occupational safety and health, and compensation for employees, as well as our latest work in this respect.

Mr POON Siu-ping is particularly concerned about occupational safety of the construction industry. With the gradual commencement of various large-scale infrastructural projects and large numbers of repairs and maintenance works of old buildings, and coupled with the continuous booming development of the construction industry to be expected in the next few years, more and more people are joining the construction industry. The number of construction workers has shown a significant increase since 2011. The number of fatal accidents in the whole year of 2012 increased from 23 in 2011 to 24, while the number in 2010 was only nine. The situation warrants our concern.

Mr TANG Ka-piu worries about the overly reliance of the existing occupational safety and health policy on the industry's self-regulation. I wish to explain clearly that the Government introduced the "target-oriented" "general duties" in 1989 and stipulated the safety objectives. According to the provisions, employers must, so far as reasonably practicable, ensure the safety and health at work of all their employees. Under such premise, employers are bound by various legal provisions, including the prescriptive provisions concerning the environment of the workplace, types of work and processes; at the same time they also have to bear the "general duties", which is to assess the risks with regard to the unique situation and hazards of the workplace and adopt effective systems and measures to protect the employees.

Take the construction industry as an example. The contractors, employers and workers have to comply with the "general duties", as well as the regulation on high-risk processes and the use of dangerous machinery or equipment. Mr TANG Ka-piu proposes to enact dedicated legislation to provide for work-at-height activities. In this regard, I would like to point out that the current legislation on occupational safety and health has already had a series of relevant provisions stipulating the safety requirements to be complied with when working at heights in a construction site and on a suspended working platform. There are also provisions concerning the "general duties" of employers, which is to ensure employees' work safety and health. Employers also have to ensure that employees have taken proper safety measures before working at heights in the workplace concerned.

Mr LEE Cheuk-yan requests the Labour Department to step up the inspections and prosecutions, and impose heavier penalties on law-breaking employers. I wish to point out that the Labour Department has all along endeavoured to employ a multi-pronged approach through inspection and law enforcement, education and training, and publicity and promotion to protect the work safety and health of employees. The Labour Department has stepped up its law-enforcement actions since 2011. In 2012, the Labour Department carried out about 64 000 inspections of construction sites and issued 683 suspension notices, an increase of 103% as compared with 2011. It also issued 1 208 improvement notices, an increase of 56% as compared with 2011. The Labour Department also instituted 1 928 prosecutions, an increase of 53% as compared with 2011.

At present, an employer who has violated the legislation on occupational safety and health is punishable with a maximum fine of \$500,000 and 12 months imprisonment. As far as we understand, when making its judgment, the Court will consider various factors, such as the merits of the case, the plea of the defendant, the average fines in the past, the past convictions of the defendant and the mitigating factors. Some Members consider that the fine levels for fatal or serious industrial accidents are too low to have sufficient deterrent effect. The Labour Department will consult the Department of Justice and provide more comprehensive background information to the Court for justified cases, including the serious consequences of the employer's negligence of safety measures, the cost of taking safety measures *vis-à-vis* the amount of fine, and also the latest situation of the occupational safety and health of the relevant work procedures in

the construction industry, in order to assist the magistrate in making the appropriate judgment.

Mr LEE Cheuk-yan also proposes to enhance occupational safety and health training for workers, and raise their awareness of occupational safety and health. We agree that education and training are important in improving on a continuous basis occupational safety and health. Construction workers have to undergo safety training, including basics safety training, which commonly known as the Green Cards, and when necessary they have to receive the safety training for specified high-risk work or operation of machines. The Labour Department had finished amending the contents of the revalidation courses for the Green Cards, adding the case analysis of some serious accidents commonly seen in construction sites and requiring lecturers to teach the classes in an interactive manner with the aid of readily comprehensible pictures and diagrams to enhance workers' awareness of the high risk processes. The new programme was launched on 1 October last year.

Mr TANG Ka-piu suggests the Government to consider motivating employers to dutifully shoulder the responsibility for ensuring employees' occupational safety and health, which we do agree. In fact, the Labour Department has all along endeavoured to achieve this goal by organizing large-scale publicity and promotional activities and subsidy schemes. For example, the Labour Department will continue to launch the annual large-scale scheme known as the Construction Industry Safety Award Scheme and also join hands with the industry to hold some seminars to disseminate messages about occupational safety through the media. They will also visit workers in construction sites to tell them about the cases of accidents in construction sites. Moreover, the Labour Department and the Occupational Safety and Health Council (OSHC) have also launched many schemes to subsidize small and medium enterprises in the construction industry to purchase safety facilities and provide relevant training to workers, so as to gradually improve their work habits in the relevant trades and industries.

