

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 30 November 2005

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

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

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.ST.J., J.P.

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, S.B.S., J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN, J.P.

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

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, J.P.

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

THE HONOURABLE HOWARD YOUNG, S.B.S., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

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

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

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

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

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

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

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

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

THE HONOURABLE DANIEL LAM WAI-KEUNG, B.B.S., J.P.

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

THE HONOURABLE MA LIK, G.B.S., J.P.

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

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

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

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

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

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBERS ABSENT:

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE SIN CHUNG-KAI, J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.
SECRETARY FOR HOUSING, PLANNING AND LANDS

PROF THE HONOURABLE ARTHUR LI KWOK-CHEUNG, G.B.S., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

DR THE HONOURABLE PATRICK HO CHI-PING, J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE STEPHEN IP SHU-KWAN, G.B.S., J.P.
SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR

DR THE HONOURABLE SARAH LIAO SAU-TUNG, J.P.
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

THE HONOURABLE STEPHEN LAM SUI-LUNG, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

DR THE HONOURABLE YORK CHOW YAT-NGOK, S.B.S., J.P.
SECRETARY FOR HEALTH, WELFARE AND FOOD

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

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

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

PRESIDENT (in Cantonese): A quorum is now present.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
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Import and Export (General) (Amendment) Regulation 2005.....	206/2005
Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulation 2005...	207/2005
Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2005	208/2005
Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2005	209/2005
Substitution of References to Commencement Date of Revenue (Abolition of Estate Duty) Ordinance 2005 Notice.....	210/2005

Other Papers

No. 34 — Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2005

No. 35 — Report of changes to the approved Estimates of Expenditure approved during the second quarter of 2005-06 (Public Finance Ordinance : Section 8)

Report of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005

Report of the Bills Committee on Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Fred LI will address the Council on the Report of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005, under Rule 21(3) of the Rules of Procedure.

Report of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005

MR FRED LI (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005 (the Subcommittee), I would report on the deliberations of the Subcommittee.

The Harmful Substances in Food (Amendment) Regulation 2005 (the Amendment Regulation) was made under sections 55(1) and 57 of the Public Health and Municipal Services Ordinance (Cap. 132) to add malachite green to the list of substances in the First Schedule to the Regulation. The maximum concentration of malachite green prescribed is "0 microgram per kilogram" in "any food (including live fish, live reptiles and live poultry)". The effect of the addition is that importing, consigning, delivering, manufacturing or selling any food (including live fish) for human consumption which contains malachite green becomes an offence punishable by a fine at level 5 (\$50,000) and imprisonment for six months. The Amendment Regulation commenced operation on the date it was published in the Gazette, which was 26 August 2005.

The Subcommittee has discussed the justifications for making the Amendment Regulation, arrangement for introduction of a regulatory framework for live fish, the impact on the industry and enforcement of the Amendment Regulation. A majority of members of the Subcommittee support the prohibition of presence of malachite green in fish and other food for the protection of public health.

On the justifications for making the Amendment Regulation, the Administration has advised that although the Codex Alimentarius Commission has not established food safety standards for malachite green in food, there is evidence that malachite green is carcinogenic in animals and is unsuitable for use in aquatic products intended for human consumption. According to the toxicological information available, consumers may risk an overdose of malachite green and suffer adverse health consequences. The Administration has further advised that malachite green is either banned or not permitted to be used in aquaculture in mainland China, the United States, Canada, the European Union, Japan and some Southeast Asian countries such as Singapore and Thailand. The setting of zero tolerance is consistent with the international practice that animal carcinogen should not be added to food or food animal.

The Administration has also explained that prior to the gazettal of the Amendment Regulation, the legislation in Hong Kong did not explicitly prohibit the presence of malachite green in food. Moreover, live fish is currently excluded from the definition of "food" in the Ordinance and the relevant Regulations, and there may be disputes arising from seizure by the Director of Food and Environmental Hygiene (DFEH) of live fish deemed to be unfit for human consumption. To ensure food safety and protect public health, the Amendment Regulation was made to remove any ambiguity in the control of live fish as food with regard to the use of malachite green.

Most members of the Subcommittee are of the view that the Administration should strengthen regulation of fish and aquatic products at source, which should be more effective than exercising control at the retail level. The Administration also recognizes the importance of strengthening regulation and control at source, and it has enhanced communication with the mainland authorities in this respect. Specific measures have been agreed between Hong Kong and the Mainland to control supply of freshwater fish to Hong Kong. For instance, freshwater fish supply to Hong Kong can only be provided by fish

farms which are registered in the Mainland and approved by the Food and Environmental Hygiene Department (FEHD); and all freshwater fish supplied by registered and approved farms must be accompanied with health certificates when entering Hong Kong to certify that they are free from malachite green or any other harmful pesticides and chemical substances.

The Administration has also advised that as a long-term policy, a food safety, inspection and quarantine centre will be set up. The Administration is also actively considering the need for amending the legislation to require all operators in the trade to register, and all aquatic products destined for Hong Kong must be accompanied with import and health certificate and landed at designated landing points. Besides, suppliers will also be required to keep detailed sales record to facilitate source tracing.

In regard to law enforcement, the Administration has advised that following the gazettal of the Amendment Regulation, sample testing of presence of malachite green in food has been included in the regular food surveillance programme. If presence of malachite green is found in the samples, warning letters will be issued to the traders concerned. The Administration will also examine the circumstances in each individual case, and prosecution will be taken if there is sufficient evidence of contravention of the Regulations. So far, no prosecution has been taken in cases where presence of malachite green is found in food samples.

Some members think that the Government should not put the onus of proof on retailers, in that they are required to prove that they have exercised all due diligence to ensure the safety of fish sold by them. The Administration has explained that the offence and penalty in respect of selling food containing harmful substances are already stipulated in the existing provisions in the Ordinance and the Regulations, and that persons involved in all levels of the supply chain have the responsibility to ensure the safety of food they sell for human consumption. All persons involved in the import, consignment, delivery, manufacture and sale of any food containing the prohibited or restricted substances specified in the Schedules to the Regulation are subject to the offence and penalty provisions.

As regards the defence for contravening the Regulation, the Administration and the legal adviser to the Subcommittee have advised the

Subcommittee that there are defence provisions in the Ordinance. Under section 70 of the Ordinance, a person against whom proceedings are brought under the principal Regulation is entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the Court. If, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure compliance with the provisions in question, he shall be acquitted of the offence. Moreover, under section 70 of the Ordinance, where DFEH is satisfied that the contravention was made due to an act or default of some other person and that the defendant can establish a defence, the proceedings may be taken against that other person instead. There is another defence provision in section 71 of the Ordinance which provides that it shall be a defence for the defendant if he can prove, among other things, that the article or substance was sold under the descriptions as given in a written warranty. The defence is also available to a servant or agent of the person who purchased the article or substance under a warranty.

The Administration has advised that for the purpose of defence, the trader or operator concerned can keep records of supply invoices and the health certificates issued by the relevant authorities. However, it will be for the Court to rule whether such documents are sufficient evidence that the defendant has used all due diligence to secure compliance with the provisions in the Regulation.

The Subcommittee has also discussed the proposal to exempt retailers from the Amendment Regulation put forward by a member. The Administration has explained that by excluding retailers from legal liability under the principal Regulation, the amendment will render the law ineffective in protecting public health by crippling enforcement actions at the most relevant level. The Administration has advised that the purpose of the Ordinance and its Regulation is to protect public health by requiring all vendors, including importers, wholesalers and retailers, to be responsible in ensuring that the food supplied for sale is fit for human consumption and complies with the legal requirements. In case problematic food products are found, during investigation, source tracing of problematic food products needs to be done at all levels of the supply chain. If a particular group of vendors in the supply chain is exempted from compliance, it will be difficult to trace the source of the problematic products and the Government will have no tools to enforce the law to ensure food safety.

In the light of the Administrations' comments, most members agree that given the present legislative framework for monitoring food safety, retailers, being an important part of the supply chain, should not be exempted from the Amendment Regulation to facilitate source tracing of problematic foods for the protection of public health. Members of the Subcommittee also agree that the Administration should expedite its review of the existing regulatory framework to strengthen regulation at source, and to provide clear advice and guidelines to the trades for compliance with the Regulation.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG and Mr Vincent FANG will separately address the Council on the Harmful Substances in Food (Amendment) Regulation 2005, under Rule 21(5) of the Rules of Procedure.

MR TOMMY CHEUNG (in Cantonese): Madam President, the Government has made the amendment to the Harmful Substances in Food Regulation for the purpose of preventing members of the public from consuming food containing the harmful substance malachite green. Both the Liberal Party and I are fully supportive of this.

However, the Harmful Substances in Food (Amendment) Regulation 2005 (the Amendment Regulation) has included even eating establishments, retailers and wholesalers in its scope of regulation, without any regard to the fact that these people absolutely do not have any motives of administering malachite green to live fish. In fact, this has presented a great problem to the catering industry and the wet market business, which I represent. If the Amendment Regulation were to be implemented without introducing appropriate matching measures, food safety of the people will not be fully protected. I would like to explain the underlying reasons in this speech, and I hope this Council can put this on record and urge the authorities to come up with solutions expeditiously, particularly for a set of well defined defence provisions for members of the trade.

First of all, we have to understand that malachite green has the effect of curing skin diseases in live fish, so only fish farm operators would administer

malachite green to live fish in order to maximize their profits by ensuring the live fish they sell look good. When the live fish have reached the hands of the fish vendors or the eating establishments, the fish are about to be killed, and how well they look no longer matters, so why should the fish vendors and the operators of the eating establishments administer malachite green to the live fish? Since there are no vested interest on their part, why should people at this level be subject to the offence and penalty provisions of the Amendment Regulation?

Although there are defence provisions, they are provided strictly on the basis of legal responsibility, which means the onus of proof rests entirely on the defendants. Not only will they have to prove their innocence, they also have to prove that they have exercised all due diligence to ensure that the food they purchased are free from any toxic substances. They will not be acquitted until the Court accepts their proof.

I must point out that it is inappropriate to apply stringent legal responsibility in the case of malachite green. Let me illustrate this by using clenbuterol contaminated pork as an example. According to the Harmful Substances in Food Regulation, clenbuterol (commonly known as "asthma drug") is classified as a harmful substance, and vendors are required to observe the stringent legal responsibility. Now all live pigs in Hong Kong are distributed by Ng Fung Hong, and these pigs are tested to ensure that they are free from clenbuterol before they are marked with the stamp of approval and are allowed to be put on sale in the market. Since there are sales invoices as proof, it is not difficult for the pork vendors to produce such proof. But it is a completely different case with malachite green. Under the current system, the fish vendors and the eating establishments are simply unable to ensure that the live fish they purchase are free from malachite green. This is by and large due to the four following reasons:

First, the regulatory mechanism for registered mainland fish farms supplying live fish to Hong Kong is not in good order yet, and no one can be a hundred percent sure that these mainland fish farms are law-abiding and will refrain from illegal administration of malachite green to live fish. Second, there are no laws currently in Hong Kong governing how eating establishments and retailers should purchase live fish. Unlike live pigs, there are no designated wholesalers for importing live fish, and the authorities have yet established a comprehensive system to conduct sample testing of live fish. Members of the

trade may purchase live fish from all kinds of sources, and it is hard to guarantee that all such fish are free from malachite green. Third, if the live fish come from countries where malachite green remains unregulated, it would be hard for the supplier concerned to produce a health certificate to prove that the produce are free from malachite green. Fourth, the techniques for testing the presence of malachite green are not popular among private laboratories in Hong Kong, so it will be more difficult for members of the trade to conduct their own sample tests. Given all this, it is evident that a comprehensive mechanism for monitoring live fish at source is not in place in Hong Kong yet, making it hard for operators like the eating establishments, the retailers and the wholesalers to observe the stringent legal responsibility.

Worse still, according to the Harmful Substances in Food Regulation, it is an offence punishable by a fine at level 5 (\$50,000) and imprisonment for six months. This being the case, if a fish, even if it is a grass carp that is worth only several dollars, is tested to contain malachite green, the fish vendor or the eating establishment in question will be subject to a severe penalty of a fine of \$50,000 or even imprisonment — the same penalty that applies to those fish farm operators who have administered malachite green to hundreds of tonnes of live fish. In other words, the penalty is clearly incommensurate with the offence. Even if the Court may not necessarily impose the maximum penalty, the vendors or the eating establishments may have to spend a hefty amount of money on hiring lawyers to handle the legal proceedings, which may well exceed \$50,000.

Judging from the above, we can see that the Amendment Regulation will cause great nuisances to eating establishments, retailers and wholesalers. I have on several occasions demanded the authorities to prepare written guidelines for members of the trade on how they could avoid buying live fish with malachite green as well as the measures they can take to satisfy the requirements of the defence provisions, but up till now, we have not received anything from the authorities.

In an attempt to respond to public demand on food safety, the authorities are trying to enact legislation to impose regulation at the retail level. However, until regulatory measures are improved at source, there is no guarantee that food safety of the people can be safeguarded. Take the recent incident of malachite green being detected in the canned food of Fried Dace with Salted Black Beans as an example. Was it the responsibility of the Government, or was it the

responsibility of the retailers? Suppose the retailers failed to detect the presence of malachite green in the sampling tests performed by them, but the Government found the contrary in another batch of samples, then how should the Government pursue the responsibility in this case? From this example, could the authorities really protect public health by way of this legislation? Therefore, the Government should target at those who have added toxic substances to food at source, instead of targeting at the retailers.

I had intended to move an amendment to exclude vendors at the retail level from the regulatory ambit of the Amendment Regulation, but I failed because my proposal did not have the support of colleagues in this Council. Some Members were of the opinion that my proposed amendment was technically not feasible under the current food regulatory mechanism. I respect their views.

However, just as many colleagues have mentioned, since the Food and Environmental Hygiene Department has the power to prosecute, it too has the duty to explain to members of the trade the prosecution policy. The Department must provide clear guidelines for members of the trade to follow when it comes to proving their innocence, with a list of items that the Department will accept as proof for the purpose of withdrawing prosecutions. This will provide a basis for members of the trade to effect compliance.

Lastly, I hope that in future, when the authorities reorganize the working framework on food regulation, they will review the regulatory mechanism at the retail level and gradually step up the regulation of food safety at source for the protection of food safety of the people. Once the relevant matching measures are in place, the authorities should conduct a review of the legislation that has caused great nuisances to members of the industry.

Madam President, I so submit.

MR VINCENT FANG (in Cantonese): Madam President, food safety is one of the greatest concerns to Hong Kong people. Therefore, on the ground of "protecting people's health in food consumption", the Government gazetted an amendment to the Harmful Substances in Food Regulation, to the effect of putting the industrial dye malachite green under the regulatory framework. The purpose of this amendment is to prevent food with harmful substances from

being sold in the market. This is a very positive viewpoint, and that explains why no objection has been raised in this regard, and it also has my support.

I have risen to speak today because I would like to highlight the fact that the enactment of a single law is unable to safeguard the food safety of the people, if matching measures, sound supervision and follow-up systems are unavailable.

Before enacting this piece of legislation to control malachite green, has the Government considered what kind of impact such regulation would have on the public and members of the trade? After the new legislation has come into effect, has the Government adopted any corresponding measures to assist the industry in meeting the requirements of the new legislation, so as to ensure that the food sold by them is safe? I hope the Government will not shift all the responsibilities to the industry by saying, "This legislation is in place now. If you do not wish to breach the law, please sort it out yourselves!"

In a meeting of the Subcommittee to deal with malachite green, a member asked why the Government had not put forward an exhaustive list to cover and ban all the harmful substances in food once and for all, thus saving the trouble of amending the law every time when some problems arise. The Government's reply was there were so many harmful substances that such a list could never be exhaustive. Besides, no one can be sure what kinds of substances have been added into food, which may never be easy to test. So, there must be specific targets before laboratory tests can be conducted to ascertain whether there are harmful substances in food.

In spite of this, can we follow the examples of major source countries of our food supply in enacting laws? The agricultural department of the Mainland has banned the use of malachite green since a long time ago. Why did the Hong Kong Government not follow suit and enact the legislation then? If it had done so, it would not have to enact the legislation in such great haste when the problems really happened? In future, when other source countries take similar actions, Hong Kong should follow immediately.

In spite of the early enactment of laws in the Mainland prohibiting the use of malachite green, there were still incidents in which freshwater fish had been found to contain excessive malachite green. Such incidents illustrate that the enactment of law alone is not adequate for achieving the good intention of

ensuring food safety, if matching measures, effective supervisory and follow-up measures are unavailable.

In an earlier debate on food safety, all Honourable colleagues agreed that we must enforce source monitoring. This is because, if we do not know what have been added at the source, we shall never be sure about the safety of all the food we eat no matter how much regulatory control is imposed on "harmful substances" in Hong Kong. However, the Government said that "it was very difficult to implement source monitoring because there were too many sources". So, the responsibilities of preventing problem food from entering the market fall on the shoulder of importers, wholesalers and retailers. Should any problems arise, not only the products have to be recalled, causing great financial losses to the industry, but businessmen and vendors may also have to face prosecution. Meanwhile, the general public may not be able to buy really safe food.

I quoted the case of chicken farms as an example. Not only does Hong Kong exercise supervision over mainland chicken farms exporting chickens to Hong Kong, but we also have formulated a comprehensive management approach for the complete process from transportation to the sale of chickens. Therefore, the live chickens on sale in the markets now are safe. Why can we not do the same for live fish? Live fish are mostly supplied by Guangdong Province. If we cannot implement source monitoring in a location so near to us, it would be totally impossible for us to do anything with food supplied by other provinces or even overseas places.

Right after the outbreak of the incident in which carcinogenic substances were found in freshwater fish, the Government immediately urged the people to think carefully before taking any food, and next, it even prohibited the importation of freshwater fish containing malachite green. However, after only a few days, the Government changed its stance and said that the cancer risk will only be present if a person consumed altogether 290 kg of malachite green on an everyday and long-term basis. However, those engaged in the importation and trading of freshwater fish had already incurred heavy losses, and they dare not place any order easily now.

Of course, it has never been the intention of the industry to sell contaminated food to customers. So, all they can do is to suspend the operation of their business and wait for the finalization of the registered and approved fish

farms scheme before relaunching their operations upon successfully acquiring fish with qualified health documentation. However, since end of August to the present, only a total of 26 fish farms have been registered and approved, and they only account for 30% of the original 88 fish farms. Besides, none of the fish farms can supply us with assorted fishes which are more popular in the market.

People of the industry pointed out that, to date, the quantity of imported fish from the Mainland with health certificates only amounts to 50% of that before the outbreak of the malachite green incident. Given that the registered and approved fish farms actually do not have sufficient fish for supply to Hong Kong, how can the industry survive? The Government is also unwilling to waive the rents payable by industry operators during the affected periods of time. In other words, if the vendors do not wish to close down their operations, they have to take the risk of buying fish from unregistered fish farms. But in doing so, they can easily end up buying fish that contain malachite green. Mr WONG Yung-kan once said that, for a fish pond that had been added malachite green, it would take three years before the chemical could be removed completely. If such fish are bought by the operators and they are caught by the Food and Environmental Hygiene Department (FEHD), then the vendors may be fined \$5,000 or sentenced to imprisonment for six months.

In fact, are all the fish supplied by registered and approved fish farms safe? In a regular examination conducted by the FEHD recently, several cases of excessive malachite green were detected. However, the relevant Government press release did not mention what measures would be adopted to deal with these cases. Apart from requesting supermarkets to recall those canned fish found to have problems, I wish to be informed of what the Government will do to prevent food that has exceeded safety standards from being put on the market.

The Amendment Regulation has retained the defence provisions which provide that, in the Government's attempt of tracing up the supply chain for the source of live fish confirmed containing excessive malachite green, if the retailers and wholesalers can provide evidence to show that their fish are supplied by registered and approved fish farms, then they will not be regarded as having violated the law. In such cases, the FEHD will only take actions to

notify the relevant mainland departments so as to ban such fish farms from exporting fish. Should that happen, Hong Kong will once again face the problem of inadequate supply of freshwater fish.

Over 90% of foods in Hong Kong are imported, and over 80% of them comes from the Mainland. However, the FEHD has the capacity for only testing some 60 000 samples annually, and such a quantity is negligible when compared with the amount of food imported. Is it adequate for us to ensure food safety in the market by only relying on sampling inspection?

Madam President, the Amendment Regulation introduced by the Government to include malachite green into the list of harmful substances has come into effect. The motive is very positive. The speech delivered by me today is not intended for overriding the law, nor is it for introducing legislative amendment. Instead, I just want to point out that, apart from enacting laws, the Government should have a set of comprehensive considerations and matching measures in place, so as to assist Hong Kong people in satisfying the requirement of the Regulation. Otherwise, people in the industry will run the risk of being inadvertently caught by the law, whereas the people will have to face the risk of consuming unsafe food. I really do not know what concrete purposes this amendment serves.

I am not asking the Government to monitor the production of food for supply to Hong Kong on an administrative level. In fact, there is also a quality farm products scheme in the Mainland. Can we incorporate the registered and approved fish farms into a similar safety standard mechanism by adopting a co-operative mode, thereby enhancing the safety of our imported food? This should prove beneficial to mainland food suppliers. We have many Hong Kong people investing in the food industry in the Mainland. Can we use these industries to launch some pilot projects? If this is feasible, can we then extend this scheme to a national proportion?

This Council has conducted a review of the restructuring of the food safety regulatory framework. I earnestly hope that the Government can listen to public opinions more extensively, especially those put forward by the industry. Consultation should also be conducted on the food supply system from the Mainland to Hong Kong, thus enabling the Government to formulate a food supply framework which is feasible, effective, fair and beneficial to all the

parties involved. The Panel on Food Safety and Environmental Hygiene will make a visit to Guangdong in January next year. I believe we should put forward similar proposals to the Mainland, in the hope that it will help promoting co-operation in food safety between Hong Kong and the Mainland.

I so submit. Thank you, Madam President.

PRESIDENT (in Cantonese): Questions. First question, Mr Fred LI.

(Mr WONG Yung-kan raised his hand)

MR WONG YUNG-KAN (in Cantonese): President, I would like to speak on this issue.....

PRESIDENT (in Cantonese): Mr WONG Yung-kan, please sit down.

MR WONG YUNG-KAN (in Cantonese): President.....

PRESIDENT (in Cantonese): This is not the time for a debate. According to the Rules of Procedure, if you want to speak, you should have submitted your draft speech to the President beforehand. Are you saying that Mr Vincent FANG has made a mistake in the part of his speech that mentioned your name, and therefore, you would like to make a clarification?

MR WONG YUNG-KAN (in Cantonese): President.

PRESIDENT (in Cantonese): Am I correct?

MR WONG YUNG-KAN (in Cantonese): I do not need to make any clarification.

PRESIDENT (in Cantonese): If you do not need to make any clarification, then please sit down, and you cannot make any speech now. This is stipulated in the Rules of Procedure. If Members wish to make any amendment, please raise this for discussion in the Committee on Rules of Procedure. As far as I know, the Committee will soon hold a meeting to discuss issues in this regard.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Announcement of Information on Food Safety

1. **MR FRED LI** (in Cantonese): *President, it has been reported that in the middle of last month, the Food and Environmental Hygiene Department (FEHD) detected carcinogenic substances in three samples of canned mud carp, while in September this year, the Agriculture, Fisheries and Conservation Department (AFCD) found the presence of unregistered pesticides in 11 samples of mosquito repellent coils. After learning of such test results, both departments only informed sellers to stop selling and to recall the foods and products, instead of making prompt announcements to the public. In this connection, will the Government inform this Council of the following:*

- (a) *the respective numbers of cases in the past three years in which the two departments announced the relevant information immediately after learning that certain foods and products had failed the food safety tests, and those in which they did not;*
- (b) *the criteria the two departments adopted for determining whether prompt announcements should be made and the contents of such announcements, such as the information on brand names, countries of origin and batch numbers; and*
- (c) *the two departments' plans to improve the arrangements for announcing the results of food and product safety tests so that the public will be informed, at an early stage, about the details of the foods and products that have failed the tests?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President,

- (a) The FEHD discovered 159, 141 and 164 cases where food samples failed the food safety tests under the regular Food Surveillance Programme in 2002, 2003 and 2004 respectively. For each and every case that failed the test, the FEHD has issued warning letters to the retailers and wholesalers concerned, ordered them to stop selling the problem products and asked for information about their suppliers in order to follow up the problem at source.

Between January 2002 and December 2004, the FEHD has immediately notified the public of the names and information of three problem food products, including those that were detected to pose immediate or grave hazard to the public health under the regular Food Surveillance Programme, those that aroused widespread public concern and those that were recalled in Hong Kong because of major food incidents that occurred outside the territories. During this period of time, there were a total of 461 problem food products of which the names were not announced immediately. Since early 2005, the FEHD has announced immediately the names and information of three problem food products.

Since 2002, the AFCD discovered two cases of pesticides which did not register according to the Pesticides Ordinance (Cap. 133), involving 12 products. For each case, the AFCD has issued warning letters to the wholesalers and retailers concerned, ordered them to stop supplying and selling the problem products, and to conduct products recall. Among the 12 products, the AFCD has notified the public of the names and information of 11 products. The products concerned do not pose immediate or serious impact to health of the public.

- (b) In the event of a major (local or overseas) food incident or related incident that causes widespread concern or discovery of any food product that poses immediate or serious impact to the public health under the regular Food Surveillance Programme, the FEHD will immediately notify the public of the relevant information and the

name of the product. In the surveillance of product safety, if there is an event of major product safety incident or related incident that causes widespread concern, or discovery of any product that poses immediate or serious impact to the public health, the AFCD will immediately notify the public of the relevant information and the name of the product. The FEHD will also inform the media and the public of the results of food tests conducted under its Food Surveillance Programme through press releases and its website on a regular basis.

- (c) The HKSAR Government is dedicated to protecting public health. Upon discovery of any food or product sample that failed food safety tests, may seriously affect and posed grave hazard to the public health, the department concerned will immediately publish information about the food or product. The FEHD will review its mode of release of results for its regular Food Surveillance Programme, taking into consideration factors such as public health, social concern, the public's right to information and the impact on the trade. We will submit a proposal for discussion for the Legislative Council in due course. The AFCD will also review its mode of release of results of the product safety surveillance.

MR FRED LI (in Cantonese): *President, the Government pointed out in the main reply that, in case any sample failed the food safety tests, for example, canned mud carp, the Government would only inform the wholesalers and retailers concerned to recall the foods and products, instead of making announcements to the public. However, given that there are plenty of retail outlets in Hong Kong, how can the Government ensure that the uninformed public will not buy the problem products in different outlets in the absence of public announcements? Is the Government concerned about the public's right to know?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): As we all know, I have responded to this issue over the past few weeks. We acknowledge that the people should enjoy the rights to know and to choose, and yet they should be balanced against the concerns of the industry. Since the industry considers the making of announcements a fair practice to them,

therefore it is now put under review. It is hoped that a detailed account on our views will be given to the Panel on Food Safety and Environmental Hygiene in due course.

MR FRED LI (in Cantonese): *President, the Secretary has not answered my supplementary. Repeating the example which I cited earlier, how does the Government ensure that the public will not buy the problem canned mud carp at other outlets?*

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

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, it is our current practice to inform the public of the problem food. However, just as I have said, it must be balanced against the ways of handling which the industry considers fair. Our utmost concern is the public's rights to know and to choose, and therefore a review will soon be conducted on the matter and a decision made as well.

DR LUI MING-WAH (in Cantonese): *President, will the Secretary inform us whether or not the Government has currently dedicated a web page to announce the names of food which fail to comply with the requirements, the timing and the name of the company? If not, when will the Government do so?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, relevant information is available for Members' viewing at the websites of the FEHD and the AFCD. However, since the two departments may not possess all the information, so in case the countries of origin of the food or product are unknown, it will be impossible for us to announce such information.

MR CHAN KAM-LAM (in Cantonese): *President, the industry has been filled with grumbles since the incident of the problem dace mud carp, because many people have the impression that suddenly something has gone wrong with each*

and every kind of food. Earlier, the Secretary said that consideration would be given to the future arrangements for announcements. However, may I know if the Secretary will consider providing better information about the problem food when making announcements, so that apart from the dosage, information on the toxins contained in the problem food and the health hazard posed by the daily consumption of the food can be easily accessible and better understood by the public, thereby avoiding the recurrence of public panic?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):

Madam President, I would like to thank Mr CHAN Kam-lam for his suggestion. Just as I said when I gave an account on the issue, apart from the names, brand and countries of origin of the food in question, it is hoped that a detailed account on the risk assessment of the harmful substances in food will be given, so that the people can be aware of the risk involved. If we think the food in question does not pose serious hazards, it will be up to the public to decide whether or not to consume it; but if it poses grave hazards, we do hope that the public will stop consuming it until magnitude of the risk involved is clearly known to us.

MR TOMMY CHEUNG (in Cantonese): *President, in relation to the Secretary's main reply, may I ask the Secretary how the work of sampling inspection is divided between the FEHD and the AFCD? What items and categories of food are subject to sampling inspection? Is the food chosen by the AFCD for sampling inspection different from that of the FEHD? Will the Secretary illustrate the case with examples? Is it possible to provide a written reply later if there are many examples?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):

Madam President, all sampling inspection of food is currently conducted by the FEHD, whereas the inspection on pesticides mentioned earlier is conducted by the AFCD. Therefore, there is division of work between the two departments.

MR MA LIK (in Cantonese): *President, I wish to ask the Secretary: What precautions can be taken by the Government to avoid causing public panic before releasing figures of exceedances? In the recent malachite green incident, for*

example, it transpires that such substance is hazardous to health only if it exceeds the standard by many folds. Although the exceedance in relation to the dace mud carp was not very serious, it has already caused public panic and resulted in shrinking turnover industry-wide. What measures can the Government take to balance the interests of the industry and the consumers in making announcements?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, from my personal analysis, the public usually has a better understanding of the degree of risks involved in chemicals or harmful substances posing known potential risks. However, in the case of a new substance, such as malachite green discovered in August, it is impossible for us to immediately analyse how serious the situation is. Therefore, I believe the public should be informed as a matter of urgency. I think the best way is to inculcate more food safety knowledge in the public. Furthermore, in making an announcement, an in-depth analysis has to be made beforehand and effective communication with the industry in advance is also necessary. The arrangement for announcements is now under review, and the industry will be consulted before it is put in place. Since a lot of food products are imported, there will be adequate communication with the importers, suppliers and even the mainland authorities before the new arrangement for announcing relevant details is adopted.

MR WONG YUNG-KAN (in Cantonese): *President, the Government will order the retailer concerned to recall their food products immediately after problems have been identified. And yet, has the Government requested the producers or suppliers concerned to submit reports to explain the cause of the problem as well?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, whenever food safety problem arises, we will first of all order the supplier concerned to stop selling the product in question, and require them to provide adequate information for the Government to follow up the problem at source. Of course, the details of different food products vary. For some food products, we may investigate into the production plants or places in the Mainland. However, some other food, in particular live fish, it is sometimes impossible for us to trace the source and exercise surveillance.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, in the second page of the main reply, the Secretary mentioned that immediate notification would be made by the Government for three reasons: first, the food in question poses immediate or grave hazards; second, it arouses widespread public concern; and third, a food recall in Hong Kong because of major food incidents that occurred outside the territory. The Secretary highlighted the criteria for making immediate notification there, but on the other hand, he also mentioned that the names of 461 problem food products were not announced during the period from January 2002 to December 2004. May I ask the Secretary whether the names of those 400-odd food products were not announced due to a lack of public concern, an absence of incident occurred outside the territory, or the Secretary's opinion that the products in question did not pose grave hazards as the exceedance was very small? What were the other reasons for the absence of announcements if not those mentioned above?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): *Madam President, as far as I know, many countries will publicize information on two occasions. The first occasion is when the food product in question poses grave or immediate hazards, and the public will be immediately notified; and the second occasion is information will be publicized from time to time in regular reports. Having said that, it does not mean we are not concerned or have done nothing. Our staff will immediately notify the suppliers concerned to stop selling the problem food products, and request more information for follow-up. If the suppliers concerned do not agree with the arrangement, they may be subject to prosecution, or tougher means will be adopted to force them into compliance. The industry has been very co-operative over the years, and whenever problem food product is discovered, they will automatically stop selling those products.*

MR ANDREW CHENG (in Cantonese): *President, Secretary, food products which failed the tests are substandard products and will affect public health anyway. Despite the Government's order to recall the problem products, there are always fishes slipping through the net. Earlier, the Secretary said it was necessary to balance the interests of the industry, and yet public health should afford no compromises. The Government is only required to divide the announcements into different categories, so that the public will gain knowledge*

of the safety level of the food in question. Is this not a better way to strike a balance between public health and the interests of the industry?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, just as I have said, we attach great importance to the public's right to know and the interests of consumers, which indeed warrant our due respect. However, we have also heard the sector question, "why me?" Even though there are 10 shops selling the same food product, but only those selling in his shop were inspected and the name of his shop announced. Is this fair? Therefore, we have to strike a balance having regard to this point when making an announcement. Announcements will only be made after all the 10 shops where the food product in question is being sold have been inspected. As for the detailed arrangements, further discussions will be held with the industry.

Furthermore, I think there is no reason for the public to feel panic because the substance in question only exceeded the standard slightly. They should know that their health will be seriously affected only if the food is consumed daily. If it is consumed only occasionally, the risk involved is absolutely low. Therefore, both the Government and the public should have a good understanding of the risk involved. As I said earlier, there will soon be a review of the existing mechanism. It is hoped that adequate information will be made available to the public on the one hand, while providing the industry with a notification mechanism which they consider fair and effective on the other.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Last supplementary question.

MR WONG KWOK-HING (in Cantonese): *President, I like to eat dace mud carp very much and I have been eating it for 10-odds to 20 years. It has never crossed my mind that today it is found to contain malachite green. May I ask the Secretary through the Chair if the Government has inspected other kinds of canned aquatic product, for example, grass carp, given that there are different kinds of canned aquatic product? May the Secretary advise us whether the other kinds of canned aquatic product are also safe?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the FEHD currently inspects 60 000 samples every year. Since the inclusion of malachite green to the list of prohibited substances, regular sampling inspections have been conducted. Live fish or fish products are both subject to sampling. Once exceedance is identified, the public will certainly be notified. I would like to take this opportunity to inform Honourable Members that, since malachite green was put under regulation in late August, the number of cases in which malachite green contained in the fisheries and aquatic products exceeded the standard has dropped significantly, and the degree of exceedance is rather low. At present, for the public, aquatic products (especially freshwater fish products or freshwater fish) are much safer than before.

PRESIDENT (in Cantonese): Second question.

Kai Tak Planning Review

2. **MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, early this month, the Government launched the Stage 2 Public Participation Programme for the Kai Tak Planning Review and prepared three draft Outline Concept Plans (OCPs) to facilitate the public to put forth their views. In this connection, will the Government inform this Council:*

- (a) *given that the Government had conducted the Development Statement Study concerned in as early as 1993 and various opinions and suggestions had been collected since then, of the reasons for preparing only three OCPs for consideration by the public and allowing only two months for public consultation;*
- (b) *why the cultural and heritage features of the district have not been emphasized in the three OCPs; and*
- (c) *where the public object to the three OCPs or submit new planning proposals, whether it will launch a comprehensive planning exercise and public consultation afresh?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, in light of the judgement handed down by the Court of Final Appeal

(CFA) in January 2004, which interpreted the Protection of the Harbour Ordinance and ruled that any reclamation project within the Harbour must meet the "overriding public need" test, we have reviewed the reclamation projects with the Victoria Harbour. We have also joined hands with the Harbour-front Enhancement Committee to use a new model to engage the public in reviewing the ways to enhance these reclamation areas. The public engagement programme is broadly divided into three stages: Stage 1 engages the public in concept formulation and envisioning; Stage 2 engages the public in consensus building of preliminary developments, and formulating draft OCPs; and Stage 3 engages the public in formulating preliminary development plan, which will provide input to the detailed planning in the future to facilitate implementation of the developments in accordance with statutory process. The Kai Tak Planning Review is one of the projects being carried out according to the above model of public engagement.

As regards the three-part question, my reply is as follows:

- (a) The Government started planning for the future development of the Kai Tak Airport site in the early 1990s. The Government completed the Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development in 2001. The Study proposes a total development area of 460 hectares, including about 133 hectares of reclaimed land. The relevant proposals were incorporated into the statutory Kai Tak (South) and Kai Tak (North) Outline Zoning Plans in mid-2001, which were approved by the Chief Executive in Council in June 2002.

In the light of the CFA's judgement in January 2004, we launched a comprehensive planning and engineering review of the project in mid-2004 and launched the Stage 1 Public Participation Programme in late 2004.

Public engagement in the Kai Tak Planning Review is an ongoing process. Although the consultation for the current Stage 2 Public Participation Programme will last only two months, the three OCPs drawn up for public consultation are based on the valuable views and suggestions collected during the public engagement activities in Stage 1. Views collected during the Stage 2 exercise will also serve as input for the preparation of a Preliminary Outline

Development Plan (PODP) in Stage 3. Public opinion is therefore always taken into account in various stages of the Kai Tak Planning Review.

- (b) One of the major considerations in formulating the OCPs is to preserve and pay tribute to the history of Kai Tak Airport and Kowloon City District. All three OCPs seek to highlight the aviation history of Kai Tak by bringing into play the "Kai Tak Promenade/Boulevard" Concept. For instance, in OCP1, Kai Tak Boulevard, with distinctive historical features designed to remind the public of the former airport runway, is aligned next to the Kai Tak Approach Channel. In OCP2 and OCP3, the 50-m wide waterfront promenade, designed with historical collections of Kai Tak, seeks to preserve the unique cultural characteristics of the runway. In addition, all three OCPs propose to incorporate a runway park with facilities of an aviation theme at the tip of the runway and a new Sung Wong Toi Park next to the Olympic Avenue to remind the public of the Sung Wong Toi historical site. Further studies will be conducted to see how these concepts correlate with other heritage sites in Kowloon City.
- (c) The three OCPs serve to facilitate public comments. They are not intended to be options from which the public may choose the one they prefer. When preparing the PODP, we will take into account public comments on the various features and concepts of the three OCPs as well as any other relevant views. Then, we will embark on the Stage 3 Public Participation Programme and join hands with the public in taking forward the Kai Tak development plan.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, in the main reply, the Secretary said that public engagement in the Kai Tak Planning Review was an ongoing process. Although the consultation for the current Stage 2 Public Participation Programme would last only for two months, the three OCPs drawn up were based on the valuable views and suggestions collected during the public engagement activities in Stage 1. I wish to tell you, Madam President, that the consultative period for Stage 1 was so short that even residents in the district were not aware of it. In other words, the Government conducted a consultation on the greening Kai Tak last time just because reclamation works was needed.*

However, the questions asked were quite technical. Madam President, I will ask a supplementary question after explaining the background.

In fact, during that period, lots of things happened. These include the stipulation of the ridgeline, viewing corridors and circulation corridors by the Government itself. But these concepts are not included in the three OCPs. We therefore queried why the Government had rushed through the process, not to mention that the views collected by the Government were biased and one-sided. But now, it has introduced three OCPs in a rash manner. Why did the consultation period last for only two months? The Legislative Council has not yet received those OCPs. Only recently, we requested a discussion with the relevant planning committee. Why did the Government claim that the views were collected in Stage 1 consultation period when so many people were still kept in the dark? Whom were consulted by the Government in Stage 1? Afterwards, the Government said that the consultation period in Stage 2 would only last for two months. I think such a beautiful.....

PRESIDENT (in Cantonese): Miss CHAN, I think your supplementary question is very clear. Please sit down so that the Secretary can answer it.

MISS CHAN YUEN-HAN (in Cantonese): Yes. Thank you, Madam President.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, we have in fact done a lot of work and conducted an extensive public consultation. I believe Members have read our work report. The report, which is the result of our efforts, mentioned that the Government had conducted the Stage 1 Public Participation Programme in order to understand the public aspirations in relation to the future development of Kai Tak. The valuable comments collected will enable the Government to conduct the work in Stage 2. The report has also clearly set out our consultation channels, including public forum, which was held on Saturday, 19 November. Besides, three forums at district level and three other on specialized topics have been held. Apart from professionals, members of the public are also welcomed. This is the situation of our work and the mode of operation. Of course, I cannot guarantee that all

members of the public can be aware of these channels. But we have tried our best to disseminate such information.

Just now, I have discussed our current work. I hope Members can understand that we do not have three plans right now. We have just collected public views in Stage 1. The public had expressed their views on three aspects which were then sorted and introduced in detail in the form of a report by us. I hope Members can refer to the report on their own because I do not wish to waste their time.

We have proposed three options for comments by the public after collating the public views collected in Stage 1. We will hold forums again after sorting out the comments. In accordance with legal procedures, plans will then be drafted for public scrutiny. Under the legal procedures, we will also have sufficient time to deal with views, both for and against, expressed by Members and the public. From this we can clearly see that the public will be given sufficient time to express their views now and in future.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, the Secretary has not answered my question. No arrangement for soliciting the views of the Legislative Council has been made by the Government until the end of December. The Secretary said that a lot of consultation exercises had been conducted. But basically, consultations conducted in Stage 1 were mixed up with those in Stage 2. I hope the Secretary can answer whether he considers a two-month consultation period sufficient. So far, the Government has not yet consulted the Legislative Council.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, things are arranged in time order. Now, we wish to listen to public views before arriving at a clearer option which is also acceptable to the public. We have a number of concepts at present. If we can arrive at an option on the basis of a consistent concept after sorting out the contradictory views, we will certainly submit it to the Legislative Council for discussion. Of course, should Members wish to participate in the consultation exercise at the present stage in their personal capacity, we have, as I just said, arranged a number of public forums in which Members can participate.