Focusing on the seven fatal industrial accidents involving electrocution that happened in the construction industry in the latter half of last year, the Labour Department has also organized a series of publicity and promotion activities regarding the safety of electrical work in concert with the Hong Kong Federation of Electrical and Mechanical Contractors Limited and the OSHC. It has also

handed out publications on electrical work safety directly to people in the industry through the Hong Kong Electrical and Mechanical Contractors Association and trade unions. Safety warnings had been issued to about 90 000 registered electrical workers and electrical contractors to stop unsafe work practices.

In his amendment, Mr LEE Cheuk-yan suggests the Government to study the enactment of legislation to require sufficient regard for safety of construction and subsequent maintenance during the design stage. We notice that the United Kingdom implemented a new Construction (Design and Management) Regulations in 2007 to replace the old ones and has reviewed the new Regulations in 2012. The industry generally agrees that employers of the works project should bear more responsibilities in respect of the occupational safety. However, the implementation of the regulations has generated large quantities of paper work. Besides, the effect of the Regulations in enhancing the industry's performance in occupational safety and health has yet to be seen, in particular its effect on small and medium enterprises. Despite this, the Government recognizes the principle of enhancing occupational safety through construction design and management. Since 2006, it has adopted the method of construction design and management for works projects with an estimated project cost of over \$200 million and has also issued some relevant guidelines and code of practices, so as to take the lead in adopting this concept and promoting it to the construction industry. We will pay close attention to the experience of overseas countries in their implementation and follow up with the construction industry and the Development Bureau on the matters concerned.

As for the need for setting a reasonable duration of construction, the current legislation on occupational safety and health requires that employers, including contractors, must, so far as reasonably practicable, ensure the safety and health at work of all their employees. Contractors have the responsibility to assess the risk of the work environment of the construction sites and the construction scheme, and also to formulate and implement safety measures. The Labour Department will continue to strictly enforce the law. If any employer is found to disregard the safety of workers while working against the clock, apart from initiating prosecution, the Labour Department will immediately issue a suspension notice. The contractor must immediately suspend the relevant work processes upon receiving the suspension notice until the Labour Department is satisfied that the contractor has taken steps to eliminate any hazards that may

result in workers' injury or death. Contractors who ignore the safety measures in working against the clock may experience delay as more haste, less speed, and worse still, they may even face prosecution. In the end, their losses may outweigh their gains.

In his amendment, Mr TANG Ka-piu suggests the Government to review the Employees' Compensation Ordinance (ECO) to include mental impairment, repetitive strain injury and heat stroke as prescribed occupational diseases. At present, section 5 of the ECO provides that if in any employment, personal injury by accident arising out of and in the course of the employment is caused to an employee, his employer shall be liable to pay compensation in accordance with the Ordinance under normal circumstances even if the employee may have made a mistake or may have been negligent.

The ECO has prescribed 48 occupational diseases. As defined by the International Labour Organization (ILO), an occupational disease is one that bears an obvious or strong relationship with the occupation concerned and as a general rule, only one cause for incidence is involved and it is commonly recognized as a cause for incidence. After making reference to the criteria laid down by the ILO and taking into account factors like the incidence pattern of local diseases, the Labour Department will from time to time update the schedule to the ECO concerning the occupational diseases. Moreover, section 36(1) of the ECO stipulates that even if the employee does not suffer from a disease specified in the Ordinance, as long as the employee can prove that his personal injury has been caused by work accidents, he has the right to recover compensation.

Concerning the reporting system for work injuries and occupational diseases, the ECO stipulates that if an accident that causes work injuries happens or after an employee is found to be suffering from a prescribed occupational disease in the Ordinance, the employer must report to the Commissioner for Labour by means of a notice in the prescribed form within a statutory time limit: seven days for a fatal case and 14 days for an injury case. An employer is liable to a fine of \$50,000 for failure to do so.

Mr TANG Ka-piu and Mr LEE Cheuk-yan demand in their amendments the Government to enact legislation to require principal contractors to bear the responsibility under the ECO. Section 24 of the Ordinance has stipulated that if

any employee employed by the sub-contractor sustains work injuries or suffers from a prescribed occupational disease, the principal contractor shall be liable to pay to that employee any compensation under the Ordinance, as if the employee had been immediately employed by him; and the principal contractor may recover from the sub-contractor the money he has paid. An employee employed by a sub-contractor may issue a written request to the sub-contractor to supply to the employee the name and address of the principal contractor in order to claim employees' compensation from the principal contractor. A sub-contractor commits a crime if he without reasonable excuse fails to comply with the requirements concerned.