PRESIDENT (in Cantonese): The exchanges between Miss CHAN and the Secretary have taken up 11 minutes. There are now seven Members waiting for their turns to ask supplementary questions. Will Members please be as concise as possible.

MR BERNARD CHAN (in Cantonese): *President, my supplementary question is very straightforward. In part (b) of the main reply, it is said that all three OCPs have proposed to build a park there. May I ask the Secretary whether the park proposed will be built in a conventional way with the area of lawn accounting for only 40% of the total area in a large tract of concrete land? Can such a concept be revised? In my opinion, if this is the park to be built, I would prefer none. Can the park proposed in the OCPs be a turf-park? I know this will necessitate legislative amendments. I wish to know whether a non-conventional concept can be adopted for the construction of a park this time.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, as Mr Bernard CHAN said, we are talking about concepts only. When it comes to execution, the forms of development proposed by Members will be considered.

MR PATRICK LAU (in Cantonese): *President, a covered stadium with a maximum capacity of 45 000 people and a cruise terminal are included in all three OCPs. In this connection, various sectors have held consultative seminars in which I have participated in order to collect views. May I ask the Government whether these two facilities are indispensable?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, we have, from various channels, found that the public demands for both facilities are very high. So, we have to select suitable locations for these two facilities and one of the options is to set them up at Kai Tak. As we consider this feasible in terms of concept, we have therefore included them in the three OCPs.

Of course, we will continue to listen to the public views in the consultation process of Stage 2. Should Members have any views, we will certainly consider them.

MRS SELINA CHOW (in Cantonese): *President, we are of course concerned about the importance of consultation. But at the same time, time is also precious regarding the development of Hong Kong as a whole. In his reply, the Secretary just mentioned what had been done in the past and did not mention what would be done in the future. Can he explain to us whether he has a timetable in his mind? Can he tell us when development can really be commenced instead of just engaging in empty talk without concrete actions?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, we also wish to take action. But because of the Court's ruling, we have to respect the Court — instead of respect, I should say we have to observe the restriction imposed on us. So, a planning afresh is inevitable.

President, regarding timetable, I do have one. After involvement in Stage 1, we have now proceeded to Stage 2 which may last for two months until early next year before the commencement of Stage 3. After the completion of Stage 3, as I just said, we will compile the PODP in accordance with the Town Planning Ordinance in order to prepare for the development and another public consultation exercise. Meanwhile, we will also apply for funds from the Public Works Subcommittee of the Legislative Council so that other tasks such as detailed study, commissioning of consultants, project review and environmental assessment can be carried out. It is hoped that the formal draft plan can be published in October 2006 in order to invite public proposals. Should any objections be raised, we will still be able to deal with them. Finally, we hope that the proposal can be endorsed and implemented by 2007.

DR RAYMOND HO (in Cantonese): *President, it has been more than seven years since the relocation of the old Kai Tak Airport on 6 July 1998. Although the Government has to abide by the Court's ruling, can projects without impact on the final development plan such as the construction of the Central Kowloon Route be implemented first because it is a necessary prerequisite for the South East Kowloon Development project? Can such projects be implemented first?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, in my understanding, planning for road facilities or railways (or the

Sha Tin to Central Link) has been in progress and part of the preliminary preparatory work has been completed.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. Last supplementary question.

MS MIRIAM LAU (in Cantonese): *President, may I ask the Secretary whether concepts of the Kai Tak Planning Review for public consultation have obtained in-principle agreement of other Policy Bureaux? Since the abolition of the cargo handling areas in Kwun Tong and Cha Kwo Ling has been included in the concepts, this may involve the relocation of these two cargo handling areas and the construction of another typhoon shelter. On this point, tremendous difficulties were met in the past. Has this problem been solved, thus enabling the Government to propose the abolition of these two cargo handling areas in its concepts?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, as I just said, concepts are just concepts. We have not yet drawn up any outline development plan. We understand that problems exist and relevant departments have conducted feasibility studies. But it is still too earlier to say whether or not these can be incorporated into the outline development plan. But I can assure Members that relevant departments are now conducting feasibility studies in this regard.

PRESIDENT (in Cantonese): Third question.

Rural Public Works and Urban Minor Works Projects

3. **MR DANIEL LAM** (in Cantonese): *President, in his policy address delivered in October, the Chief Executive indicated that by the end of 2006, the Government would invest about \$190 million to carry out over 120 Rural Public Works (RPW) and Urban Minor Works (UMW) projects, hence would create*

jobs. Regarding such projects and other RPW projects the commencement dates of which have yet to be fixed, will the Government inform this Council:

- (a) among the 120-odd projects, of the respective numbers of projects to be carried out in the New Territories and the urban area, their categories, as well as the longest, average and shortest periods of time for which they have been included in the list of Home Affairs Department (HAD)'s projects;*
- (b) apart from the 120-odd projects, of the number, titles and categories of RPW projects the commencement dates of which have yet to be fixed, as well as the periods of time for which they have been included in the above list; and*
- (c) whether it plans to seek funding specially for expediting the implementation of the projects mentioned in (b); if so, of the details of the plan; if not, of the negative impact the delay in the implementation of such projects would have on the rural community, particularly on environmental hygiene?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the Government introduced the RPW Programme in 1999 in order to upgrade the infrastructure and improve the living environment of the rural areas in the New Territories. The UMW Programme was set up in 2000 with a view to improving the environment and local facilities in the urban districts. These two programmes were launched with the objective to improve the local environment and resolve the related issues in a swift and flexible manner. The related cost incurred is charged to the Subheads 7014CX and 7015CX respectively under the Capital Works Reserve Fund Head 707.

In his policy address delivered in October, the Chief Executive stated that by the end of 2006, the Government would invest about \$190 million to carry out over 120 RPW and UMW projects. Of these 120-odd minor works projects, over 100 are RPW projects while 17 are UMW projects.

The 100-odd RPW projects, which will cost about \$160 million in total, include construction/improvement of footpaths (27%), access roads (22%), drainage facilities (24%) and pavings (5%); construction of rain

shelters/pavilions (7%) and other projects (15%) such as installation of welcome signs and "Pai Laus".

The 17 UMW projects, which will cost about \$30 million in total, cover construction/improvement of walking trails (12%) and sitting-out areas/arbours (18%); beautification works (23%), greening works (29%) and other projects (18%).

Among these 120-odd projects, the majority (about 70%) have been included in the RPW Programme for less than six months and only a small portion (about 10%) have been included in the programme for over two years.

Apart from the 120-odd projects, another 32 projects have also been included in the RPW Programme. They are now under planning and the commencement dates for construction are yet to be fixed. Of these 32 projects, 10 have been included in the programme for less than six months, 16 for one and a half years and six for over two years. About half of the projects involve the construction/improvement of footpaths or access roads. The remaining ones include the provision of seating facilities, improvement of drainage facilities, reconstruction of rain shelters and other village improvement works.

Regarding these 32 projects as mentioned above, we can only fix their commencement dates for construction once the project details have been confirmed and the objections and technical problems resolved. We have reserved sufficient funds under the block allocation of Subhead 7014CX for the purpose to enable these projects to start work once these problems are solved.

Since the implementation of the RPW Programme in 1999, the HAD has completed over 900 RPW projects at a total cost of around \$662 million. Moreover, since the launching of the UMW Programme in 2000, the HAD has completed over 300 UMW projects at a total cost of around \$204 million. Since the launching of these two programmes, all our funding requests have been approved, and no project has ever been put on hold due to funding problems since then.

With the implementation of these two programmes, the living environment in many districts has been improved on the whole. We do not think the fact that some projects are without fixed commencement dates for the time being will have any significant negative impact on the local community.

MR DANIEL LAM (in Cantonese): *President, from the main reply we can see that there is no doubt that the Government has made improvements to the environment of the rural areas in the New Territories. However, the New Territories account for 89% of the total area of Hong Kong. In 1989 the Government set aside a large amount of funds to meet the needs of improvement works in the rural areas. Would the Government consider increasing the amount of similar additional funding for the same purpose?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the large-scale funding for improvement works in the rural areas which Mr Daniel LAM has referred to just now shows that perhaps Mr LAM is still thinking of the Rural Planning and Improvement Strategy Minor Works Programme or other programmes of this kind in the past. To improve the living environment of the rural areas and address problems like the shortage of community facilities, and so on, the Government began in 1989 to launch the Rural Planning and Improvement Strategy Minor Works Programme. The programme was to last 10 years and it ended in 2000.

Since the programme could bring substantial improvement to the quality of life of residents in the rural areas, plus the fact that the programme had been well received among the residents there, so despite the fact that the programme had ended in 2000, the HAD began in 1999 to introduce the RPW Programme in the rural areas in order to upgrade the infrastructure and improve the living environment of rural areas in the New Territories. Therefore, we think that the RPW Programme is effective and it can meet the objective of improving the local environment and providing infrastructure in the local communities or rural areas in a swift and flexible manner.

We will not reconsider launching the Rural Planning and Improvement Strategy Minor Works Programme again. However, if and when necessary, we would of course strive to obtain more resources for the RPW Programme. But so far, no RPW project has been put on hold due to funding problems.

MR LAU WONG-FAT (in Cantonese): *President, I know that the Secretary has given a reply just now to a small part in the question specifically. In the past, the Government launched a rural improvement strategy and it was very*

successful. Could the Government inform this Council whether the authorities would consider formulating a new improvement strategy for the New Territories, so that there can be better co-ordination and implementation of works projects to improve the environment of the rural areas?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the subject of this main question is the RPW Programme and this minor works Programme is carried out under the auspices of the HAD. Its objective is, as Members have said, to improve the living environment of the rural areas in a swift and flexible manner and to provide the infrastructure. What Mr LAU Wong-fat has referred to is to open up some new areas in the rural areas for the purpose of development. I am afraid this idea has exceeded our ambit. There may be a need to co-operate with other departments, including the HAD before such plans can be pursued. We are willing to discuss this with the Heung Yee Kuk and other rural bodies or groups to see how this rural development programme can be improved.

MISS CHOY SO-YUK (in Cantonese): *President, in the main reply by the Secretary, it is mentioned that all funding requests with respect to RPW projects have been approved. But as far as I know, many works projects such as applications for the installation of street lamps, are very slow in progress. This adds to the problem of lighting in rural areas and that is a nuisance to residents. I know that a street lamp installed by the authorities would cost more than \$10,000, but the street lamps using renewable solar energy are cheap and they would just cost \$1,000 to \$2,000 each. Even if the Government is not going to take an across-the-board approach and carry out all the RPW projects, at least it can adopt some swifter measures in respect of those projects which are progressing slowly. The Secretary has just said that some swift and flexible measures will be adopted. May I ask the Secretary, with respect to the installation of street lamps, if some swift, flexible and less costly measures can be taken? This is what the Government can do. Would the Secretary consider this?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I would like to thank Miss CHOY So-yuk for her suggestion.

With respect to installing street lamps in the rural areas, this is in fact part of the street lighting plan undertaken by the Highways Department. The expenses in the installation of street lamps are paid by funding under subhead 6100TX of head 706 under the Capital Works Reserve Fund and this is a different funding mechanism from the RPW and they are paid out from two different heads of expenditure. Therefore, it would not be appropriate to pay for the expenses in fitting street lamps from the funding for the RPW Programme. Having said that, we will certainly convey Miss CHOY So-yuk's view to the department concerned, that is, the Highways Department, for their reference.

MR CHEUNG HOK-MING (in Cantonese): *President, the last part in the eight paragraph of the main reply mentions that since the launching of the two minor works programmes up to the present, no project has ever been put on hold due to funding problems. However, I know that since 1999, the Government has been carrying out these projects without involving land resumption. If, for example, the land is private property, then the title holder is required to sign a letter of authorization before the project in question can commence. May I ask the Secretary what is the number of projects that have been put on hold since 1999 due to the failure to obtain a letter of authorization from the title holder concerned? How does the Government solve the problem of these projects which are put on hold?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the supplementary question raised by Mr CHEUNG Hok-ming is precisely the crux of the matter. Actually, the Government launched the RPW Programme with the main objective of improving the local environment in the rural areas and providing the infrastructure to meet the needs of the local residents. Before the Programme was launched, the Government had examined the problems encountered by the Rural Planning and Improvement Strategy Minor Works Programme and it was discovered that those projects requiring resumption of land would usually have a slower progress and at times there was a delay of five or six years before the project could commence. The main causes for this are those which Mr CHEUNG Hok-ming has mentioned. First, if the project involves private title to land, at times there is more than one title holder and it can be in the form of collective ownership or a number of owners are involved.

Therefore, all the owners have to be located and if the title involves many owners, and if these RPW projects are to pass such plots of land, the Government will have to seek help from the Heung Yee Kuk, the villages, the community groups or even overseas groups and locate all the owners, then persuade them to sign the letter of consent before the projects can commence. Second, the legal procedures concerning the resumption of land are quite complicated and may take a long time. As the Government wants to carry out the works projects swiftly and flexibly and as land resumption would usually require a longer period of time, so the Government will not include such projects into the RPW Programme. What it will do is to hand over these projects requiring land resumption to other works departments so that they can consider and handle such projects.

MR CHEUNG HOK-MING (in Cantonese): *President, I know that land resumption is required in some large-scale projects, but before 1999 when the Government was to carry out these minor works, the method of land resumption was used. I would like to ask the Secretary, if for example, the scope of the works is 1 m wide and 200 m long. It is a minor works and there may be about 10 m of privately-owned land.....*

PRESIDENT (in Cantonese): Mr CHEUNG Hok-ming, sorry, I will have to interrupt you. After listening to you for so long, I have an impression that you are not raising up a follow-up question to the supplementary question which you have just raised. Members may only raise follow-up questions on the ground that the Secretary has not replied the supplementary question raised by them. What you are doing now is to raise another supplementary question, therefore, you must press the button and wait for another turn. If an opportunity arises later, I will let you ask your question.

MR CHEUNG HOK-MING (in Cantonese): *Thank you, President.*

DR RAYMOND HO (in Cantonese): *President, as these RPW projects are great in number and they cover a vast area, may I ask the Secretary whether or not they can be classified by nature and district, and in the form of term contract, in order that progress can be expedited?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, now the HAD has briefed out all these construction projects and if necessary, the Department will hire consultants to undertake the design and construction work. Should the cost involved in each project be less than \$3 million, the HAD will commence these projects and this will not lead to any delays in time.

DR RAYMOND HO (in Cantonese): *President, the Secretary has not answered my supplementary question. I was asking that as these projects were large in number and covering a vast area, whether or not the Government could group these contracts together in the form of term contracts in order that these projects could be expedited. President, the Secretary did not reply this question.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, we are now using the term contract method and since Dr Raymond HO is so far-sighted, we are also far-sighted and so we are following the method cited by him.

MR LEE WING-TAT (in Cantonese): *President, though the expenditure involved in these RPW projects is small, the greatest shortcoming about them is that a lot of government departments are involved and at times communication between them is poor. May I ask the Secretary, with respect to the existing programme, whether there are any methods that may reduce the procedures and paper chase between the meetings so that these works projects which actually involve only a small amount of money will not have to wait for half a year or even one year?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I would like to thank Mr LEE Wing-tat for caring for us so much. Though the amount of money these projects involve is not much and it seems even to be somewhat trivial, they are very complicated projects. When we are to implement these projects, we would usually encounter several technical problems. First, the HAD will need to consult the departments concerned with respect to each project because if trees are to be planted or street lamps be installed in some street, other departments may also carry out some projects not very far away and we should

carry out our projects at the same time as the other projects. This is to avoid digging up the same stretch of the street again and causing inconvenience to the public. Therefore, we must co-ordinate with other public works projects and see if other departments are going to carry out some other kinds of public works projects at that location.

Second, some works may be subject to constraints of the site in question, for example, in an underground public facility or in a slope, if the works we plan to carry out will affect the maintenance of the slope or if there are many cables and pipes buried underground, then we cannot plant any trees there. So we need to know what kinds of works other departments are carrying out.

Third, like I have just said, if private land is involved, the Government must obtain the consent of the owner before any works can be carried out on private land.

Lastly, some green groups or other people may raise some objections and we need to deal with these views and mediate before works can commence. Although the HAD is fully empowered to carry out these minor works, the mediating role we play is important.

MR LEE WING-TAT (in Cantonese): *President, the Secretary has not answered my supplementary question. Of course, I am aware of these difficulties, but I hope to ask the Secretary once again in a caring manner: Has the Secretary any specific methods or procedures to further shorten the time required to handle those difficulties which he has mentioned just now or to reduce the procedures of paperwork? This is my question. I am fully aware of the difficulties faced by the Government. I would just like to ask the Secretary whether anything can be done to reduce the time and procedures required.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, at the district level, through the co-operation between the HAD and the District Councils, we hope that co-ordination with the departments can be carried out and relevant information can be obtained more quickly. We will work hard on that.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this oral question. Last supplementary question.

MR CHEUNG HOK-MING (in Cantonese): *President, when the Secretary gave a reply to my supplementary question earlier on, he stressed that from 1989 to 2000, the progress of the works projects had been good and effective. These were possible because during the past 10 years, the Government resorted to land resumption before minor works were carried out. However, the policy has ceased. May I ask the Secretary if the land resumption policy would be adopted again in order to achieve the same result as that obtained 10 years ago?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the Government will discuss this with the district bodies including the District Councils, the Rural Committees and the Heung Yee Kuk to see how more land resources can be opened up in the rural areas and how works projects can be carried out so that the living environment of the rural areas can be improved and the infrastructure there upgraded. The Government remains open about this and we will certainly continue our discussions with the relevant departments and we will convey the message to the Heung Yee Kuk.

PRESIDENT (in Cantonese): Fourth question.

Position and Reaction of Middle Class Towards Universal Suffrage

4. **MR LEE WING-TAT** (in Cantonese): *President, it has been reported that when attending a meeting of the Wan Chai District Council (DC) earlier, the Chief Secretary for Administration said that "if universal suffrage is implemented in Hong Kong with no change to the existing councils, our middle class are bound to suffer miserably, and will all flee". Regarding the position and reaction of the middle class towards the implementation of universal suffrage, will the Government inform this Council:*

- (a) *of the justifications for the above remark, and whether it represents the stance of the Government;*

- (b) *whether it has assessed if the above remark will cause more middle-class people to take part in the petition activities on 4 December this year to express their wish for the expeditious implementation of universal suffrage and the formulation of a timetable for universal suffrage; if it has, of the assessment results; and*
- (c) *whether it has conducted analysis of the two 1 July marches in the past, in which ten of thousands of people, including the middle class, took part in the petition activities to demand the expeditious implementation of universal suffrage; if it has, of the outcome of the analysis?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, regarding the first part of the question, the remarks by the Chief Secretary for Administration at the meeting of the Wan Chai DC on 15 November 2005 were made in response to concerns expressed by some quarters of the community on the issues involved. Subsequently, the Chief Secretary for Administration provided further elaboration on this matter at the meeting of the Central and Western DC on 24 November. He intended to bring out two messages. Firstly, like other Hong Kong people, the middle class support universal suffrage as the ultimate aim of Hong Kong's constitutional development. Secondly, the Legislative Council is composed of directly elected seats and functional constituency (FC) seats. The directly elected seats represent members of the public in different districts, while the FCs ensure that the voices of various functional groups are heard in the legislature. When the Legislative Council is to be returned by universal suffrage, the FCs will no longer exist in their current form. In the circumstances, the question as to how we could maintain balanced participation in a directly elected legislature and ensure compliance with the requirements in the Basic Law relating to public finance and low tax policy is worthy of thorough study and debate by the community. The middle class is one of the key forces in upholding social stability. If, after universal suffrage is implemented, the composition of the Legislative Council cannot continue to balance and meet the interests of various strata, the middle class may get worried and their burden increased. The Chief Secretary for Administration is of the view that in considering how universal suffrage should be attained, this range of issues needs to be addressed.

Regarding the second part of the question, the remarks made by the Chief Secretary for Administration and the march on 4 December are two distinct issues. His aim was to encourage the community to explore issues relating to universal suffrage from different perspectives. Implementing universal suffrage involves not merely electoral arrangements based on one-man-one-vote. A legislature returned by universal suffrage must continue to balance the interests of various parties and ensure that the concerns of the minority are taken care of, thereby upholding the prosperity and stability of Hong Kong.

The right of demonstration is protected by the Basic Law. The SAR Government will respect and listen to the views expressed by Hong Kong people on constitutional development through any legal means, including demonstration activities.

Regarding the third part of the question, the SAR Government has been following closely the views on constitutional development expressed by members of the public through various channels. We understand that while Hong Kong people have a clear desire for progress in the electoral arrangements for 2007 and 2008, they also hope to have a roadmap for future constitutional development. As for the electoral methods for 2007 and 2008, the SAR Government will strive to secure the support of the Legislative Council Members to ensure passage of the government proposals. Regarding the direction for future constitutional development, we have entrusted the Governance and Political Development Committee under the Commission on Strategic Development to study the issue of formulating a roadmap for attaining universal suffrage. Topics to be discussed include the issues raised by the Chief Secretary for Administration at the DC meetings, that is, how to ensure the principles of "balanced participation" and "meeting the interests of the different sectors of society" can be preserved. The committee held its first meeting on 29 November.

MR LEE WING-TAT (in Cantonese): *The Secretary's reply still admits that the middle class supports democracy and universal suffrage. But the Chief Secretary for Administration, Mr HUI, did point out that if there is universal suffrage, "our middle class are bound to suffer miserably", and that with universal suffrage, the middle class "will all flee". May I ask the Government and the Chief Secretary for Administration whether they will withdraw such an*

impertinent remark, such an insult to the middle class? And, will they extend an apology to all middle-class people?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, our position is all very clear. Besides, over all these years, we have been listening to the views in society and we very much respect the opinions expressed by the people on constitutional development.

Middle-class people are also Hong Kong residents and like their counterparts from other social strata, they also support and very much look forward to the day when the ultimate aim of implementing universal suffrage can be achieved. The remarks of the Chief Secretary for Administration were only meant to point out that besides the electoral system, we must also pay heed to certain significant principles. For instance, even when there is universal suffrage for the Legislative Council, it will still be necessary to follow the principles of keeping expenditure within the limits of revenues and maintaining a low tax regime. All these issues are related to the long-term development of Hong Kong and the allocation of public resources. We believe that like people from other social strata, middle-class people are equally concerned about all these issues. Consequently, in raising all these issues, our only hope is that everybody can make comprehensive consideration during the social discussions on universal suffrage and constitutional development.

MR LEE WING-TAT (in Cantonese): *My supplementary question is very specific: Will the Chief Secretary for Administration or the Government withdraw such an insult to the middle class and extend an apology to them all? I only want to ask the Chief Secretary whether this will be done.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I have already explained our position very clearly. First, the SAR Government fully respects the people's (including the middle-class people's) aspiration to and yearning for universal suffrage. Second, we are of the view that the issues raised by us are all the concerns of everybody, for everybody also hopes that Hong Kong can keep its expenditure within the limits of revenues and maintain a low tax regime. We must therefore give consideration to these important public finance and economic issues.

MR RONNY TONG (in Cantonese): *President, in a paper recently released by the Commission on Strategic Development, "five no's" are set down for the development of democratic politics: no damage to the various fields of development, government operation, the mutual trust between China and Hong Kong, economic development and prosperity and stability. May I ask the Secretary whether these are the reasons for the Chief Secretary for Administration's remarks that the middle class "are bound to suffer miserably" and "will all flee"? Are these the reasons for the Chief Secretary for Administration's remarks?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): *Madam President, no. The paper submitted to members of the Commission on Strategic Development contains only the views collected by the Central Policy Unit in society. And, only the topics deemed by everybody as requiring discussions are put before members of the Commission on Strategic Development. These topics are also the issues we must address if we are to achieve the ultimate aim of implementing universal suffrage. This is what the whole thing is all about.*

MR ALBERT HO (in Cantonese): *President, the Chief Secretary's remarks carry very heavy overtones of class distinction. The implication seems to be that if the common masses can make their selections, certain principles (including those set down in the Basic Law) may easily be deserted and defied. But if there is enough middle-class representation, these principles will be adhered to. What will be the consequences of such class distinction?*

The findings of government opinion surveys show clearly that many of those who expressed their support for the implementation of universal suffrage in 2007 and 2008 during the two 1 July marches were in fact middle-class people. These people will not believe what the Government says. In spite of this, the Chief Secretary has still made such remarks to irritate middle-class people. May I therefore ask whether it is the intention of the Chief Secretary to follow former Secretary for Security Regina IP's example of saying the opposite of what she meant? In other words, does he actually mean to upset middle-class people, so as to make sure that a greater number of them will come forth to support us? If that is the case, we will be very grateful to him.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we have no intention of stirring up any unnecessary conflicts. Besides, in regard to the tax regime, it is indeed necessary for us to examine the size of our tax base when studying how to achieve the objective of implementing universal suffrage.

As Members all know, middle-class people have contributed immensely to the overall social development of Hong Kong over the past few decades. Middle-class people and middle-class families have been the main sources of government revenue in many cases, such as salaries tax. Therefore, we do attach importance to and will reflect those topics of concern to them. This is only natural and reasonable. In addition, we also note that middle-class people have been playing a very important role in the democratic development of many places in the world. They are a significant group of opinion formers in their respective societies and they also have an active desire to join political parties and groups. But we also treat all people equally and we will respect the views expressed by all people regardless of which social strata they belong to. And, in the handling of constitutional development and public finances, we must pay equal attention to the interests of all social strata.

MS AUDREY EU (in Cantonese): *President, it is pointed out in the Secretary's main reply that "when the Legislative Council is returned by universal suffrage, the FCs will no longer exist in their current form." This indicates clearly that the Chief Secretary for Administration has certainly remarked that the middle class "are bound to suffer miserably" and "will all flee". The reason is that once universal suffrage is implemented, there can no longer be any FCs.*

Therefore, will the Secretary please refer to the relevant government statistics and inform us of the number of middle-class people in Hong Kong? The Secretary must of course explain the criteria underlying the compilation of such statistics. Besides, will the Secretary also inform us of the percentage occupied by middle-class people in the FCs? And, how many middle-class people can vote in the FCs?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I think the first half of Ms Audrey EU's supplementary question is a bit of a triple jump in logic. The remarks of the Chief Secretary for

Administration are just a reflection of the views of middle-class people and society as a whole. These people maintain that the implementation of universal suffrage should be coupled with supporting studies and the handling of certain problems. This does not mean that middle-class people necessarily support the perpetual existence of FCs in their current form.

However, since Ms Audrey has asked about the relationship between the existing FCs and middle-class people, I may as well reply that as far as we can observe, many existing FCs are composed of middle-class people. For instance, the constituents in FCs involving chambers of commerce, the professions, the social work sector and the education sector are mostly middle-class people. If this is adopted as a rough demarcation, then, surely, several ten thousand middle-class people are currently able to participate in FC elections under the existing electoral system.

However, from the economic perspective and that of social stratification, at least several hundred thousand working people should be classified as belonging to the middle class. In regard to differentiations and definitions, I believe that it is better to leave the task to sociologists.

MS AUDREY EU (in Cantonese): *Will the Secretary please provide a written reply to this supplementary question? My supplementary question is very specific: According to government statistics, how many middle-class people are there in Hong Kong and how many middle-class people can elect Legislative Council Members through their respective FCs? This is a very specific supplementary question. I hope that the Secretary can respect it and provide a concrete reply in writing.*

President, whether or not the Secretary agrees to my premise, this is still a very specific

PRESIDENT (in Cantonese): Many Members are waiting for their turns.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the SAR Government does not have any established criteria for

defining the middle class. But if Ms Audrey EU wants me to provide a written explanation on the composition of the existing FC electorates, I can of course comply.

MS AUDREY EU (in Cantonese): *I am not asking the Secretary to provide me with such information. President, I of course know the composition of the FCs. I only wish to ask the Secretary a question on the middle-class people's*

PRESIDENT (in Cantonese): Ms EU, please be seated first. Secretary, if you are unable to provide a written reply, just say so. If the opposite is the case, just say that you can submit a written reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, with respect to the 200 000-strong electorates of the existing FCs, I do not have any scientific and theoretical basis to formulate any acceptable-to-all definition of middle-class people. I cannot provide such information. However, if Ms Audrey EU still requests provision of information on the electorates of the FCs, I can of course comply. (Appendix I)

MR CHEUNG MAN-KWONG (in Cantonese): *President, Chief Secretary for Administration Rafael HUI said, "If there is universal suffrage, our middle class are bound to suffer miserably". And, the Secretary has just negated Mr LEE Wing-tat's question, claiming that the Chief Secretary for Administration's remarks were not impertinent. If that is really the case, can one conclude that the Chief Secretary for Administration was having ulterior or evil motives? Was he in fact trying to foment class distinction in Hong Kong on the eve of the upcoming march? Or, was he trying to create an illusion that middle-class people oppose universal suffrage? Is this something that a Chief Secretary for Administration should ever do or say?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I think Mr CHEUNG Man-kwong is trying to put words into our mouths.

As I have made it very clear today, the SAR Government is well aware that overall, Hong Kong people do see universal suffrage as the ultimate aim and aspire to its early implementation. For this reason, the Commission on Strategic Development has already launched the formulation of a roadmap on the development towards universal suffrage in the long run. We have in this connection put forward a proposal on introducing fresh democratic elements to the two elections in 2007 and 2008. Hence, the proposal can answer not only the aspiration of middle-class people but also the expectation of Hong Kong society as a whole.

DR YEUNG SUM (in Cantonese): *Madam President, the Democratic Party has recently completed a survey and the findings have also been released. The survey was meant to gauge middle-class people's views on Chief Secretary for Administration Rafael HUI's remark that if there is universal suffrage, our middle class are bound to suffer miserably. As much as 70% of the respondents claiming to be middle-class people disagreed to this remark. In another question of the survey, respondents were asked whether they thought that with universal suffrage, they would "all flee". According to the findings, more than 70% of the respondents claiming to be middle-class people did not agree to this remark.*

May I ask the Secretary whether the remarks of the Chief Secretary for Administration are in fact indicative of his lack of understanding of the middle-class culture? Besides, are the remarks of the Chief Secretary for Administration intended to vilify and belittle the middle-class people in Hong Kong?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, definitely not. The SAR Government has always highly appreciated the middle-class people's contribution to Hong Kong and their commitment to its development over the years. The purpose of our raising this topic is simply to point out that in finalizing the form of universal suffrage to be adopted, it is indeed necessary to pay heed to certain principles of public finance. Moreover, I also wish to tell Dr YEUNG Sum that in developing any form of universal suffrage, we must at the same time remember that in respect of public finance, we must always spend public money with prudence and care and handle with

great caution the public resources that the Government derives from the people's tax payments.

For instance, in 1979, when I studied in Britain for the first time, I noticed that the British society had been hard-pressed by a long-standing fiscal deficit. In the end, the Tory Government could manage to restore fiscal balance only after making strenuous efforts to deal with the trade unions and change the overall approach to administration. From 1991 to 1994, when I was charged with the responsibility of setting up an economic and trade office in Canada, I also saw that the Canadian Federal Government and provincial governments had similarly been caught in a fiscal deficit for many years. In view of the experience in these foreign countries, we must pay heed to the principle of prudent public financial management when handling the constitutional development of Hong Kong. I believe that this principle and the whole series of related considerations are recognized not only by the middle-class people of Hong Kong but also by all strata of society.

DR YEUNG SUM (in Cantonese): *My supplementary question is very straightforward. I simply asked the Secretary whether the remarks of Chief Secretary for Administration Rafael HUI were intended to belittle and vilify the middle-class people of Hong Kong.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, certainly not. First, we are just trying to reflect middle-class people's concern for prudent financial management. Second, we are totally aware of the yearning of middle-class people and other residents for achieving the ultimate aim of implementing universal suffrage.

PRESIDENT (in Cantonese): We have spent more than 20 minutes on this question. Last supplementary question now.

MR HOWARD YOUNG (in Cantonese): *Madam President, a roadmap is mentioned twice in the last paragraph of the Secretary's main reply. And, it is also said that the Commission on Strategic Development has been entrusted to discuss the same.*

It is reported in the press today that Legislative Council Members will attend a certain meeting in Shenzhen. May I ask the Secretary whether, apart from discussing this topic and the problems concerning the middle class in this question session today, Members will also be allowed to discuss this same topic in this upcoming meeting? Or, will the discussions be confined to the electoral arrangements for 2007 and 2008?

PRESIDENT (in Cantonese): Mr Howard YOUNG, I am sorry. The theme of this main question is about the remarks made by the Chief Secretary for Administration in DCs. I fail to see how the supplementary question you have asked relates to this theme. Can you explain whether there is any relationship?

MR HOWARD YOUNG (in Cantonese): *Since time is already running out for this oral question, may I ask the Secretary whether all the issues arising from this oral question, including the remarks of the Chief Secretary for Administration and the problems connected with the middle-class people, will also be discussed in that particular meeting?*

PRESIDENT (in Cantonese): I am sorry, Mr Howard YOUNG. I do not think that there is any relationship between your supplementary question and the main question. Therefore, the Secretary is not required to give any reply. We will now proceed to the fifth oral question.

Outstanding Ex-Municipal Council Projects

5. **MR CHEUNG HOK-MING** (in Cantonese): *President, regarding the 169 outstanding ex-Municipal Council (ex-MC) projects, 23 of them had been shelved or deleted after consultation with the relevant District Councils (DCs). As for the remaining projects, the Government decided in January this year to bring forward 25 of them for priority implementation. In this connection, will the Government inform this Council:*

- (a) *whether these 25 projects have to compete with other public works projects for government funding, or will be funded under a special account so that they can be completed as early as possible;*

- (b) *of the updated implementation timetable and arrangements for the remaining hundred-odd projects, and the number of those which are scheduled to commence within the coming five years; and*
- (c) *whether it has considered setting up a special funding account to ensure that the projects mentioned in (b) will be implemented and completed as soon as possible; if not, the measures taken by the authorities to expedite the implementation of such projects?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President,

- (a) When making funding allocation arrangements for the projects under the annual Capital Works Resource Allocation Exercise, the Government will give full consideration to the justifications, readiness and technical feasibility of individual projects, its overall affordability and the priority accorded by bureaux and departments to projects under their policy areas so as to ensure that public resources are put to optimal use. The resource allocation mechanism has operated for many years and is applicable to all government projects. Hence, the 25 Leisure and Cultural Services (LCS) projects announced for priority implementation early this year must also be considered together with other capital projects in the annual Resource Allocation Exercise in accordance with the established procedures.

Although the Government has not put aside a special sum of money for LCS projects, it has all along been committed in taking forward LCS projects. Since the establishment of the Leisure and Cultural Services Department (LCSD), 56 projects have been completed as at mid-November 2005, involving a total project cost of \$9,500 million. There are now 16 projects under construction, which are expected to be completed within the coming years at a project cost of \$1,200 million. Another 44 projects have received funding and will commence construction shortly at a project cost of \$4,700 million. These huge sums of project costs have fully demonstrated that the Government has attached importance to leisure and cultural

facilities and made commitments in this area. In 2005 alone, we have already earmarked public works expenditure of about \$2,600 million for 15 projects out of the 25 priority projects and reserved additional resources to meet the operating expenses of these facilities. Nine of these projects are expected to commence construction in 2007 the earliest while the remaining projects will also commence construction one after another at a later stage.

As for the remaining 10 projects, the project nature is more complex. Taking the ecological park at Tso Kung Tam Valley, Tsuen Wan, as an example, we are required to set the project scope without compromising conservation of the natural ecological environment. District organizations and green groups have to be consulted in the process. Upon completion of the planning work of these projects and their related technical feasibility studies, we will secure earmarked funding as early as practicable and submit funding application to the Public Works Subcommittee and the Finance Committee. The tentative construction commencement dates of these 10 projects will lie between 2009 and 2010.

- (b) Among the present 139 outstanding ex-MC LCS projects, 12 of them have been deleted and 16 have already been completed. There are 18 projects which have received funding (including those under construction or soon to commence construction) and 21 projects (including those taken from the 25 priority projects) are under active pre-construction planning work. Two other projects have also been listed as "Private Sector Finance" pilot projects. The remaining 70 projects together with four projects requested by the DCs to be reactivated from the "put-on-hold" list, making a total of 74 projects are put under review.

Under the co-ordination of the Home Affairs Bureau and with the assistance of other bureaux and government departments concerned, we are now making full efforts to implement the 25 priority projects announced in early 2005 and have already advanced the tentative implementation schedules for 21 of them. Nine projects will commence construction in 2007 while other projects will also be

launched one after another in the years following 2007. In the 2005 Resource Allocation Exercise, we have succeeded in bidding earmarked funding for 15 projects, which involve estimated capital costs and recurrent costs of about \$2,600 million and \$122 million respectively.

It is estimated that the 74 outstanding ex-MC projects will involve a total capital cost of about \$10 billion. The Home Affairs Bureau will continue to supervise and urge the LCSD to review these 74 projects and consult the DCs. The consultation exercise is expected to be completed by early 2006. Upon the completion of the DC consultation, we will report to the relevant Legislative Council panel. We will base on the result of the LCSD's preliminary internal review and propose selecting 10-odd justified projects for implementation. Subject to DC support, we will initiate the pre-construction planning process and apply for funding to carry out the construction works. Nevertheless, the 25 priority projects will still be high on our agenda. Apart from following up the ex-MC projects, we will also propose constructing other LCS facilities according to local needs and apply for the necessary resources for their implementation.

- (c) As we have pointed out in our reply to part (a), all capital projects must obtain funding in accordance with the established mechanism and procedures, including firstly the confirmation of the technical feasibility of the project, clear definition of the project scope and estimation of project expenditure, and so on. Only through such a process can we ensure the optimal use of public resources.

We will learn from the experience of handling the 25 priority projects and shorten the time required in the pre-construction preparation and planning process of the remaining projects wherever possible so that the projects can commence construction as soon as possible. Once the scope, nature and costs of individual projects have been confirmed, we will bid the necessary funding as early as practicable and apply to the Public Works Subcommittee and the Finance Committee for funding approval.

MR CHEUNG HOK-MING (in Cantonese): *President, in part (b) of the main reply, the Secretary said that among the hundred-odd projects, the construction of some had commenced while some were under planning, but 74 projects were still under review while consultation with DCs was pending the completion of the review. During a number of meetings held by Members of the Legislative Council with DC members, DC members had expressed their strong requests and set out clearly the priority of certain projects. Their views are crystal clear. Therefore, may I ask the Secretary, given such clear views, if he will inform us whether the Government has any timetable or schedule which may allow this Council to know the progress of these 70-odd projects?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, just as Mr CHEUNG Hok-ming has said, since the DCs concerned have been consulted or are being consulted, they are thus able to list out the priority of certain projects clearly.

As I said in the main reply earlier, the consultation process will be fully completed by early next year. We will then submit a report and give an account to the relevant panel of the Legislative Council. Arrangements for the work to be carried out at next stage will then be made. Next, certain projects may be selected from these 70-odd projects for commencement of the preliminary work, while other projects will be carried out in succession. I can assure Members that we will definitely implement or make arrangements for the 74 outstanding ex-MC projects as soon as possible. However, Members have to understand that a majority of these projects, or even all of them, still remain in the conceptual stage where preliminary work has yet to be started. In view of this, many DCs have put forth some relatively new projects or other projects in addition to the 74 outstanding projects, hoping that some up-to-date recreational and cultural facilities can be provided in the districts.

MR TAM YIU-CHUNG (in Cantonese): *President, the provision of recreational facilities is particularly insufficient in certain districts, such as Tung Chung and Tin Shui Wai. In implementing these projects, how can the Government accelerate its pace to focus as far as possible on the need of these districts? We think that the Government is still making very slow progress, what are the reasons?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I have to thank Mr TAM Yiu-chung for his supplementary question. The population changes in newly developed areas only took place in the last couple of years. Since the two former MCs had not foreseen changes of this kind, the demand for recreational facilities of these two districts has not been catered for in the 139 outstanding ex-MC projects. It is against this background that the LCSD have had discussions with the DC of every new town again to identify the new facilities they require, hoping that facilities can be provided with foresight.

In fact, in new towns like Tin Shui Wai and Tung Chung, we have already built a lot of facilities. Some short-term facilities have been built particularly, so that residents may still carry out certain recreational activities pending the completion of permanent facilities. For instance, in Tin Shui Wai, four recreational facilities have now been provided to local residents: a public swimming pool, a stadium, an athletic ground and a major park. Moreover, the Home Affairs Department is actively liaising with secondary and primary schools in Tin Shui Wai on the borrowing of sport facilities of schools for community use. Therefore, Members do not have to worry about this; we will do our level best to cater for the need of the public as far as possible by co-ordinating existing resources in local districts and facilities to be completed.