The Labour Department will actively continue to step up the publicity through various channels to remind the employers to report work injuries according to law. It will also step up law enforcement. Should there be sufficient evidence and the employees involved are willing to testify to prove that the employer has delayed or failed to report to the Labour Department work injuries of employees, the Labour Department will certainly bring prosecution against the employer.

Under the ECO, an employer must take out employees' compensation insurance, commonly known as "labour insurance", from authorized insurance companies. To ensure the availability of labour insurance to all employers, the insurance sector introduced the Employees' Compensation Insurance Residual Scheme in 2007 which acts as a market of last resort to provide assistance to employers, especially those involved in high risk industries, who encounter difficulties in acquiring the labour insurance, through offering them the final insurance cover.

Mr TANG Ka-piu proposes the establishment of a "central employees' compensation fund" or "compensation funds for employees by industry" so as to provide comprehensive compensation protection to employees for all injuries and deaths or occupational diseases arising from work irrespective of the employer-employee relationship. As this proposal covers a wide spectrum and the ECO only applies to injured employees who are under an employer-employee relationship rather than those not in employment, coupled with the far-reaching impact of this proposal on employer, employee, the insurance industry and even the whole community, we have to study it very carefully.

As regards Mr SIN Chung-kai's proposal about enacting legislation on setting standard weekly working hours, working hour limits and a rest break is within the scope of the recently published Report of the Policy Study on Standard Working Hours. The Government is preparing to establish a special committee comprising government officials, representatives of labour unions and employers' associations, academics and community leaders to follow up the topic on standard working hours. The Government hopes that all sectors in society will make use of the platform provided by this special committee to hold informed, objective and in-depth discussions on standard working hours in order to build a consensus.

President, we will continue to carry out reviews from time to time, taking into account the ever changing needs in society and economic development to keep abreast with the times. After I have listened to the precious views of Members, I will respond more in detail when I make my concluding remarks.

Thank you, President.

MR WONG KWOK-HING (in Cantonese): President, I speak in support of the original motion and all amendments.

I would like to share with the Secretary two real stories as an introduction for my speech today to give an idea to employers and employees in Hong Kong of how lowly the lives of wage earners in Hong Kong (especially construction workers) are.

President, on 8 December 2010, a construction worker named LAI Kam-leung (transliteration) who worked at a construction site for a Causeway Bay shopping mall, died of heart attack on the first day. Upon the pursuance of his family, the boss only gave them a \$200 lai-see packet, which was how a human life was valued. A union helped them pursue the case further. The boss was out of reach, and all phone calls to him went unanswered. There was neither a government department nor a piece of legislation that could help them solve the problem. His daughter, then a university student, asked the person-in-charge of the union what has become of Hong Kong. They could not even afford a coffin. A human life was valued at \$200. This is the real story about a \$200 lai-see packet.

There was a more miserable case, where even a \$200 lai-see packet was not offered. On 28 August last year, a scaffolding worker named MAK Shing-kau (transliteration) fell to the ground from the 60th floor in Sorrento, and his body was smashed to pieces. The boss was out of reach; no contractor came forward to admit liability; not even a \$200 lai-see packet had been offered. Secretary, what would you say upon hearing such stories? In such cases, the Hong Kong Construction Industry Employees General Union (HKCIEGU) of the Hong Kong Federation of Trade Unions (FTU) lent a helping hand to the families of the deceased, offering \$100,000 from its caring fund as emergency relief. Yet, what had the Government done, and what help can our institution offer? Nothing at all. Secretary, do you honestly see any need for improvement? Should there be a new mindset, or should the *status quo* be maintained? In my opinion, the Government can do something.

President, the FTU has some 381 000 members at present. Noting that support is not available for wage earners in respect of compensation, we have taken out life insurance for all members. Should they have any misfortune, their families may get a compensation of \$200,000 under this life insurance mechanism. If this is what a community group like ours can do, should the Government not do more?

Moreover, upon the continuous effort of our union, the MTR Corporation Limited has taken out insurance for the 8 000 or so workers at its construction sites, irrespective of the channels through which they are employed. In case of death, \$200,000 will also be offered under the insurance taken out. This further testifies that measures can be taken, it is just a question of whether one is willing to do so.