DR KWOK KA-KI (in Cantonese): *President, I become very pessimistic after hearing the Secretary's reply, for I only get the message that the Government is dragging its feet. The Secretary stated in the main reply that even for the 25 priority projects, construction work would not be commenced until 2009 to 2010 tentatively. May I ask the Secretary whether he can tell us clearly of the criteria, mechanism and priority considerations on which the decision is based, and why the construction of the 25 priority projects can only be commenced five years later? At the same time, will the Secretary supplement information in writing on the 23 projects being put on hold or deleted and the 74 projects under review mentioned by him earlier?*

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you have raised two supplementary questions, which question do you wish the Secretary to answer?

DR KWOK KA-KI (in Cantonese): *The first one.*

PRESIDENT (in Cantonese): Alright, please be seated.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, in deciding the priority of LCS projects, we will give thorough consideration to the following major factors: first, the need of local districts, including the expectations of the DC and local residents. Second, is it a new town or not, such as Tin Shui Wai and Tung Chung, for the ever increasing population in new towns has rapidly generated demand for recreational and cultural facilities. Third, the distribution and utilization rate of recreational and cultural facilities throughout the territory. When certain need arises in a district, we will also provide the development concerned. Regarding the other supplementary question, I am willing to provide a written reply to Dr KWOK Ka-ki as supplement. (Appendix II)

MR LEE CHEUK-YAN (in Cantonese): *President, I believe the other secretary, Secretary Dr Sarah LIAO, knows that the entire construction sector is waiting for the launching of more projects by the Government. However, the chances of the promise the Government has once made regarding the annual funding of \$30 billion being honoured seem to be very slim. Another Bureau Director, Secretary Stephen IP, also knows that construction workers eagerly hope that more projects will be carried out so that they can get a job. However, unfortunately, the main reply given by Secretary Dr Patrick HO gives us an impression that the implementation of the outstanding ex-MC projects will be held up indefinitely.*

In respect of part (b) of the main reply, I wonder if the Secretary has deliberately short-changed in respect of some projects. The Secretary said that the 74 projects concerned would be reviewed and DCs would be consulted, and then based on the result of the preliminary internal review, they would propose selecting 10-odd justified projects for implementation. If it is considered that all 74 projects should be implemented after the review, why will only 10-odd projects finally be selected? Is the review just a sham, is the consultation a sham? Why it should be capped at 10-odd projects? I hope the Secretary will clarify this. I do not wish that the Government will be queried then why only 10 projects are selected among the 74 projects the DCs aspired to carry out? I do not quite understand how it is concluded that it should be 10 projects. Has the Government already capped certain projects?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I have to thank Mr LEE Cheuk-yan for giving me another opportunity of explanation. Why a number of projects are selected for implementation? The reason is that these 70-odd projects involve a total cost of \$10 billion, and we cannot carry out projects involving \$10 billion all at the same time. Certainly, we must carry out planning work of different stages, but priority has to be set and work should be carried out in phases. At the same time, apart from these 70-odd projects, some projects of greater urgency and cater for more current needs have to be implemented within districts. For instance, projects which the two former MCs considered unnecessary several years ago may now become desirable to be carried out; we have to take into account demand in this respect. Therefore, all projects have to be implemented in phases. However, I can guarantee that if the districts consider the projects need to be implemented, we will certainly carry out all the projects.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Last supplementary question now.

MISS CHOY SO-YUK (in Cantonese): *President, may I ask the Secretary, as priority of implementation is given to some of the projects among these 74 projects, if he can give us a clear answer that these 74 projects will definitely be completed ultimately? I understand that these 74 projects involving a cost of \$10 billion cannot be implemented all at the same time, but within how many years will these 74 projects be completed?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I can really make no promises, for these 74 projects are now at the conceptual stage. Are these projects feasible? I really cannot tell. Preliminary technical feasibility studies have to be carried out before we know whether these projects are feasible and what matching and other facilities are required to cope with these projects. At present, the progress of these 74 projects seems to be very slow, for all the work involved has indeed not yet been started; these projects are only concepts, ideas and titles. Why does so much time have to be spent? For we have to follow a set of established procedures, which, including the preliminary work, will at least require two to three years to complete. Members do know that our

projects are divided into three stages, that is, CAT A, CAT B and CAT C. But the aforementioned projects have yet come to any of these stages. It is only when these projects have reached these stages that we can tell whether they will be implemented. Therefore, we must first carry out the work.

I know Miss CHOY is anxious about this, we too are anxious. Tomorrow, a meeting of the Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils under the Panel on Home Affairs of the Legislative Council will be held. The Subcommittee is chaired by Ms Emily LAU and the objective of the meeting is to pool representatives of all the departments concerned to examine how the process involved can be shortened in the short term while following the normal procedures and formalities. Certain procedures cannot be bypassed, for instance, consultation. We must complete all the work. However, how can we speed up the pace of government departments or professional departments? Like all Members, we also feel anxious about this. Therefore, I can assure Members that we will fully expedite the relevant procedures where the conditions allow.

PRESIDENT (in Cantonese): Last oral question.

Construction Costs of Facilities in Hong Kong Disneyland

6. **MISS CHOY SO-YUK** (in Cantonese): *President, it has been reported that the construction costs of the facilities in the Hong Kong Disneyland (HKD) are excessively high, which casts doubt on whether the Government, being the major shareholder of the joint venture company of the HKD, has closely monitored the relevant expenditure. In this connection, will the Government inform this Council:*

- (a) *of the details of the construction costs of various facilities in the HKD, to enable the public to assess whether such facilities are good value for money;*
- (b) *of the criteria and procedure adopted for vetting and approving the estimated expenditure on the construction of the various facilities; and*

- (c) *whether it will strengthen its efforts on monitoring the expenditure on the future extension works in the HKD; if it will, how they will be strengthened; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, the financing of Hongkong International Theme Parks Limited (HKITP) comes to a total of HK\$14.1 billion, comprising equity injection made by the Government and The Walt Disney Company (TWDC), as well as loans provided by the Government and commercial entities. The portion related to the Government was approved by the Finance Committee of the Legislative Council in 1999, and construction works of the HKD were completed on schedule and within the approved financing arrangements.

According to HKITP, TWDC undertook the planning of all facilities in the HKD with over 50 years' experience of building and operating theme parks. In doing so, TWDC has taken into account local circumstances whilst reflecting its own unique style and character. The construction materials and workmanship for every element within the park are subject to stringent quality standards to ensure that the design concept could be brought to life.

The HKD is being run in accordance with the usual commercial principles and model of TWDC. In order to ensure that HKITP could secure the most favourable terms from contractors in future tendering exercises and that its bargaining position will not be affected, construction costs in the contracts should not be released.

During construction stage, the management company of the HKD is required to report on work progress and expenditure to the Board of Directors (the Board) of HKITP. Under close monitoring of the Board, construction of the HKD was completed on schedule and within the approved financing arrangements.

MISS CHOY SO-YUK (in Cantonese): *President, I am really perplexed. I cannot see how this question is in any way related to Secretary Dr Sarah LIAO. My main question is on the monitoring of the HKD and the expenditure of the original construction works — Secretary Stephen IP is also present — but the main reply is completely irrelevant to the question.*

President, actually I am asking the Government, being the joint venture partner of the HKD, which Bureau is now taking charge of the discussion with TWDC on the issue of joint venture and assuming the monitoring role in the Board. May the Secretary taking charge of it (as Secretary Stephen IP is also present) explain to us? It was mentioned in the main reply the views of HKITP, but I am not asking the Secretary to tell us the views of HKITP. I am asking whether the Government has crippled its right to monitor. The Government, when seeking funding approval from the Legislative Council, told us that the Administration would monitor the entire operation and expenditure of the HKD through government-appointed members sitting on the Board. However, the Government now only mentioned the views of HKITP. I am asking whether the Government has crippled its right to monitor. Which Secretary will be more appropriate to reply?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): President, with regard to Miss CHOY So-yuk's question, the answer is actually very straightforward. I believe Miss CHOY also knows that there are members from the Government and TWDC in the Board of HKITP. We have five representatives in the Board including the Financial Secretary, I myself, Secretary Dr Sarah LIAO, the Commissioner for Tourism and Mr Frederick MA, the Secretary for Financial Services and the Treasury.

Each Bureau has its field of expertise. For example, Secretary Dr Sarah LIAO is more familiar with public works projects, Secretary Frederick MA is more conversant with financial services, the Commissioner for Tourism and I are more experienced with tourism affairs and the Financial Secretary is of course well versed in all areas. As members of the Board, each and every member has the responsibility to monitor the development and operation of the HKD, including the question asked by the Member just now. The most important point is that, as Secretary Dr Sarah LIAO said in her main reply just now, we, being members of the Board, have to monitor whether the income and expenditure of the investment are good value for money. Therefore, with regard to Miss CHOY's question on public works, the answer is that the most important thing is to monitor whether there is a cost overrun of the works, whether they meet the budget and complete on schedule. All of these have been monitored by us in the Board.

MS EMILY LAU (in Cantonese): *President, it was asked in part (c) of the main reply whether the Administration will strengthen its efforts on monitoring the expenditure on the future extension works in the HKD. I believe we are all not very happy with the operation of the HKD now, nor have many people visited the HKD. Thus, is it absolutely necessary to carry out the extension works? President, there is an English saying, which is "to throw good money after bad". May I ask the Government if there is room in the agreement with TWDC to safeguard the interest of Hong Kong? If there is a loss incurred in the investment, do we still need to inject a large sum of money into the extension works?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): President, I have to thank Ms LAU for her supplementary question. I believe very few people will opt for not having the extension works like Ms LAU does. An overwhelming majority of Members here or the public would like to see more new facilities be made available soon in the HKD, so as to increase its appeal.

However, I think Ms LAU needs not worry. As stated in my reply to Miss CHOY just now, what matters most to us is to monitor how money is spent. We are aware that it will be of great concern to Members if we have to seek another funding approval from the Finance Committee of the Legislative Council, but this is not our aim. We hope that the extension works will not require us to seek additional funding approval from the Finance Committee. As the HKD is already in operation and making an income from it, our target is to use its operating revenue for the extension works, with a view to increasing its appeal.

As a matter of fact, we reported to Members here two days ago and Mr ROBINSON from the HKD also said the same that the attendance of the HKD is not that bad. From the inauguration on 12 September to last week, the attendance has in fact exceeded one million. I believe Ms LAU's mathematics is better than mine and she can calculate that a daily average of 14 000 to 15 000 people have visited the HKD, which in fact has already met our expected attendance.

Yet, I believe Ms LAU's greatest concern is whether there is a waste of money. In this respect, firstly, all works have been completed within budget and on schedule under our stringent monitoring. A new facility called "Autopia" is in the pipeline and its construction cost can be absorbed by the budget without the need for additional funding. This has proven that the operating revenue of the HKD can provide adequate funding for the extension works. If any additional facility is planned in future, it will have to be vetted and approved by the Board and it will of course be monitored by us. As I said just now, our target is that we do not need another equity injection from the Government.

MISS TAM HEUNG-MAN (in Cantonese): *President, I wish to ask a question on the funding. Has the Administration conducted a cost-effectiveness analysis on the extension works of the HKD? The Secretary said just now the attendance is not as satisfactory. Will this lower the cost-effectiveness of the extension works? If the Administration has conducted a cost-effectiveness analysis, can it inform us of the details of the result?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): President, I thank Miss TAM for her question. One thing that is of great concern to both the HKD and the public is whether the additional facilities appeal to the public. As Ms LAU said just now, if no one uses the new facilities, it had better not waste money on the construction. This is what we all agree with. TWDC is thus very concerned about the kind of new facilities that visitors would like to have. For example, many people have asked me why the HKD does not have "It's a Small World" or some other facilities and they wish that these facilities be added.

In fact, TWDC has done a lot of study and research about this, such as asking visitors whether they are satisfied with the visit and what facilities they like best. TWDC has been conducting market research to assess the facilities that children and youngsters find most attractive. The result of the research is used for designing new facilities, which will then be submitted to the Board together with reasons for adding these new facilities, their cost-effectiveness and attractiveness. As members of the Board, we will of course carefully study these facilities to see if they are worth supporting.

MR LEUNG KWOK-HUNG (in Cantonese): *President, I wish to ask the Secretary through you that if the Board of the HKD proposes an extension works and according to the relevant terms the Government need to inject more capital into the works, does the Secretary think that we should make another injection? Let us not forget that, firstly, the expected attendance of the HKD is rather low now; secondly, a new Disneyland may be constructed in Shanghai in five years' time; and thirdly, I have learnt from the Internet that all Disneyland, except the one in the United States, need continual capital injection to maintain their operation. To put it in a more refined way, this is "to drink poison to quench thirst"; and to put it in a vulgar way, it is to "drink cyanide instead of soft drinks to quench thirst". With the Secretary's professional knowledge, does he think that the Government should continue to make equity injections?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): *President, I like drinking soft drinks, but not cyanide. Other than Ms LAU, Mr LEUNG Kwok-hung is also asking whether it is necessary to construct new facilities. I have to stress that a majority of the Members wish to see new facilities be made available. I of course understand that Mr LEUNG's greatest concern is whether money would be wasted. In fact, I have already answered this question just now. What I want to reiterate is that our target is to have new facilities to make the HKD more attractive, but the costs of these facilities should be met by the operating revenue of the HKD. In other words, we do not wish to seek another funding approval from the Legislative Council because of the construction of new facilities. I think this reply is very clear, meaning that we are not prepared and do not wish to seek another funding approval from the Legislative Council for the construction of new facilities.*

MR TAM YIU-CHUNG (in Cantonese): *President, despite the Government saying that it will not inject any additional capital into the extension works, this, after all, is public coffers. In fact, it was found that the cost of the game section in phase one of the works was very high. Some of the facilities are very expensive. For example, according to the information of the Buildings Department, the construction of the entrance alone cost \$160 million and a toilet cost almost \$10 million. If extension works are to be carried out in future, how will the Government prevent such situations from happening again? What*

measures do the government representatives on the Board have to strengthen monitoring? We often cannot let our mind at ease with the Secretary's reply.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): President, I think I really need to make use of this opportunity to make a clarification on, for example, the report of using \$9 million to build a toilet. The report is, in fact, not fair. We have all along been monitoring the expenditure concerned. The construction of the toilet, which costed \$9 million, was not referring to the construction of a 2 000-odd ft toilet alone, but also included the construction of a 40 m-long retaining wall, as well as a 18-m steel pile which was specially installed during the construction period and other relevant construction procedures because of the site topography and safety needs.

The Buzz Lightyear toilet to which Mr TAM referred is a rather special one and the "Autopia" which I mentioned earlier is situated in the Tomorrowland. Because of the construction of the "Autopia", the need for a toilet also increases, which also necessitates the construction of this 2 000-odd ft toilet. Near the location between the "Buzz Lightyear Astro Blasters" and "Autopia", there is a 9 m high earth bank. Thus, the rear wall of the toilet was designed like a retaining wall. For those of you who have been there will see that the retaining wall is 40 m long and the earth bank has added to its construction difficulties. For example, the contractor had to put a steel pile 8 m deep and erect a firm support to ensure the safety of the earth bank and the constructed facilities, and the 9 m high earth bank has greatly increased the difficulty of material transportation.

I have explained the situation so as to clarify the misconception that this is a very expensive toilet and the expenditure is very unreasonable. Like I said just now, we have been monitoring every works item and the overriding principle is that the costs of these works are reasonable, and they meet the financial budget and are completed on schedule. All of these have been achieved.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Last supplementary question.

DR KWOK KA-KI (in Cantonese): *President, in fact, we only want to know the construction costs of the works and how they were constructed. The Government, however, because of the so-called commercial principles, refused to disclose any information. Even if the Secretary continues to speak, his reply cannot put our minds at ease. In terms of the construction of the entire HKD, can the Government consider informing the Legislative Council of the construction costs of some of the works? As a matter of fact, this is the only way to make us rest assured that public coffers have been properly spent like the Secretary said just now.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): *President, I must reiterate that commercial operation is very important. I hope Dr KWOK will understand that TWDC is a commercial entity. This joint venture company is not a listed company. We have explained in the main reply why such information cannot be disclosed. If we explicitly listed all the construction costs in the contract, tenderers will make reference to these costs in future tendering exercises. I believe Dr KWOK will understand that there are ample grounds for doing so. In other words, because this is a sensitive issue in the business context, we cannot disclose the relevant figures. Nevertheless, I believe the utmost concern to Dr KWOK is whether there is somebody to monitor the accounts as a whole so as to ensure that our interest is not jeopardized. In this respect, President, I believe I have explained for many times so I will not repeat myself.*

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Recall of Food Which Might Contain Carcinogenic Substances

7. **MR WONG KWOK-HING** (in Chinese): *President, on the 13th of last month, the Food and Environmental Hygiene Department (FEHD), in the light of food safety test results, notified the two major chain supermarkets to recall the canned mud carp which might contain carcinogenic substances. In this connection, will the Government inform this Council:*

- (a) of the respective numbers of cases in the past three years in which the FEHD asked food wholesalers and retailers to stop selling and to recall the food products in the light of food safety test results;*
- (b) how the FEHD monitored to ensure their compliance with such demands; and*
- (c) whether it will consider making it mandatory for them to stop selling and to recall the food products, and prosecuting those retailers who continue to sell such food products?*

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

- (a) The FEHD discovered 159, 141 and 164 cases where food samples failed the food safety tests under the regular Food Surveillance Programme in 2002, 2003 and 2004 respectively. For each and every case that failed the test, the FEHD has issued warning letters to the retailers and wholesalers concerned, ordered them to stop selling the problem products and asked for information about their suppliers in order to follow up the problem at source.

Since 2002, the FEHD has openly requested suppliers and retailers to immediately stop selling and recall four food product, among which two cases were discovered in the Food Surveillance Programme that may pose immediate or grave hazard to the public health, and two cases due to major food incidents that occurred outside the territories.

- (b) Whenever any food product in the market is found to have failed the test, the FEHD would immediately follow up the matter and send staff to investigate at the retail outlets concerned. Moreover, the FEHD would order the shops to stop selling the product and furnish information about their suppliers to facilitate a recall of the problem food products. The FEHD would ask for and check the invoices. It would also despatch staff to go around the markets to ensure that the product concerned has been withdrawn from the market within a short time.

- (c) When any food product sample is found to have problems, the FEHD would order the retailers and agents concerned to stop selling the product in order to protect public health. In case any person fails to comply with the order and continues to sell the problem product, the FEHD may hold and test the product and initiate prosecution. Our previous experience shows that Hong Kong agents and retailers are co-operative and always initiate timely recall for problem products.

Implementation of United Nations Convention Against Corruption in Hong Kong

8. **MR ALBERT HO** (in Chinese): *President, the Standing Committee of the National People's Congress ratified the United Nations Convention Against Corruption (UNCAC) last month and the UNCAC will come into force for all States Parties with effect from 14 December this year. In this connection, will the Government inform this Council whether the UNCAC will be applicable to Hong Kong; if so,*

- (a) *what measures have been taken by the Government of the Hong Kong Special Administrative Region (SAR) to inform the public of the implementation of the UNCAC in Hong Kong and how the administration of the Government and civic rights will be affected;*
- (b) *whether provisions of the UNCAC will be incorporated into the Laws of Hong Kong; if not, whether it has assessed if local Courts may invoke the provisions of the UNCAC in passing judgements; and*
- (c) *whether it has studied how the provisions of the UNCAC relating to the extradition of offenders and recovery of proceeds from crimes will affect the relevant legal provisions of Hong Kong, and whether the mainland authorities may solicit help from local law enforcement authorities to extradite offenders in Hong Kong?*

CHIEF SECRETARY FOR ADMINISTRATION (in Chinese): President, according to Article 153 of the Basic Law, the application to the SAR of

international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region.

As regards the application of the UNCAC to Hong Kong, the Central People's Government has consulted the views of the SAR Government. The SAR Government is committed to making the best endeavour to fight against corruption and giving top priority to international co-operation for anti-corruption. We do not have any particular problem in complying with the various requirements under the UNCAC. We have already informed the Central People's Government of our in-principle consent to apply the UNCAC to the SAR. We understand that the Central People's Government is now taking the necessary procedures for ratifying the UNCAC and will extend its application to the SAR in due course.

The SAR Government will closely work with the Central People's Government. When we have confirmed the time and arrangement of the application of the UNCAC to the SAR, we will inform the public as soon as possible.

Once the UNCAC has been applied to the SAR Government, the majority of its requirements can be fulfilled by existing legislation and administrative measures in the SAR. Where necessary, we would also consult the Legislative Council and make the legislative proposals to implement the UNCAC to the fullest extent.

The SAR has a well-established mechanism to deal with corruption and related crimes, extradition of fugitives, return or disposal of assets, and so on. Therefore, the SAR has no particular difficulty in complying with these requirements under the UNCAC. In accordance with the established practice, the SAR Government will prepare an Order under the Fugitive Offenders Ordinance (FOO) to implement the extradition requirements set out in the UNCAC. The arrangements presently provided for under the FOO are not applicable to the Mainland. The SAR Government and the Central People's Government will separately discuss the rendition arrangement between the SAR and the Mainland.

Expansion of Election Committee

9. **MR MA LIK** (in Chinese): *President, in the Fifth Report of the Constitutional Development Task Force (the Task Force), the Government proposes that the number of members of the Election Committee (EC) for election of the Chief Executive in 2007 be doubled to 1 600, with all the elected and appointed District Council (DC) members included. As it is stipulated in Annex I to the Basic Law that for the EC, "the delimitation of the various sectors.....shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region (SAR) in accordance with the principles of democracy and openness", will the Government inform this Council whether it has assessed if, in the course of enacting the electoral law, the inclusion of appointed DC members in the EC will contravene the aforesaid principles; if it has made an assessment, of the conclusion and details of the legal basis for that conclusion?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Chinese): President, Article 2 of Annex I to the Basic Law prescribes the number of members and composition of the EC. Article 3 of Annex I provides that the electoral law of the SAR (that is, the local ordinance) shall be enacted in accordance with the principles of democracy and openness. The proposals for selecting the Chief Executive in 2007 and electing the Legislative Council in 2008 set out in the Fifth Report of the Task Force have been formulated in strict accordance with the relevant procedures contained in the Annexes to the Basic Law, as well as the Interpretation and Decision made by the Standing Committee of the National People's Congress in April 2004. The proposals concerned will come into effect and become part of the Annex I to the Basic Law after completion of the procedures stipulated in Article 7 of Annex I to the Basic Law. Thereafter, in accordance with the newly enacted provisions in Annex I to the Basic Law, the SAR Government will put to the Legislative Council proposals to amend the Chief Executive Election Ordinance to prescribe the detailed arrangements for the Chief Executive election. This arrangement is legal and constitutional.

We wish to emphasize that irrespective of how individual DC members are returned, they are entrusted with the same functions and powers under the District Councils Ordinance. We propose to incorporate all DC members into the EC because DC members represent public opinion, and they are in a position

to grasp and reflect issues of concern to the grass-roots people in the districts. This can enhance the representativeness of the EC, while enabling the constitutional development of Hong Kong to move toward universal suffrage in a gradual and orderly manner. Incorporating all DC members into the EC according to the Government's proposals is in line with the principles of democracy and openness.

Prevention and Control of Avian Influenza

10. **DR KWOK KA-KI** (in Chinese): *President, regarding the prevention and control of avian influenza, will the Government inform this Council:*

- (a) of the total amount of expenditures on preventing and controlling avian influenza this year and in the past three years, including recurrent, non-recurrent and one-off lump sum funds committed or estimated for this financial year; as well as the details concerning the relevant purposes and amounts of the allocations;*
- (b) of the current disposable balance of the Research Fund for the Control of Infectious Diseases (RFCID) which was established with government funding of \$500 million; institutions receiving allocations from the RFCID for research studies on preventing and controlling avian influenza and the relevant amounts; as well as the number of research projects involved, their subject areas, details and findings;*
- (c) whether action plans have been formulated for preventing and controlling avian influenza; whether the authorities will, in addition to proposing amendments to the Prevention of the Spread of Infectious Diseases Regulations, proceed with enacting emergency legislation and examine other relevant existing legislation to ascertain the necessary amendments and the timing for the commencement of the amendments, with a view to tackling the crisis and preventing the spread of the epidemic in the community; and*
- (d) whether it will consider allocating additional funds and earmarking resources for setting up a contingency fund for stockpiling sufficient*

supplies for disease prevention, such as vaccines, medication, masks and face shields, conducting risk assessments and formulating guidelines and allocation principles; as well as the details of the specific fallback scheme for replenishment to cope with any possible shortage of medical supplies, thereby strengthening the capacity of the authorities for handling an avian influenza epidemic that may occur at any time?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, the Administration has been investing heavily in the public health hardware and software to strengthen our defence against avian influenza. Despite the sporadic outbreak of avian influenza in neighbouring places, Hong Kong has been free from the virus since early 2004. The World Health Organization (WHO) has also commended that Hong Kong has one of the most advanced systems in terms of preparedness that they have seen.

- (a) During the period from 2002 to 2004, we estimate that the Government incurred capital and recurrent expenditures of more than \$4.5 billion to enhance our preparedness against emerging infectious diseases including avian influenza. For example, some of these investments included the provision of an infectious disease block in Princess Margaret Hospital (\$538 million), 1 415 isolation beds in 14 major acute hospitals (\$539 million), setting up the Centre for Health Protection (additional resources of over \$400 million including donations from the Hong Kong Jockey Club), antiviral stockpiling (\$306 million) and additional resources for the Hospital Authority (HA) to step up infectious diseases control (\$550 million). Other major expenditure items include the purchase of personal protective equipment (PPE) and medical equipment (more than \$300 million), infection control for local poultry/birds (\$36 million), retail market surveillance (\$33 million), import control for poultry (\$23 million), border health measures (\$14 million), and so on. We estimate an expenditure of over \$150 million will be incurred in 2005.
- (b) Since its establishment in 2003, the RFCID has committed approximately \$200 million to infectious disease research in Hong

Kong and the Mainland. The total amount of uncommitted fund is about \$300 million.

The RFCID supports both commissioned projects and investigator-initiated projects. Some \$30 million of the committed fund was allocated to a commissioned project undertaken by the University of Hong Kong (HKU), which include seven projects on avian influenza. As for investigator-initiated projects, nine projects on human/avian influenza have been supported, with a funding of some \$5.4 million. Investigators of these projects are from the HKU and The Chinese University of Hong Kong, collaborating with other local institutions, for example, the HA and the Department of Health (DH) and overseas institution, such as the Mainland, Thailand, Vietnam and Singapore.

These studies address basic science aspects that examine the genetics and pandemic potential of avian influenza viruses and immune response to influenza. They also include public health studies on the health burden and prediction models as well as clinical science studies on the incidence and vaccination effect, health resource utilization and use of traditional Chinese medicine in influenza.

The outcome of these projects will help inform our strategy regarding development of treatment and prevention regimens, infection control practice for targeted parties as well as our disease surveillance system. Since these projects are still ongoing, their detailed outcome is not yet available.

- (c) The Administration has promulgated a Framework of Government's Preparedness Plan for Influenza Pandemic. The Plan, which was developed with reference to the WHO's Global Influenza Preparedness Plan, envisages a three-tiered Emergency Response Level (that is, Alert, Serious and Emergency) with corresponding lines of command and response measures to cater for different possible outbreak scenarios. Regular drills are conducted to review the Plan, with the most recent one conducted on 24 November 2005 involving over 30 government departments and bureaux as well as the Chief Executive/Government of the Hong

Kong Special Administrative Region. In case of an outbreak in Hong Kong, the Administration will keep closely in view its development and the need for any urgent legislative amendments to facilitate disease prevention and control work.

- (d) As mentioned above, the Administration has already invested heavily to enhance Hong Kong's preparedness against an avian influenza outbreak, and funds have been earmarked for specific response actions in case of an outbreak. At the moment, we do not see an urgent need to set up an emergency fund. There is an established mechanism to allow the Administration to seek the Legislative Council's urgent support for additional funding requirement should such need arise.

In respect of PPE (for example, masks and protective gear), emergency supplies are kept by various departments in case of urgent need. Sufficient stock is kept by the Government Logistics Department (GLD) for emergency uses by all departments for at least three months. In case of an outbreak, the GLD will activate its emergency plan to allocate emergency supplies to departments in need. The GLD will also place order with contracted suppliers to obtain replenishment and will assist departments to procure for other emergency supplies they need. Relevant government departments have developed guidelines on infection control practices as well as proper use and allocation of PPE in accordance with a guideline promulgated by the DH.

The DH has procured sufficient seasonal influenza vaccines for use under the Government Influenza Vaccination Programme. The DH has also secured sufficient funding for stockpiling antiviral drugs. In determining how the vaccines and antiviral drugs should be distributed to provide the best protection to general public health, the DH follows the recommendations of the relevant Scientific Committees under the Centre for Health Protection, and a risk-based approach is adopted. The DH will keep closely in view the outbreak situation, and will refine its strategy in respect of vaccine and antiviral provision as appropriate.

Plan to Reprovision Central Government Offices

11. **MISS TAM HEUNG-MAN** (in Chinese): *President, regarding the plan to reprovision the Central Government Offices (CGO), will the Government inform this Council:*

- (a) *of the current numbers of Policy Bureaux and departments whose offices are in the Main, East and West Wings of the CGO, and the difference between the space provision for the relevant civil servants and the space standards specified by the Government for the grades and ranks to which they belong;*
- (b) *of the respective numbers of civil servants that the proposed new CGO on the Tamar site can, and are planned to, accommodate as well as whether their space provision is calculated on the basis of the space standards specified by the Government; and*
- (c) *whether it has plans to relocate civil servants currently working at locations other than the Main, East and West Wings of the CGO to the new CGO on the Tamar site; if so, of the numbers of civil servants involved and the locations of their present offices?*

CHIEF SECRETARY FOR ADMINISTRATION (in Chinese): President,

- (a) The Government Secretariat comprises the Main, East and West Wings of the CGO and the Murray Building. It has a total gross floor area of 76 000 sq m, providing office accommodation mainly for the Executive Council, the Chief Executive, Secretaries of Departments/Directors of Bureaux, Policy Bureaux and the related offices. In addition, the CGO also provides various ancillary facilities, such as conference rooms, file registries, reception counters, and so on. Office accommodation is allocated basically in accordance with the Accommodation Regulations (the regulations). According to the regulations, office space standards for individual officers is determined primarily on the basis of ranking of the officer and actual operational requirement. Space standards for Directorate officers range from 19 sq m to 42 sq m, and the rest of the ranks from 4.1 sq m to 8.8 sq m.

- (b) The proposed new Central Government Complex (CGC) at Tamar will mainly re-provision the currently underprovided CGO with sufficient office accommodation and ancillary facilities. As regards the number of staff and office spaces to be provided, we are consulting various Policy Bureaux to update the estimated space requirement. When we seek funding support from the Legislative Council next year, we shall provide the relevant Legislative Council Panel, the Public Works Subcommittee and the Finance Committee full details on the CGC, such as the number of staff to be accommodated, floor areas, related justifications, and so on.

Nevertheless, our estimates in 2003 may serve as useful indication of the scale of the CGC. According to the plan in 2003, the CGC needs to provide for some 3 200 staff, office accommodation and ancillary facilities such as conference rooms, working areas, file registries, and so on. In addition, the CGC, with a gross floor area of 110 030 sq m, will provide additional space or make up for the current shortage of space for special facilities such as the Executive Council Chamber, multi-purpose hall, press rooms, building management offices, and so on.

When we allocate office spaces in the CGC, we shall calculate the area of office space and ancillary facilities for various officers in accordance with space standards stipulated in the regulations. We shall also set out these details in the relevant Legislative Council papers.

- (c) Due to physical constraints, some bureaux offices and their staff are currently required to operate in offices outside the CGO, either in other government offices or leased commercial premises. When we finalize the estimation on number of staff and office accommodation at the new CGC, we shall consider the possibility of making suitable accommodation arrangements for these staff and the bureaux they belong to, so as to enhance operational efficiency. We shall also explain to the Legislative Council the related details of these arrangements. We appreciate the concerns of the Legislative Council Members, and will assure that only relevant units and staff responsible for policy-making functions in the bureaux will be considered for relocation to the future new CGC.

Competitive Bidding

12. **MR LEUNG KWOK-HUNG** (in Chinese): *President, some members of the public have complained to me that since the Social Welfare Department (SWD) introduced competitive bidding for the delivery of welfare services, there have been cases of contracts being awarded to the lowest tender and pledges made by the bidding organizations far exceeding the specifications set out in the tender documents. In this connection, will the Government inform this Council:*

- (a) of the number of contracts awarded by the SWD through competitive bidding in the past five years broken down by types of services, together with the differences between the costs of services pledged by the successful bidders in their tenders and those set out in the relevant tender documents, as well as the number of contracts awarded to the lowest tenders;*
- (b) whether the SWD will change its existing practice of not making public the details of the successful bidders' tenders, the reasons for awarding the contracts to the organizations concerned and the vetting criteria involved; if it will, of the details; if not, the reasons for that, and*
- (c) whether the SWD will review its existing competitive bidding scheme and seek the views of social welfare organizations, with a view to enhancing the transparency and fairness of the scheme?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, the SWD started to make available purpose-built premises for residential care homes for the elderly (RCHEs) for open bidding by non-governmental organizations (NGOs) and private RCHE operators in 2001.

The SWD also started adopting tendering as the mode for inviting NGOs to operate the 18 teams of Enhanced Home and Community Care Services (EHCCS) in 2001.

The objectives for the SWD to award the service contracts of purpose-built RCHE premises and EHCCS through tendering are to allocate public resources in a fair and transparent manner, enhance the quality of elderly services through

healthy competition, and enhance the cost-effectiveness of these services. In the Director of Audit's Report No. 38 on residential services for the elderly published in 2002, the Director of Audit recommended that the Administration should review the cost-effectiveness of providing residential care places and consider contracting out subsidized residential care services through open tender where practicable, with a view to reducing the operating costs of subvented RCHEs.

Unit cost is not the prime consideration of the SWD in awarding the contracts. Rather, service quality is the determining factor. In this regard, the SWD has put in place a quality-based assessment mechanism which has the following features:

- (i) In vetting a tender, the SWD will assess the quality aspect first. It will cease vetting the tender if the quality aspect has failed to attain the passing marks, and will not proceed with the assessment of the service volume aspect of that tender;
- (ii) The weighting of the scores on service quality and service volume is 80:20;
- (iii) The contract sum for each contract is fixed. Also, a reasonable upper and lower ceiling for the service volume is fixed for each contract. To prevent vicious competition on price (such as proposing unrealistic unit costs), tenderers may only propose a service volume within the fixed range;
- (iv) The financial capability of the tenderers will be assessed, to ensure that they are financially capable to deliver the service volume which they have committed in the tender; and
- (v) The successful bidders are required to abide by the contractual requirements and the service quality which they have committed in their tenders. Also, they are subject to performance monitoring as stipulated in the contracts, and are required to submit performance indicators reports regularly.

The above mechanism can effectively prevent tenderers from obtaining the contracts solely by virtue of low price, committing more than the permitted

service volume, or failing to deliver their commitments after they are awarded the contracts.

My replies to the specific questions raised by the Honourable LEUNG Kwok-hung are as below:

- (a) The SWD has hitherto awarded nine contracts for operating RCHEs at purpose-built RCHE premises. Each contract has a fixed contract sum and an upper and lower ceiling for the service volume. Seven successful bidders proposed to provide the permitted maximum service volume at the fixed contract sum.

The SWD first awarded the 18 EHCCS contracts in 2001. The contracts were re-tendered in 2005. Each contract also has a fixed contract sum and an upper and lower ceiling for the service volume. For the 18 contracts awarded in 2005, 14 successful bidders proposed to provide the permitted maximum service volume at the fixed contract sum.

- (b) Within the confines of the requirements on the disclosure of government tender information, the SWD will provide information to unsuccessful tenderers as far as possible. The SWD will organize debriefing sessions to make known the tendering results and share with unsuccessful tenderers the overall performance of the tenders in terms of scoring and other aspects, so that the latter may learn from experience. At the request of individual unsuccessful tenderers, the SWD will explain to them in greater details about the strengths and weaknesses of their tenders, so that they may make improvements in future. Also, the SWD encourages successful bidders to share their experience with the sector, with a view to promoting cross fertilization of experience and mutual learning.
- (c) The SWD's tendering and assessment procedures are in full compliance with the Government's Stores and Procurement Regulations. Premised on the principles of transparency, fairness and justice, the tendering, assessment and contract approval processes ensure a level playing field for eligible tenderers. The endorsement of the Central Tender Board (CTB) or the Government Logistics Department (GLD) is required for each tendering

exercise. Potential tenderers are invited to a briefing session on the terms and conditions of the tender. Queries about the tendering exercise will be answered during the briefing session. Moreover, for each tendering exercise, the SWD will set up a vetting committee comprising representatives from relevant departments. The assessment results and recommendations of the vetting committee on the successful bidders will have to be approved either by the CTB or the GLD, depending on the amount of the contract sum. The award of contracts is contingent upon the approval of the CTB or the GLD. Through various channels, the SWD collects feedback from the sector, and reviews and makes improvements to the tendering mechanism and procedures from time to time.

Problems Attributable to Gambling Debts

13. **MR ANDREW CHENG** (in Chinese): *President, will the Government inform this Council of the following in each of the past two years:*

- (a) *the number of crimes attributable to gambling debts and its percentage in the total number of crimes;*
- (b) *the details of the initiatives financed by the Ping Wo Fund (the Fund), including researches and studies into the issues and problems relating to gambling, public education and other measures to prevent or alleviate problems relating to gambling, as well as the expenditure on the provision of counselling, treatment and other support services for problem and pathological gamblers and those affected by them;*
- (c) *the sources of income of the Fund (including the donations from the Hong Kong Jockey Club (HKJC), the Government and the public, and so on) and the respective amounts of funds contributed by these sources; and*
- (d) *the number of cases in which the authorities have utilized the resources from sources other than the Fund to provide social services (including family counselling, childminding and Comprehensive Social Security Assistance (CSSA), and so on) for*

problem and pathological gamblers and those affected by them, together with the expenditure involved in such cases?

SECRETARY FOR HOME AFFAIRS (in Chinese): President, my reply to the questions is as follows:

- (a) The police do not have specific statistics on crimes attributable to gambling debts.
- (b) The Fund was set up in September 2003. Its objective is to finance measures to address gambling-related problems. The breakdown of the expenditure of the Fund by major categories of measures as at October 2005 are set out as follows:

<i>Initiatives</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
<i>Researches and studies on issues and problems relating to gambling</i>			
Benchmarking studies for the counselling and treatment services for problem and pathological gamblers	\$150,000	-	-
Evaluative studies on the effectiveness of the services provided by the two counselling and treatment centres for problem and pathological gamblers	-	-	\$1,170,000
Study on "Hong Kong People's Participation in Gambling Activities"	-	-	\$200,000
<i>Public education and other measures to prevent or alleviate problems relating to gambling</i>			
"Say No to Gambling Action"	\$600,000	\$2,600,000	\$2,000,000
"Say No to Gambling" youth creative awards	-	\$2,000,000	-

<i>Initiatives</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
TV docu-drama on gambling-related problems — "Win and Lose"	\$700,000	-	\$800,000
Posters, TV and radio commercials	\$200,000	-	\$300,000
<i>Counselling, treatment and other support services for problem and pathological gamblers and those affected by them</i>			
Two counselling and treatment centres for problem and pathological gamblers	\$1,750,000	\$7,000,000	\$7,532,000
Sponsorship for "1st Hong Kong Problem Gambling Conference"	-	\$60,000	-
Sponsorship for "Inaugural Asia Pacific Problem Gambling Conference"	-	-	\$100,000
Total	\$3,400,000	\$11,660,000	\$12,102,000

- (c) The HKJC has made a commitment to contribute \$24 million to the Fund for the first two years of operation (from September 2003 to August 2005) and \$12 million to \$15 million for each of the three subsequent years of operation. The Fund also accepts public donations.

The year-by-year breakdown of funding sources for the Fund for the period from September 2003 to October 2005 is as follows:

<i>Source</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Contribution from the HKJC	\$5,000,000	\$11,000,000	\$12,000,000
Public donations	\$500,000	-	-
Total	\$5,500,000	\$11,000,000	\$12,000,000

- (d) There is an extensive network of 61 Integrated Family Service Centres (IFSCs) and two Integrated Services Centre (ISCs) which are providing a continuum of preventive, supportive and remedial

services for the needy, including problem and pathological gamblers and their family members, to tackle their personal and family problems. Social workers of IFSCs/ISCs will thoroughly assess the problems and provide appropriate services according to the needs.

Services provided by IFSCs/ISCs include counselling services to resolve family relationship or debt problems arising from gambling behaviour, as well as to enhance skills in budgeting and coping with stress. Besides, based on the needs of individual cases, referrals for financial assistance (such as CSSA or charitable trust fund), child care services, housing assistance (including Compassionate Rehousing), clinical psychological services, psychiatric treatment, therapeutic, supportive or mutual help groups, educational or developmental programmes, and so on, will be made. In case of need, social workers of IFSCs/ISCs will also refer problem and pathological gamblers to the two pilot counselling and treatment centres for problem and pathological gamblers for services.

The Social Welfare Department does not have breakdown on the number of cases involving problem and pathological gamblers and the government expenditure incurred.