Hence, on this occasion, I would like to raise the first suggestion. This is not my personal idea, but I would like to put forward this idea on behalf of the HKCIEGU. The suggestion is that the Government should take the lead in implementing a central employees' compensation insurance fund. Prior to enactment of legislation, the Government should take the lead to act as a good employer. Each year, the public works awarded amount to some billions or nearly a hundred billion dollars, the Government has every reason to include a provision in the tender contracts, requiring the contractor who is awarded the contract to offer compensation for any fatal accidents, irrespective of the level of subcontracting. That is entirely achievable. On the other hand, in granting

sites, the Government may set out conditions, requiring the developer or builder who wins the contract to take out relevant insurance. Why are these initiatives not implemented? The fleece comes off the sheep's back. It is a matter of whether the Government chooses to take action or not. This is the first suggestion, I hope to hear some serious response from the Secretary.

I would also like to raise the second point on behalf of the HKCIEGU. In the \$200 case mentioned earlier, for a death triggered by heart attack, it turned out that support was unavailable from government departments or even all voluntary organizations, since the case was categorized as natural death rather than industrial accident. That is miserable. Hence, the HKCIEGU has called on the Government to make two areas of improvement to the subsidy for medical check-up concerning pneumoconiosis. First, it should cover all 308 000 construction workers in Hong Kong. Second, apart from the chest, the heart and blood should also be included as items for examination. That the current subsidy covers only the chest but not other items is far off the beam.

Through the above brief remarks, I hope that the Secretary may lend an ear to the two suggestions and make a response.

MR CHEUNG KWOK-CHE (in Cantonese): President, the 10 major projects endorsed during the tenure of former Chief Executive Donald TSANG are underway. This year, the LEUNG Chun-ying administration mentioned in the Policy Address that 175 000 public rental housing units would be built in the coming 10 years, with more in the pipeline. These initiatives exert further pressure on manpower demand of the construction industry. Furthermore, given the lack of long-term planning, and the commissioning of infrastructure projects in a highly fluctuating manner, it has imposed substantial negative implications on the manpower planning for the industry. Of course, as a union member, I am all the way pleased to see that workers have more job opportunities, but at the same time, I am worried if their safety and rights are ensured.

Last month, in the Secretary's reply given in this Council to a Member's question on occupational safety and health, new figures were provided. He noted that over the past five years, an annual average of 40 000 cases of occupational injuries occurred in work places. It was also pointed out casually that fatal cases accounted for less than 0.5% of the total. That 0.5% appeared to

be insignificant. He seemed to suggest that the number of fatal cases were negligible.

In fact, how should 0.5% of 40 000 cases be interpreted? It translates into 200 cases. This means that around four workers die in industrial accidents a week, or four families lose their breadwinners to industrial accidents every week. Even one case of industrial fatality is too many. My hope is that the Government does not approach life with figures. When workers lose their lives to policy glitches one after another, their families will go unsupported.

According to the figures released by the Association for the Rights of Industrial Accident Victims last month, there were 30 serious accidents involving work at height last year, with 22 fatalities, 15 of which were construction workers. There were also eight cases of serious injury. Fatalities involving work at height amounted to 15 and 21 for 2010 and 2011 respectively. It shows that the number of fatal accidents has not decreased over the past two years. Instead, it has registered a nearly 40% growth.

On the one hand, we see that the Hong Kong economy is like scorching heat, yet workers are paying a heavy price for the development of the society. For all the economic splendor of Hong Kong, grass-roots workers are always the ones to lose.

Since the reunification, Hong Kong has encountered various barriers in the development of its economy, welfare, culture, and so on. Back to basics, apart from the undemocratic nature of Hong Kong's constitutional system, which can be regarded as a deep-rooted reason, the problem can also be ascribed to a lack of long-term planning for social development. Experience shows that even a so-called market economy should actually not be free and unbound, but vigorous social policies should be available as guidance. No doubt, a market economy is conducive to economic growth, but a critical aspect is that problems pertaining to fairness or impartiality are not automatically solved. Hence, a society needs to have policies that ensure fairness and demonstrate justice.

At present, the rapid growth in our economy does not entail enhanced welfare for Hong Kong people. Instead, it leads to acute tensions in society. That sounds a very big warning. What we should do is to address both economic efficiency and fairness in society together.