Industrial Safety for Prisoners

14. MR LEUNG YIU-CHUNG (in Chinese): *President, regarding the industrial safety for prisoners, will the Government inform this Council:*

- (a) *of the total number of prisoners who were injured while at work in the past three years and, among them, the number of those who have been compensated by the Administration for their injuries as well as the average amount of compensation;*
- (b) *how the Administration ensures that prisoners will be compensated for injuries sustained while at work; whether it has taken out employees' compensation insurance for them; if not, of the reasons for that;*

- (c) *whether it has provided training for prisoners to enhance their awareness of industrial safety; if so, of the contents of the training; if not, the reasons for that; and*
- (d) *whether it will review the industrial safety issues relating to prisoners; if not, of the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) Prisoners injured at work will be sent to the hospitals in the penal institutions for treatment. The Medical Officers there may advise them to stop working temporarily as appropriate. In 2002 to 2004, a total of 420 prisoners were injured at work and had to stop working for one day or more. Among them, 20 had applied for *ex gratia* payment from the Government. Two applications were successful and the applicants were granted a total of \$9,331 in *ex gratia* payment, eight were rejected because of ineligibility and the other 10 are still being processed.
- (b) As there is no employment relationship between the Correctional Services Department (CSD) and prisoners, the Employment Ordinance and the Employees' Compensation Scheme are not applicable to prisoners injured at work. Prisoners who have to stop working temporarily due to injury at work will continue to receive earnings from the CSD. Like other prisoners, the medical care and daily necessities of injured prisoners will be fully attended to by the CSD. Moreover, prisoners who have sustained different degrees of permanent disability may apply for *ex gratia* payment from the Government.
- (c) Upon admission to penal institutions, prisoners will join Induction Units to have general briefings on occupational safety and health. They have to undergo relevant training and pass trade tests before they can take up any job. In addition to being tested on skills, those who are assigned to operate any machines have to familiarize themselves with the safety instructions for operating the machines beforehand. The Occupational Safety and Health Branch

(Operations Division) of the Labour Department inspects the workshop facilities of penal institutions from time to time, and works with the CSD to promote awareness of industrial safety among workshop managers and provide them with relevant training, enabling workshop management to better meet the actual needs.

- (d) The CSD has set up a Departmental Occupational Safety and Health Steering Committee to formulate the Department's overall occupational safety policy and measures and review their effectiveness. Each penal institution also has an Occupational Safety and Health Committee to deal with issues on work safety and health of its staff and prisoners. These committees will conduct risk assessment of the working place with a view to drawing up effective measures to enhance safety and prevent accidents. Moreover, all penal institutions have appointed Safety Officers responsible for promotion, liaison, implementation and monitoring of matters relevant to occupational safety.

Use of Chinese Medicines to Treat Human Infection of Avian Influenza

15. **MR LI KWOK-YING** (in Chinese): *President, it has been reported that an academy of agricultural sciences in the Mainland has used hypericin extracted from Chinese herbs to cure chickens which have been artificially infected with H5N1 avian influenza virus and is conducting researches on the possibility of using this medicine on human beings. In this connection, will the Government inform this Council:*

- (a) *whether it has approached the relevant mainland organizations for the details of the above researches, and whether it has collaborated with mainland organizations in conducting researches on the use of Chinese medicines to treat human beings infected with avian influenza;*
- (b) *whether it has conducted researches on the concurrent use of Chinese and Western medicines to treat human beings infected with avian influenza; if so, of the progress of the researches; if not, the reasons for that; and*

- (c) *given that avian influenza viruses can quickly develop resistance to Western medicines through gene mutations, whether it has studied if Chinese medicines have longer curative effect on this disease?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, hypericin is an extract from St John's wort (*Hypericum Perforatum*) of the Clusiaceae family of plants. While this substance can be used as an anti-depressant, it is known to induce considerable drug-drug interactions upon usage with Western medicines. According to the Chinese medicine pharmacopoeia "Chinese Bencao", St John's wort is found to have anti-viral effects on chicken embryos infected with influenza virus and against tobacco mosaic virus. However, the herb is not a commonly used Chinese drug and is not in use at any of the Chinese Medicine Clinics managed by the Hospital Authority (HA).

- (a) The HA is aware of a newspaper report that Lanzhou Institute of Animal Science and Veterinary Medicine was testing a herbal drug "Hypercirin" developed by the Institute on live chicken infected with the H5N1 avian influenza virus. The HA has already commissioned an expert to get in touch with the relevant research institutions on the Mainland, with a view to obtaining the scientific report of the test and other relevant information.

As a matter of fact, the HA has been paying close attention to research developments in the use of Chinese herbal drugs for avian influenza on the Mainland. The HA is maintaining close communication with Guangdong Provincial Hospital of Traditional Chinese Medicine in the exchange of views on treatment plans and protocols for avian influenza.

- (b) Apart from attending a seminar organized by the Department of Health on the common methods of prevention and treatment of influenza with Chinese medicine in March and April 2005, the HA has already invited the professors at Guangdong Provincial Hospital of Traditional Chinese Medicine to provide expert advice on the subject. The HA will make reference to the latest research literature on the treatment of influenza with Chinese medicine, with a view to exploring further the feasibility of integrating the use of

Chinese and Western medicine for the treatment of avian influenza. In this connection, the HA has already established a Working Group on the Research of Prevention and Treatment of avian influenza, which comprises members of Chinese and Western medical practitioners. The main responsibility of the Working Group is to discuss the relevant dialectical theories, treatment stages and treatment protocol, and to explore the feasibility of conducting relevant research on drug-herb interaction.

- (c) Since there are yet to be any case examples of treating avian influenza with Chinese medicine in Hong Kong, the HA is not able to research into the outcome and lasting effects of such treatment.

Promotion on AIDS Prevention

16. **MR FREDERICK FUNG** (in Chinese): *President, regarding promoting the prevention of AIDS and sex education, will the Government inform this Council:*

- (a) *given that promoting the use of condoms has always been an integral part of the Department of Health (DH)'s HIV prevention activities, but some overseas researches have nevertheless indicated that the use of condoms can only reduce the risk of AIDS infection by about 69%, whether the authorities have assessed if the DH's promotional strategy is effective or has misled the public into believing that the use of condoms is 100% effective in preventing AIDS infection; if they have, of the assessment results; and whether the authorities will consider adopting other strategies in promoting AIDS prevention;*
- (b) *as it has been reported that the HIV infection rate in Uganda has dropped from 18% in the early 1990s to 6% at present, indicating that its AIDS prevention strategies have been more effective vis-a-vis those adopted by other countries, and the Government of Uganda has controlled the spread of HIV by emphasizing the importance of changing individual behaviour (especially among the young people), advocating a healthy life style and high moral integrity, encouraging young people to abstain from pre-marital sex and be faithful to one's spouse after marriage, promoting the proper use of condoms, and so*

on, whether the authorities will consider following the practice of Uganda in the promotion of AIDS prevention and sex education, as well as promoting the relevant concepts and ideas, so as to tie in with the notion advocated by the Chief Executive in his policy address delivered in October that cherishing the family forms a core value of the community of Hong Kong; if not, the reasons for that; and

- (c) *whether the authorities have collected statistics on HIV infections through pre-marital sex, extra-marital affairs and having sex without the use of condoms; if not, whether they will collect the relevant information in order to know more about the living styles and patterns of HIV-infected people in the territory, for the purpose of formulating corresponding measures?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese):

President, condom promotion remains an important international priority in the fight against AIDS as demonstrated by the Joint Position Statement of three leading international agencies, namely World Health Organization, Joint United Nations Programme on HIV/AIDS and United Nations Fund for Population Activities, in the fight against HIV/AIDS. In 2004, their joint position statement declared that ".....condom is the single, most efficient, available technology to reduce the sexual transmission of HIV and other sexually transmitted infections (STI)." Similarly, the United States Centres for Disease Control and Prevention supported this view and stated that "Latex condoms, when used consistently and correctly, are highly effective in preventing heterosexual sexual transmission of HIV, the virus that causes AIDS."

Since 1980s, the DH has been implementing education and publicity programmes to raise public awareness on HIV/AIDS and promote acceptance of people living with the disease, mainly through Announcement of Public Interest and distributing flyers and pamphlets to target groups. With sexual contact being the most common route of transmission locally, the practice of safer sex and the proper use of condom has always been a major theme of HIV prevention education.

- (a) According to a meta-analysis commissioned by UNAIDS, condom use is 90% effective in preventing transmission, and condom use has

been a key element in reductions in HIV prevalence in many countries. In Hong Kong, given the rising number of HIV infections and the fact that most of the people are infected through unprotected sex, it is important to remind the public to use condoms to reduce the risk of contracting HIV. The DH launched a "Safer Sex Campaign" in September 2005 with the primary objective of promoting the practice of safer sex and removing the taboo on the use of condom in the community. The DH has commissioned an academic institution to evaluate the effectiveness of the Campaign, with a view to making reference to the outcome in refining its HIV prevention strategy.

- (b) The HIV situations in Hong Kong and Uganda are very different. The estimated HIV prevalence in Hong Kong is less than 0.1% in the general population while the rate is around 5% in Uganda. We understand that the significant fall in HIV prevalence in Uganda is multi-factorial with the "ABC" approach (Abstinence, Be faithful to partner, and Condom use) being one of the several reasons accounting for the drop. The different cultural, societal and demographical background as well as epidemiological situations of the two places account for the different approaches adopted in respect of HIV/AIDS prevention strategies.

Our HIV/AIDS prevention and control strategies are premised on the principle that AIDS education should be non-judgemental, and should aim to reduce stigma and discrimination. This approach is in line with international practice, and is also highlighted in UNAIDS policy position paper 2005 "Intensifying HIV Prevention" prepared by the Joint United Nations Program on HIV/AIDS. Our public education therefore focuses on teaching what the dangers are and how they can be avoided — without passing moral judgement on those who engage in infection-related behaviours, whether they do so safely or not. By labelling people diagnosed with the disease as leading an immoral lifestyle would discourage people from seeking testing for HIV and appropriate care.

Promotion of healthy living and lifestyle, as well as a positive attitude towards love, sex and family are covered under the DH's other educational efforts including the Adolescent Health and Men's

Health programmes. Pre-marital sex and marriage harmony are some of the issues addressed in these programmes.

- (c) The DH has not conducted any study on the extra-marital or pre-marital behaviour of those contracted with the disease. Instead, the DH and local academic institutions have been collecting data concerning risk behaviours in various at-risk populations, like the sexually-active groups and drug users. Findings of these studies enable the DH to monitor the trend of risk behaviours, and hence the epidemiological development of the disease. It also helps inform the preventive and education strategy. Risk behaviours tracked in the study include number of sex partners, condom usage with regular partners and non-regular partners, and whether heterosexual or homosexual activities are engaged. Since 2001, a registry has been in place at the Integrated Treatment Centre, DH to collect in-depth epidemiological data of HIV/AIDS patients. A variety of information pertaining to each infection is covered, including the likely place of HIV contact, the likely source of infection, and their perceived risk of HIV infection before the diagnosis.

Statutory Minimum Wage and Standard Working Hours

17. **MS EMILY LAU** (in Chinese): *President, late last year, the Administration referred to the Labour Advisory Board (LAB) for examination the subject on implementing the statutory minimum wage and standard working hours in Hong Kong, and indicated that, based on the outcome of the LAB's discussion, the subject would then be referred to the Economic and Employment Council (EEC), which is led by the Financial Secretary, for further deliberation. On the other hand, the Chief Executive stated in the middle of this month that consideration would be given to referring the subject to the Commission on Strategic Development (the Commission) for discussion if the LAB could not reach any consensus on this subject by the middle of next year. In this connection, will the executive authorities inform this Council:*

- (a) *as the Labour Department is inviting the public to express views on this subject through its website, of the channels provided for the public to understand the background to the above subject and the relevant arguments; and*

- (b) *whether the functions of the EEC has been taken over by the Commission; if so, of the reasons; if not, why the subject would be referred to the Commission?*

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

- (a) The issues of minimum wage and standard working hours have been discussed by the Legislative Council and the Legislative Council Manpower Panel (the Panel) on various occasions in recent years. These include the motion debates on 9 November this year and 13 October 2004, an oral question on 15 June 2005, and discussion at two meetings of the Panel on 4 and 18 November 2004. The contents of these debates and discussion were widely reported by the media and the public can have access to the relevant records at the Legislative Council website. In inviting the public to express views on the subject through the Labour Department's website, our aim is to provide an additional platform to facilitate the public to give us their views on these issues.
- (b) The four committees of the Commission have held/will hold their first meetings in end November/early December 2005. It has almost been two years since the establishment of the EEC in January 2004. We consider that it is now an appropriate time to review its operational experience. In the course of the review, we will consider the way forward for the EEC and any scope for division of labour with other advisory committees/boards.

As regards the study on the issues of minimum wage and standard working hours, we believe that the LAB is the appropriate forum for deliberation of the above issues and should be given sufficient time to consider the matter in depth. However, as some Legislative Council Members and labour unions have urged the Administration to take the issues to the Commission for consideration, the Administration has indicated that it would be prepared to refer the matter to the Commission should the LAB fail to reach a consensus in its discussion.

Overflow of Reservoirs

18. **MR LAU KONG-WAH** (in Chinese): *President, it is learnt that as a result of heavy rainfall in Summer this year, a number of reservoirs are overflowing, necessitating the discharge of water into the sea. In this connection, will the Government inform this Council of:*

- (a) *the monthly quantities of water discharged into the sea since May this year, the value of such water as calculated by the current unit price of water supplied to Hong Kong, and how these figures compare to those of the past two years; and*
- (b) *the progress of its negotiations with the Guangdong provincial authorities on the new water supply agreement, and whether the negotiations cover the issue of flexibility in the supply of water?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President, owing to topographical and capacity constraints, the reservoirs in Hong Kong may overflow during the rainy seasons. The accumulated rainfall in Hong Kong from January to October this year amounts to 3 203 mm, which is over 49% above the average of 2 152 mm for the same period and nearly 45% above the annual average of 2 214 mm. The month of August this year was also the second rainiest August since records were kept in 1884. The amount of rainfall recorded in that month was 971 mm, about 148% more than the average of 391 mm for August. Moreover, the accumulated rainfall recorded on 19 and 20 August was 546 mm, breaking the record of accumulated rainfall of two consecutive days in August. The local reservoirs have started to overflow since May.

- (a) The amount of overflow from reservoirs in 2003, 2004 and 2005 (January to November) is tabulated below:

<i>Year/month</i>	<i>Amount of Overflow (million cu m)</i>
2003 (whole year)	14.4
2004 (whole year)	6.5
2005 (January to November)	109.4
2005 (May)	0.3
2005 (June)	16.9

<i>Year/month</i>	<i>Amount of Overflow (million cu m)</i>
2005 (July)	6.8
2005 (August)	79.4
2005 (September)	5.0
2005 (October)	1.0
2005 (November)	0.0

Annual rainfall in Hong Kong varies considerably. Since records were kept by the Hong Kong Observatory in 1884, the highest annual rainfall was 3 343 mm in 1997, while the lowest annual rainfall was 901 mm in 1963. The rainfall recorded in 2003 and 2004 was 1 942 mm and 1 739 mm respectively, which were lower than the average. Hence, the amount of overflow from reservoirs in these two years was relatively small. Owing to heavy rainfall this year, the amount of overflow from reservoirs has reached 109.4 million cu m up to November. To reduce overflow from reservoirs, the Water Supplies Department (WSD) has taken measures in the rainy season by drawing water to water treatment works from those reservoirs which are nearing capacity, so that the chance of allowing overflows into the sea can be reduced.

As all the water overflowing from reservoirs is natural rainwater instead of Dongjiang water supplied to Hong Kong, it is neither reasonable nor appropriate to base the calculation of its value on the price of Dongjiang water. The WSD has conducted a feasibility study on various subjects, including the feasibility of increasing the storage capacity of reservoirs to reduce the amount of overflow. The study concludes that it is not cost-effective to increase the current storage capacity of reservoirs as it will incur substantial project and operation costs, which are higher than those of increasing water supply through other means such as the purchase of Dongjiang water or desalination. Moreover, it will have impacts of various degrees on the countryside and the ecological environment.

- (b) According to our existing agreements¹ with the Guangdong provincial authority, long-term supply of Dongjiang water has been

¹ Existing agreements include the 1989 Water Supply Agreement and the 1998 Loan Agreement.

guaranteed. Guangdong and Hong Kong are maintaining liaison and contacts over the negotiations on the arrangements for supply of Dongjiang water to Hong Kong. Several rounds of negotiations have already been held. We hope that a new water supply agreement with Guangdong will be concluded shortly and we will report on the outcome in due course.

In discussing the new water supply agreement, consideration is given to a flexible supply arrangement, whilst taking into account the overall interest of Hong Kong.

Installation of Street Lamps

19. **MR DANIEL LAM** (in Chinese): *President, many residents in the New Territories have reflected to me that it is extremely difficult for them to get the Government to install street lamps, and they often fail to achieve any fruitful outcome after waiting for four to five years. The lack of street lamps has caused inconvenience to their daily life and aroused safety concerns. In this connection, will the Government inform this Council:*

- (a) *of the number of applications received for the installation of street lamps in areas in the New Territories other than new towns in each of the past three years, and the respective numbers of such applications accepted and rejected;*
- (b) *of the amount of expenditure spent on the installation of street lamps, as well as the respective numbers of installation works completed and expected to be completed this year and in each of the past three years, and the average cost of each item of works completed;*
- (c) *of the respective percentages of street lamp installation works completed after waiting for not more than one year, two years or three years in the total number of such works completed in each of the past three years; as well as the reasons for the difference in the waiting time;*
- (d) *of the percentage of approved applications in which the street lamp installation works is still outstanding after a lapse of over four years*

in the total number of applications received so far, and the reasons for not yet carrying out such installation works; and

- (e) *whether it will consider implementing measures to shorten the waiting time of applications for the installation of street lamps?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) The number of village lights applied for and the number accepted over the past three years are as follows:

<i>Year</i>	<i>No. applied</i>	<i>No. accepted</i>
2002-03	3 237	2 257
2003-04	1 914	1 087
2004-05	2 132	527

The number of village lights accepted depends on a number of factors including availability of resources and site condition. Moreover, as usually not all village lights being applied for can be accepted within the year of their submission, the number of lights applied for in a particular year, therefore, includes those that are not accepted in the preceding year.

- (b) The amount of expenditure spent on the installation of village lights, the respective numbers of lights installed and expected to be installed this year and in each of the past three years by the Highways Department are as follows:

<i>Year</i>	<i>No. expected to be installed</i>	<i>No. installed</i>	<i>Expenditure (based on the no. expected to be installed) (\$ million)</i>
2002-03	2 257	2 231	23.6
2003-04	1 087	1 041	13.6
2004-05	527	237	5.5
2005-06	574	0	5.6

As installation of village lights may involve technical problems or the need to take into account local views, a number of lights accepted earlier have yet to be installed.

According to the statistics on completed items, the average cost of installing a village light is about \$12,000.

- (c) According to the Government's records, in the past three years, the percentages of cases in which the Highways Department commenced the installation works one year, two years and three years after the applications were received were 3%, 14% and 29% respectively.

Every year, the Government determines the order of priority for installation of village lights according to established criteria. Under normal circumstances, the Government gives priority to applications which will benefit the largest number of households. Moreover, the Government will take into full consideration such factors as public safety, pedestrian flow, existing lighting facilities, availability of land, electricity supply and technical problems. Waiting times for applications which are relatively less urgent may be longer.

- (d) The Government's records show that as of now there are 31 village lights yet to be installed, the application of which have been received for more than four years, which represent about 1% of the number of lights applied for in hand. This is mainly because there are already other lighting facilities near the proposed locations for installation or only a small number of residents will benefit from it. According to current criteria, these applications will not be given priority.
- (e) The Government will examine carefully the applications for the installation of lights in the New Territories other than new towns. If necessary and resources permitting, the Government will adjust the annual number of lights to be installed in the districts concerned and minimize the waiting times for applications with justified needs.

Combating Gambling Activities

20. **MR CHEUNG HOK-MING** (in Chinese): *President, regarding monitoring and combating gambling activities and assisting pathological gamblers, will the Government inform this Council:*

- (a) *as it has been over two years since the regulation of soccer betting, whether there are data indicating the prevailing situation of gambling and illegal soccer betting in Hong Kong, including the participation of adolescents under the age of 18 in soccer betting activities; whether the situation is worse or better than that two years ago; if the situation is worse, of the measures to tackle it and the enforcement actions taken by the authorities;*
- (b) *of the total number of requests for assistance so far received by the counselling and treatment centres set up for assisting pathological gamblers and, among them, the number of cases which required face-to-face counselling and long-term follow-up; and whether such centres have analysed the causes of pathological gambling and the behaviour of pathological gamblers;*
- (c) *of the modes of operation of local illegal soccer betting activities and how they attract gamblers; and*
- (d) *of the measures to be taken by the authorities to combat illegal soccer betting activities during the World Cup Soccer Championships next year?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, my reply to the question is as follows:

- (a) The amounts of cash and betting slips seized from police enforcement actions against illegal football gambling during the period of January 2003 to September 2005 are as follows:

	<i>Amount of cash and betting slips seized</i>
January to July 2003	\$34,435,770
2003 (full year)	\$36,565,330
2004 (full year)	\$21,111,180
2005 (January to September)	\$23,076,876

The seizure figures on illegal football betting in 2004 and 2005 are considerably lower than those during the period immediately before authorization (January to July 2003). This to a certain extent reflects that authorization of football betting had diverted some of

the demand for football gambling from illegal channels to the authorized outlet.