On safeguards and rights for workers, we have to refer to the standards of the International Labour Organization (ILO). The standards devised by the ILO on the basis of social justice are oriented towards workers' lives with a view to avoiding injuries for those in work. The most essential value of those labour standards is that workers are placed on the same footing with governments and employers. In this regard, the role of a government is invariably important, such as enacting appropriate legislation on occupational safety and putting it into practice, but a more important aspect is to empower labourers to safeguard their own legitimate rights.

Regarding this, the ILO highlights the collective bargaining power of workers in particular, noting that labour rights have to be safeguarded by labour groups and worker deputies truly representative of the interests of workers. As a matter of fact, we cannot be too optimistic to expect all bosses or even governments to take the initiative to recognize and abide by these values, which take the life of workers at the core. The international labour standards, which take it at the core, will take the protection of workers' rights to safety and health as a major guiding principle. Unscrupulous businesses are profit-first, so they will not take the initiative to invest in improving the conditions for safe production by workers. Moreover, government officials playing the role of overseers are inherently lazybones who are often ignorant of the risks to the safety of workers.

Therefore, workers' right to collective bargaining is not just a most effective means of ensuring their own health and safety, but is also a key initiative for safeguarding their basic rights. It is also good for the long-term stability of a society.

President, I call on the Government to enact legislation of higher standards to ensure occupational safety and step up the prosecuting of unlawful employers. At the same time, I also call for introduction of the collective bargaining right for employees the soonest possible as an effective means for workers to protect their rights from being infringed upon.

President, I so submit.

PRESIDENT (in Cantonese): I will suspend the meeting after the three Members on the waiting-to-speak list have spoken.

MR CHAN KIN-POR (in Cantonese): President, Hong Kong is an advanced metropolis, with both sides of the Victoria Harbour abounding with modern architectures. However, behind all the glamour, the number of fatal industrial accidents in the construction industry has remained high in Hong Kong. We often learn about the fatal industrial accidents from news reports. In most cases, the deceased were the breadwinner for the families, leaving behind their wives and children who not only must suffer the loss of their loved one but also worry about an uncertain future. This is really heart-breaking. In fact, we have to ask why such tragedies keep occurring. Is it because we have not done enough to ensure safety?

The industrial casualty rate of Hong Kong has remained high. Over the past five years, there were about 2 000 or so to 3 000 industrial accidents in the construction industry every year. As for fatality, apart from the nine cases recorded in 2010, the number was in the range of 10 or so to 20 for other years. Even one fatal case is too many. The current situation is really saddening. There are large-scale development projects in Hong Kong in recent years, with major infrastructure projects springing up one after another. In the next 10 years or so, apart from infrastructure, public and private housing will be extensively built. Experience in the past showed that whenever the construction industry reached its peak, there would be a corresponding rising trend in industrial accidents. There is a need for Hong Kong to take timely precaution measures. In my opinion, industrial accident has reached a critical point today. The Government needs to carry out a comprehensive review on current initiatives expeditiously to cope with new developments in the future and prevent the recurrence of similar tragedies.

An industrial accident may happen due to different reasons. According to the analysis of the Association for the Rights of Industrial Accident Victims, accidents at construction sites are highly related to tight work schedules, outdated safety standards, as well as absence or improper use of personal protective equipments. In addition, inadequate site inspection and prosecution by the Labour Department as well as the lenient penalties meted out by the Court fail to have a deterring effect. People in the industry have pointed out, some workers

who work at height, such as scaffolding workers, are proud of their extensive experience, and so they are very often reluctant to wear safety belts when carrying out simple procedures. This reflects a serious lack of safety awareness.

In fact, according to latest information, of all the enforcement actions taken by the Labour Department over the past five years, less than 2 000 prosecutions were pursued every year. Fines for common offences are some \$10,000 on average. And in most cases, only the employers concerned were prosecuted; offending workers were rarely brought to justice. Hence, inadequate prosecution plus lenient penalty means there is not any deterrent effect at all. The only initiative with some deterring effect is the Suspension Notice issued by the Labour Department, which would have the work of a construction site suspended. This is the trump card of the Labour Department.

Yet, this trump card has great impact as workers may have no work to do, so it should not be employed arbitrarily. The Government should address the problem of inadequate prosecution and lenient penalty by stepping up inspection and prosecution, lodging an appeal for cases with too lenient sentence, and initiating prosecution against workers who violate the law knowingly. In the past, it was rare for the Government to prosecute non-compliant workers. As a saying goes, pain will not be felt if a needle prick is not deep enough. If workers are aware that they may be prosecuted for not wearing safety belts or not following work safety procedures, they would not dare to put themselves in such jeopardy. Of course, I am not suggesting that workers be imprisoned or substantially fined, but I believe that imposing a community service order or requiring them to take courses on occupational safety are options acceptable to all.

In addition, to further enhance occupational safety for the construction industry, I hold that the industry has to proceed towards professionalism. At present, despite the robust development of the construction industry, there are still major hidden worries, like poor site environment, absence of good management at most sites, and inadequate safety awareness of workers. These problems are indirectly conducive to the occurrence of accidents. At the same time, the construction industry also encounters succession issues. Workers are more advanced in age on average. Even with attractive remuneration, young people are reluctant to join the industry. As a result, the industry is tightly manned all the time.

Therefore, from my point of view, the construction industry should proceed towards professionalism. Modern management approaches should be introduced at construction sites in full swing, and safety and neatness should be given priority consideration for site design. Workers need to receive comprehensive training on safety awareness, acquire state-of-the-art know-how, and carry out work in strict adherence to guidelines, and so on, for the building up of a professional image. Despite the increased cost implications for employers, these suggestions can effectively enhance the level of occupational safety and attract more young people to join the industry as a solution to the succession issues, ensuring sustainable development for the industry. They are really worth further exploration by all.

I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, today, Mr POON Siu-ping has made a simple call for the Government to adopt effective measures to ensure occupational safety. In addition, Mr LEE Cheuk-yan, Mr TANG Ka-piu and Mr SIN Chung-kai have tuned up the call from two perspectives, including efforts on two fronts, namely precautionary and compensative. I very much hope that on both precautionary and compensative fronts, the Government can really step up effort and do more work. What does precautionary mean? As Mr CHEUNG Kwok-che put earlier, the reply given by the Secretary to Mr KWOK Wai-keung's question this month carries an important message, yet it also reflects that either the Labour Department or the Secretary is taking some issues too rashly or lightly. Why do I say so? As Mr CHEUNG Kwok-che has clearly put just now, the Secretary had said that over the past five years, an average of 40 000 or so cases of occupational injuries occurred in workplaces each year. As for fatal cases, with brackets indicating that natural death cases were included, they accounted for less than 0.5% of the total.

President, Mr CHEUNG Kwok-che has attempted to do some calculations. Why did the Government provide the exact figure of 40 000 or so for occupational injuries, but when it came to fatal cases, only a percentage of less than 0.5% was provided instead than the exact number of cases? A calculation has been made, 0.5% is approximately translated into 200 cases. President, think about it, fatal cases amount to 200. Members are aware that in any given workplace, even one case of fatality involving work injury accidents is already

too many. Yet, more than 200 cases occurred in five years' time. According to Mr CHEUNG Kwok-che's computation earlier, around four people died every week. Imagine how serious the situation is. However, in the report made by the Secretary here, the figure concerned was approached in this manner. Is this an incautious or disdainful act of rashness?

Hence, as the logic pulls out, given such an incautious or disdainful attitude, precautionary works will not be properly done for sure. What should be done as a precaution? Mr SIN Chung-kai puts it well. I seldom appreciate the remarks of Mr SIN Chung-kai on labour issues, but he really puts it well this time. He notes that standard working hours and rest breaks are necessary for work. This is a really important point, Secretary. Very often, we see that many work injury accidents occur because workers toil too much. In particular, apart from the construction industry, another worst-hit industry is the catering sector. Those in the catering sector have to work 12 or 13 hours in general, and their work can be extremely busy and tough at times. They need to cope with busy work, long working hours as well as fatigue. If the working environment is factored into, such as a kitchen with slippery floor or crammed with cooking appliances, would industrial accidents be more likely to happen? Hence, regulating standard working hours and breaks is precautionary. If the Government does not take heed of these problems, accidents may occur under industrial or commercial settings. Therefore, on the precautionary front, I think the Secretary has to take heed.

Besides, there is a compensative side of the issue, or insurance specifically. At present, most importantly, there are complaints on and off from enterprises that they fail to take out insurance. Of course, they may still manage to take out insurance eventually, but the problem is they have to pay a high premium. A policy costing \$20,000 to \$30,000 before may modestly surge to \$40,000 to \$50,000, or to the tune of \$80,000 to \$90,000 or even \$120,000 to \$130,000. Very often, insurance companies deliberately quote a high premium to snub any potential deal as a way of avoiding loss. Therefore, on defensive efforts, we stress that the Government should set up a central employees' compensation fund or a centralized insurance scheme to address it. Otherwise, workers may not be entitled to any compensation after work injury accidents.

In fact, many employers — I think the Secretary is aware of it, but the problem is whether he admits it or not — many small and medium enterprises are

baffled by rents, which are exorbitant now, as well as insurance premiums, so they prefer not to take out insurance, or they may not insure some staff members, in order to save cost. What will happen then? It will be fine if nothing happens. What if something happens? It is workers who are the victims, and it is them who end up with no compensation. So what should be done? I am not sure what the Secretary will do. He may only suggest that inspection and prosecution be stepped up. Yet, prosecution does not work, for it is impossible for him to inspect all companies. Therefore, to solve the problem at the root, a better way is to set up a central employees' compensation fund. As Mr WONG Kwok-hing and even Mr LEE Cheuk-yan put earlier, some big corporations actually have similar practice in place to take out insurance for workers of subcontractors, sub-subcontractors and even those on outsourcing contracts. Why does the Government not adopt such feasible means? This is to ensure that in case of misfortune for workers, safeguards are available to their families. Failing to do so, the Government should really feel guilty to workers and their families.

Today, I really need to thank Mr POON Siu-ping for proposing this motion, as we are aware that infrastructural development in Hong Kong will move on, and in a ferocious manner. If we still do not take any precautionary and compensative effort, it will be miserable for these workers to contribute to the society amid an absence of any safeguard for themselves or their families. It is my hope that the Secretary can really lend an ear to our voices with a view to making an improvement.

President, I so submit.

MR KWOK WAI-KEUNG (in Cantonese): President, first of all, I thank Mr POON Siu-ping for proposing this motion. Hong Kong is now undertaking massive construction works, and the construction industry has all along been regarded as high-risk, since cases involving casualties related to falling objects or people falling from heights are not uncommon. Among the total number of deaths, the construction industry has actually taken up a lion share. Hence, regarding the suggestions of other Members that there have to be reasonable safety measures, a reasonable duration of construction as well as enhanced inspection and prosecution, we have to express our support and favour.

On standard working hours, the Hong Kong Federation of Trade Unions has been advocating reasonable working hours and rest breaks to ensure that employees are healthy and full of energy to cope with daily work, and at the same time, give due regard to their own occupational safety. In fact, many accidents happened due to a minor slip.

Apart from the construction industry, I hope that Members would also show concern for those engaged in clerical work and in the catering sector in Hong Kong. There are casualties in these trades, though the situation is not very serious. On the contrary, the number of occupational diseases related to these sectors is by no means low. According to the figures obtained from occupational health clinics, the service industry tops all sectors in Hong Kong in terms of occupational disease.

As the Hong Kong economy is restructuring, current provisions on occupational diseases are inadequate in the sense that they only cover problems stemming from the manufacturing industry, such as poisonous gas, noise, deafness, and so on. These problems stem from the manufacturing industry, yet Hong Kong has already transformed into a service-oriented economy. Safeguards for occupational safety of practitioners in the service industry are low, because the Government has all the way been reluctant to revise the definition of occupational disease and overhaul the relevant legislation. As a result, employees are left unprotected.

Actual figures show that the food and beverage services sector had much more occupational injuries than other sectors over the past five years. Last year, there were 2 000 or so cases of occupational injuries in the construction industry, while that of the food and beverage services sector exceeded 4 600, doubling the former and accounting for half of the overall figure recorded in Hong Kong.

We very often think that clerical staff work in air-conditioned offices stuffed with tables and chairs, so they should be pretty free of hazard. However, Members may not notice that they may always need to repeat some movements, such as those for controlling the mouse and the keyboard when using computers, and diseases may develop as a result of accumulated toil. That is what accumulates as a result of long working hours and a lack of rest. Yet, regarding these ailments, the line taken by the Police Bureaux concerned, like what the Secretary put earlier, is that they would be categorized as occupational diseases

only if they are caused by a single factor. To wage earners, this is just unreasonable.

As Members are aware, it is difficult to prove that a chronic disease is caused by a single factor. At home, we may sometimes move in this way or that, but the point is we do not repeat such movements for hours non-stop. Nevertheless, back to the office, one may have to make the same moves for long hours with no rest, say 10, 11 or 12 hours non-stop, and diseases may develop as a result. So, why does the Government insist that an occupational disease has to be caused by a single factor? Such insistence is puzzling to us.

Let me take tenosynovitis of the hand as an example. Figures from 2011 showed that 70 of the 350 cases belonged to tenosynovitis of the forearm. Of these 70 employees, 70% came from the service industry. Figures also showed that 47% of them came from the public service as well as social and personal service sectors, 20% from the accommodation and food services sector, and 10% each from the import and export as well as finance and insurance sectors. As these figures illustrate, occupational safety is an issue not only of the construction industry, but also of those in the service sector or engaged in clerical work alike. Hence, it is hoped that the Administration may take note of this.

As a number of Honourable colleagues have mentioned earlier, there is no way for many sectors to take out insurance. I have heard that there is no way for those in the catering sector or working under false self-employment to take out insurance, so there has been a suggestion to set up a central employees' compensation fund as a safeguard for wage earners. Despite the claim of the Government that the Employees' Compensation Insurance Residual Scheme has been implemented as a last line of defence, I can tell the Government that this line of defence does not work. The reason is that insurance policies not taken out are unprofitable. How can we obligate insurance companies to stop making profit and take out such policies? This is all the way impossible. Even if it were possible, the premium concerned must be exorbitant. Therefore, we hold that the Government should make a bigger commitment by offering better safeguards for wage earners in respect of occupational safety and health, instead of shifting the responsibility to the insurance or commercial sector, which does not work at all.

Furthermore, Members should also note that some funds, such as the Pneumoconiosis Compensation Fund and the Occupational Deafness

Compensation Fund, have balances not yet used up, but they cannot benefit other industries. It is hoped that the Government may review the situation afresh to make the biggest effort for the protection of wage earners. Thank you, President.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until 2.30 pm tomorrow.

Suspended accordingly at sixteen minutes past Ten o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Transport and Housing to Dr LAM Tai-fai's supplementary question to Question 4

The breakdown of public rental housing flats recovered on grounds of tenancy abuse in the past five years are tabulated below:

| <i>Reason of Recovery</i> | <i>Year</i> <i>Number of Flats</i> | <i>2007-</i> | <i>2008-</i> | <i>2009-</i> | <i>2010-</i> | <i>2011-</i> | <i>Average for the Past Five Years</i> |
|---|---------------------------------------|--------------|--------------|--------------|--------------|--------------|--|
| | | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> | |
| Non-occupation | | 439 | 307 | 299 | 263 | 417 | 345 |
| Operating illegal activities/ Non-domestic usage | | 12 | 33 | 18 | 17 | 15 | 19 |
| False declaration of information | | 8 | 15 | 15 | 10 | 11 | 12 |
| Sub-letting | | 60 | 39 | 27 | 28 | 27 | 36 |
| Total | | 519 | 394 | 359 | 318 | 470 | 412 |

Appendix II

WRITTEN ANSWER

Written answer by the Secretary for Food and Health to Dr Helena WONG's supplementary question to Question 5

According to the record of the Hospital Authority, there were 13 reported sexual assault cases for patients in 2007-2008 to 2011-2012. A breakdown of the figures by types of wards, hospitals and year is set out in the following table:

| <i>Types of wards</i> | <i>Hospital</i> | <i>2007-2008</i> | <i>2008-2009</i> | <i>2009-2010</i> | <i>2010-2011</i> | <i>2011-2012</i> |
|---------------------------------------|--|------------------|------------------|------------------|------------------|------------------|
| Psychiatric ward | Castle Peak Hospital | 0 | 0 | 1 | 1 | 2 |
| | Kwai Chung Hospital | 1 | 0 | 1 | 0 | 0 |
| | Shatin Hospital | 0 | 0 | 1 | 0 | 0 |
| Sub-total | | 1 | 0 | 3 | 1 | 2 |
| General ward | Pok Oi Hospital | 0 | 0 | 0 | 0 | 1 |
| | Pamela Youde Nethersole Eastern Hospital | 0 | 0 | 0 | 1 | 0 |
| | Queen Elizabeth Hospital | 0 | 0 | 1 | 0 | 0 |
| | Tseung Kwan O Hospital | 0 | 0 | 0 | 1 | 2 |
| Sub-total | | 0 | 0 | 1 | 2 | 3 |
| Total (altogether there are 13 cases) | | 1 | 0 | 4 | 3 | 5 |

Appendix III

WRITTEN ANSWER

Written answer by the Secretary for Food and Health to Dr Joseph LEE's supplementary question to Question 5

Out of the 13 sexual assault cases, there were only two which involved children, with one case occurring in each of 2010-2011 and 2011-2012 respectively.