After the authorization of football betting, the police continued to take vigorous enforcement actions against illegal football gambling activities. The police enhanced preventive and enforcement activities both in the run-up to, and during major international soccer tournaments, including Euro 2004. These actions will continue with emphasis on intelligence gathering and enforcement actions. The police has also maintained regular liaison with the mainland and Macao officials for the purpose of combating cross-border illegal bookmaking activities.

We commissioned the University of Hong Kong to conduct a study on Hong Kong people's participation in gambling activities. This study seeks to track the results of the first benchmarking study conducted by The Hong Kong Polytechnic University in 2001. It includes a questionnaire survey on the pattern of gambling participation among adults and adolescents, and also a qualitative research into cases of problem and pathological gambling. The findings of the study are expected to be released by the end of 2005. We will take account of the findings in devising and implementing measures to tackle gambling-related problems in Hong Kong.

- (b) From October 2003 to September 2005, the two pilot counselling and treatment centres for problem and pathological gamblers financed by the Ping Wo Fund received a total of 8 382 requests for assistance, mainly through their telephone help-line service. 1 976 cases required face-to-face counselling and related follow-up actions.

According to the clinical experience of the two centres, the major factors contributing to problem and pathological gambling behaviour are:

- lack of meaning and direction in life;
- seeking excitement;
- greed for money;
- coping with stress;
- peer or social influence;

- interpersonal or family relationship problem;
 - chasing gambling losses; and
 - believing in his/her own gambling skills.
- (c) According to information from the police and the Hong Kong Jockey Club, illegal bookmaking syndicates in Hong Kong have been using mobile phones as the major channel to receive bets. They offer a wide variety of gambling activities with discounts and credit to attract bettors. They often change their bases of operation, and sometimes engage in cross-border operations to avoid being detected by the police.
- (d) The police will maintain its vigilance and enhance its enforcement actions against illegal football betting during the period of World Cup 2006. Intelligence-led operations will be mounted against syndicated football bookmaking activities during important matches.

The police will enhance its liaison with law-enforcement agents in the Mainland, Macao and other overseas countries to combat bookmakers who accept bets originated from other places.

The police has also established a hotline to facilitate the public to report illegal football gambling activities.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bill: First Reading.

ST. STEPHEN'S COLLEGE INCORPORATION (CHANGE OF NAME OF THE COUNCIL OF ST. STEPHEN'S COLLEGE AND GENERAL AMENDMENTS) BILL 2005

CLERK (in Cantonese): St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005.

Bill 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.

ST. STEPHEN'S COLLEGE INCORPORATION (CHANGE OF NAME OF THE COUNCIL OF ST. STEPHEN'S COLLEGE AND GENERAL AMENDMENTS) BILL 2005

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I move that the St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005 (the Bill) be read the Second time.

In July 2004, the Legislative Council passed the amendments to the Education Ordinance which provided for the establishment of the incorporated management committee (IMC) to implement school-based management. The new provisions came into operation on 1 January 2005.

The St. Stephen's College Incorporation was incorporated under a private ordinance, the St. Stephen's College Incorporation Ordinance (Cap. 1049), which contains provisions inconsistent with the amended Education Ordinance. It is therefore necessary to amend Cap. 1049 to bring it in line with the Education Ordinance so as to facilitate the establishment of an IMC in the College.

The main objects of the Bill are, first, to change the name of the council of St. Stephen's College to avoid confusion with the future IMC of the College, and to set out the objects of the St. Stephen's College Council (the College Council) (which is the changed name of the council of St. Stephen's College) and its powers and duties.

Secondly, the Bill makes provisions for the general operation of the College Council and various transitional matters to improve the operation of the College Council and to tie in with the new governing framework.

Thirdly, the Bill makes transitional arrangement for the Constitution of the College Council and repeals the St. Stephen's College Regulations (Cap. 1049 sub. leg. A).

We believe that the most appropriate way to bring the provisions of the St. Stephen's College Incorporation Ordinance in line with the Education Ordinance is to amend the St. Stephen's College Incorporation Ordinance by way of a Bill.

Madam President, I commend the Bill to Honourable Members.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005 be read the Second time.

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

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We will resume the Second Reading debate on the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005.

MERCHANT SHIPPING (LOCAL VESSELS AND MISCELLANEOUS AMENDMENTS) BILL 2005

Resumption of debate on Second Reading which was moved on 18 May 2005

PRESIDENT (in Cantonese): Ms Miriam LAU, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report on the Bill.

MS MIRIAM LAU (in Cantonese): Madam President, in my capacity as Chairman of the Bills Committee on Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 (the Bills Committee), I now report the deliberations of the Bills Committee.

Over the years, local vessels have been governed by legal provisions scattered in various ordinances and subsidiary legislation. This is not user-friendly to owners and operators of local vessels because they often have to

refer to various pieces of legislation. In July 1999, the Legislative Council enacted the Merchant Shipping (Local Vessels) Ordinance (the Ordinance), which consolidated the scattered provisions into a single piece of legislation dedicated to local vessels. The Ordinance also updated marine legislation to meet the local shipping industry's needs and enhance the safety standards of local vessels.

The implementation of the Ordinance entails the making of 10 pieces of subsidiary legislation. The Legislative Council passed five of them in the 2001 to 2004 Legislative Sessions. The Administration is now drafting the remaining five pieces of subsidiary legislation to be tabled to this Council in due course.

Madam President, the Bills Committee supports the introduction of the Bill. It seeks to amend marine legislation and other relevant legislation to ensure effective operation of the Ordinance and provide for better control of vessels.

One of the major proposals of the Bill is to extend the compulsory third party risks insurance requirement to all locally certificated vessels. The Bills Committee supports the relevant proposal to enhance protection for third parties.

The Bills Committee notes that the compulsory third party risks insurance will be applied to all local vessels by two stages. Details of implementation, such as the statutory levels of insurance cover, recognition of insurers, and the requirements of keeping insurance records will be laid down in the Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation to be made in due course.

Although river trade vessels are not local certificated vessels, they are still required to take out compulsory third party risks insurance whilst they remain in the waters of Hong Kong. The relevant requirement will be set out in the Merchant Shipping (Local Vessels) (General) Regulation to be made in due course.

The Bills Committee has examined whether ship owners or operators of vessels would encounter any problem in taking out insurance. According to the Administration, at present, there are about 80 insurers authorized under the Insurance Companies Ordinance to underwrite insurance in respect of liability

for ships. These insurers will be eligible to underwrite insurance for local vessels in future. The compulsory insurance requirements have been imposed on launches, ferries and pleasure vessels for years. Ship owners or operators of these vessels have not encountered any problem in taking out insurance. The Insurance Authority will provide assistance should local vessel operators encounter difficulty in taking out insurance following commencement of the Ordinance.

At the request of the Bills Committee, the Administration undertakes to conduct a review when the new compulsory insurance requirements have come into force for a period of time and consult the industry with a view to perfecting the mechanism for further protection of the legitimate rights of third parties and the insured.

The Bills Committee notes the concerns expressed by the fishing industry about the survey requirements for steel fishing vessels (M9). The fishing industry takes the view that the survey requirements for steel fishing vessels under the present surveying regime for local vessels are too stringent. This has unduly affected the operation of the industry. In their opinion, the survey requirements for steel fishing vessels can simply follow those of wooden fishing vessels (M6) which have been in use for years and have proven to be effective in meeting the operational requirements of the local shipping industry and safety standards of local vessels.

The Administration has advised the Bills Committee that, in order to uphold Hong Kong's status as an international maritime centre, the Government is committed to ensuring compliance of locally certificated fishing vessels with internationally accepted safety standards. It is also in the interest of these fishing vessels to meet such standards or they may not be allowed entry by adjacent jurisdictions which adopt the international standards under the Convention.

The Administration emphasizes that the Director of Marine (the Director) will consult the industry through the Local Vessels Advisory Committee (LVAC) and its subcommittees (such as the Fishing Vessel Working Group and Technical Subcommittee) when developing the Codes of Practice. As stipulated in the Ordinance, the LVAC shall comprise of experts from the local shipping industry. The consultation mechanism provided in the Ordinance will ensure that the views

and concerns of the industry will be taken into account in formulating the Codes of Practice, whilst at the same time ensuring navigational safety in Hong Kong waters.

With regard to the safety requirements for P4 sampans, the fishing industry urges the Administration to relax the present restriction on P4 sampans to enable the vessels to operate anywhere beyond the waters of Hong Kong.

The Administration advises that P4 sampans are used mainly for fish pond culturing within specified areas in the waters of Hong Kong. Under the current arrangement, P4 sampans must not be operated outside the restricted area specified in the operator's certificate to ensure navigational safety.

The Bills Committee considers that the Administration should explore means to assist the fishing industry in complying with the safety requirements imposed by the Administration so that their vessels can operate freely and safely within and beyond Hong Kong waters. The Bills Committee urges the Administration to follow up work in this respect.

The Bills Committee takes the view that the composition of the Provisional Local Vessels Advisory Committee (PLVAC) should be reviewed from time to time to ensure its representation. The Bills Committee also urges the Administration to review the nomination mechanism to see how various sectors in the local maritime community can nominate representatives to the LVAC, given that different associations may have different views because of their divergent interests. In order to enhance the communication between the LVAC and the relevant trades, the Administration should also consider co-opting representatives of the relevant industry into the subgroups formed under the LVAC to study specific issues. This will ensure that the views and comments expressed by the trade can reach the LVAC direct and their concerns taken into account before a decision is made.

With regard to the provision and usage of typhoon shelter facilities in Hong Kong, the Bills Committee considers that a comprehensive review should be conducted by the Administration and that consideration should be given to expanding the capacity of existing typhoon shelter facilities to cater for the rising demand, particularly that of vessels of length exceeding 50 m. The Bills Committee urges the Administration to suitably report to the Panel on Economic Services.

Under section 7 of the Ordinance, the Director may authorize in writing a person, or a person belonging to a class of persons, who is not a public officer to be a surveyor for the purposes of the Ordinance subject to such conditions as the Director thinks fit and specified in the authorization. Clause 5 of the Bill proposes to add a new section 7A which provides that the Director may recognize any government authority for the purposes of carrying out any survey and approving any plan for any local vessel.

The ship repair industry has expressed concern about the new vessel survey regime. They are worried that with the new arrangements for survey of local vessels to be conducted by authorized surveyors, providers of ship repair services in the Mainland may employ an authorized surveyor from Hong Kong to drive down the overall cost of undertaking survey and related repair works in the Mainland, thus reducing the competitiveness of Hong Kong's ship repair sector and, in turn, the viability of their operation.

The Administration advises that the introduction of the new vessel survey regime aims to provide ship owners and operators with a wider range of choices on vessel survey service and hence increase the flexibility of their operation. The relevant amendment has gained the support of the PLVAC.

With regard to the impact on the ship repair industry, the Administration advises that the new vessel survey regime will be implemented in four phases according to types of vessels and survey works. The transition from the commencement of the Ordinance to full implementation of the new vessel survey regime will take about two years and will be reviewed in the light of experience. The possible effect on the ship repair sector will not be immediate, and players in that sector should have time to adjust to the new arrangements.

Madam President, the Administration has accepted the Bills Committee's suggestion to move Committee stage amendments to set out the relevant factors to be considered by the Director in attaching conditions to the authorization of surveyors and recognition of government authorities under section 7 of the Ordinance and the proposed new section 7A to ensure the quality of survey works conducted by authorized surveyors/recognized government authorities under the new regime.

The Administration will also move a Committee stage amendment to remove section 7(6) and the new section 63A(2) of the Ordinance so that the authorized surveyor or the Director, after performing a survey on a local vessel, is not required to endorse on the certificate of survey a statement that the vessel is not fit to operate safely beyond the waters of Hong Kong or in such other waters. The Administration explains that as detailed requirements regarding vessel survey and inspection will be set out in the Codes of Practice to be issued by the Director under section 8 of the Ordinance, there is no need for section 7(6) and the new section 63A(2).

The Administration also proposes to amend sections 18 and 20 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation to clarify how the Director may restrict the plying area of a local vessel to ensure safety of the vessel. By these two amendments, when the Director issues a full licence or a temporary licence for a local vessel, he can specify plying limits of the local vessel in the relevant licence and the plying limits are not confined to the waters of Hong Kong.

After deliberations, the Administration has also proposed a number of other Committee stage amendments to improve the drafting of the Bill. The relevant Committee stage amendments will be moved later on.

Madam President, the Bills Committee supports the Bill and the Committee stage amendments proposed by the Administration. Thank you, Madam President.

MR WONG YUNG-KAN (in Cantonese): Madam President, after years of lobbying by the fishing industry, the Government has finally enacted the Bill today which allows local fishermen to commission surveyors recognized by the Government to conduct surveys of fishing vessels, a move that is more time-saving and more economical to them. This is exciting news to us, particularly at a time when the fishing industry is experiencing a hard time.

As local fishermen usually conduct their fishing operations in mainland waters, so in the past when their vessels were due for survey, they had to go all the way back to Hong Kong to have the survey on the slipway; otherwise they would be required to have their vessels surveyed in the Mainland, which was

very costly. Such a process was costly because they would have to commission officers of the Marine Department (MD) to travel to the Mainland to conduct the survey there, the cost of which, together with insurance fees, could exceed \$10,000 per day. So the burden on local fishermen has been increasingly heavy. Insofar as the local fishermen are concerned, the best option is to have their vessels surveyed while they are on the slipway in the Mainland. Why would they want to put their vessels on the slipway in the Mainland? This is because the dockyards in Hong Kong have only limited capacity. When a large number of vessels have returned to Hong Kong, the limited capacity here would make it necessary for them to wait in the queue for a long time. Since the MD of Hong Kong recognizes the Mainland's survey standard, I find this a very good arrangement because on the one hand, it has solved the problems of the industry, and on the other, it has also demonstrated that the Government has really listened to the views expressed by the trade for many years.

Meanwhile, I would like to thank the officers of the MD. In handling this issue of fishing vessels, officers of the MD, including Director Mr TSUI, Assistant Director Mr LEE Ka-mo and other officers have travelled to the Mainland with me on four to five occasions. Together we discussed with the relevant authorities there on ways of perfecting the fishing vessel survey regime as well as on issues in relation to fees and charges, such as the criteria for calculating the charges, and so on. We have managed to reach consensuses on all these issues, and none of these could have been accomplished without the involvement of the officers of the MD. Therefore, I would like to extend my sincere thanks to them for all the work they have done. In this connection, a number of representatives of the trade and I have met with the chief of the Register of Fishing Vessel of People's Republic of China, Mr ZHANG Hecheng, in Beijing. We had held discussions on issues concerning the fishing vessels and reached consensuses on issues in this regard, in the hope that the fishing industry of Hong Kong can do even better in future.

However, I am now very unhappy because, up till now, the Government still has not established a system for offshore fishing vessels. All that we can turn to for reference is nothing but the very stringent international conventions. I would not find this a problem if the system in the Mainland is just as stringent. I once suggested to Director Mr TSUI and the Bills Committee that, if the Mainland is doing the same, we could study the issue together. In future, as soon as the Hong Kong Government has issued qualifying certificates, Hong

Kong can have its own offshore fleet very easily. Of course, we have to observe the international laws governing offshore fishing as well. I hope the Government can take this suggestion into consideration.

To ensure the quality of work of vessel survey, the Director of Marine will carry out audit check on the work and practices, including the plans and the ways of surveying vessels, of authorized surveyors and recognized vessel survey authorities of the Mainland during the initial period of implementing the new legislation. As a representative of the fishing sector, I support such a move. However, I hope the Government can have a timetable for reviewing whether this audit check is still necessary after the law has been implemented for a certain period of time. I have said in the Bills Committee that, if we trust that the standard of vessel surveys carried out in the Mainland is up to the standard prescribed by the Ordinance, then there is no reason why this audit check procedure cannot be abolished in due course. I understand that if everything goes smoothly, the Government will abolish this procedure in a couple of years. I hope this can be proceeded in an appropriate manner.

With regard to the conversion of P4 sampans into fishing vessels, the Chairman of the Bills Committee, Ms Miriam LAU, has offered tremendous help to the industry, in the hope that we can reach a consensus with the Government expeditiously. Recently, we met with the Director of Marine. Since the authorities concerned in the Mainland believe that vessels not belonging to the specified types cannot fare well in the seas, but we think this is a misconception. Four decades ago, all the ocean-going fishing vessels from Lau Fau Shan and Sha Tau Kok were 10 m-long vessels, but they could all sail very far distances. I believe we could reach a consensus through discussions as long as safety requirements are met. In our recent meetings with officers of the MD, I asked if they could go to the Mainland with us again to clarify the issue face-to-face with the mainland authorities. This could avoid making separate interpretations and half-way compromises by the two different sides which may eventually lead to conclusions which neither party would recognize. I think since we have some very convenient communication channels, so it would be a good development if the two sides can reach a consensus on the issue through negotiation. I hope our officers of the MD can consider allowing P4 sampans to conduct fishing operations in the waters of Hong Kong or the Mainland so that they can continue making a living in the way they have been doing. The number of this type of vessels exceeds 100 or 200. There are more than 1 500

such fishing vessels with mainland registration, and they are fishing vessels that have been all registered with the Hong Kong and Macau Roaming Fishermen Association of Guangdong. It is these fishing vessels that I am referring to. Other types of fishing vessels are excluded.

Officials of the MD expressed the worry that other types of vessels might operate in mainland waters in future. In this regard, only vessels with permits are allowed to operate in Mainland waters; vessels without permits are not allowed to do so. Let me make this very clear — these are vessels with permits and that they are fishing vessels registered in the Mainland. We are talking about more than 1 500 fishing vessels, not just one or two of them. Therefore, I hope the Government can reconsider this suggestion.

With regard to third party risks insurance, I had also consulted members of the trade and found that there were divergent views in the trade at that time. Later, after we have made some explanation, people are more willing to accept third party risks insurance. However, I hope the Government can conduct a review of third party risks insurance or extend its scope in due course, so as to explore how it can be improved. This is one of the issues I have raised. Another issue I have raised repeatedly in the meetings of the Bills Committee is the establishment of the LVAC. As it has taken a long time to enact the Ordinance, so although the PLVAC has been established for seven or eight years, we still have not been able to set up a formal advisory committee. I hope, after the Ordinance has been enacted, we can expedite the establishment of a formal advisory committee, and that while casting a wider net for representatives, the Government can listen to opinions from more diversified sources, instead of listening to the views of only one or two representatives. Just as the Chairman of the Bills Committee has said, I hope the Government can listen to opinions from more people on how a better and more reasonable composition of the advisory committee can be achieved.

Madam President, I have kept saying that typhoon shelters is a long-standing issue of concern to me. I told Ms Miriam LAU that such facilities were inadequate, and that there were too many restrictions when the vessels entered the typhoon shelters. In fact, the Government has time and again stressed that, with the development of the fishing industry, there are more and more vessels that are as long as 45 m. I hope the Government can assist them to moor at the typhoon shelters during the annual fishing moratorium or major

festive days; and I also hope that the officers of the MD can provide assistance in solving this problem.

With these remarks, Madam President, both my sector and I support this Bill.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Economic Development and Labour to reply.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 (the Bill) was introduced into the Legislative Council for First and Second Readings in May 2005. The Bill proposes amendments to the Merchant Shipping (Local Vessels) Ordinance (the LVO) and other related legislation in order to bring the LVO into operation.

The Bill covers three broad categories of amendments. First, the Bill proposes to introduce legal provisions to implement the agreed policy of introducing compulsory third party risk insurance requirements for all local vessels. At present, such requirements are imposed on launches, ferry vessels and pleasure vessels. Extending such requirements to all local vessels will enhance protection for third parties. The Bill will also clarify some provisions in the LVO, such as the power of the Director of Marine to prohibit vessels from anchoring or lying, which is necessary for effective discharge of duties under the LVO. Secondly, the Bill will make miscellaneous amendments to various pieces of marine legislation. The LVO is a dedicated piece of law for local vessels. Ocean-going vessels will be governed by other local legislation. The proposed miscellaneous amendments will enable the Director of Marine to discharge his duties and ensure consistency in port operation requirements which are equally applicable to both local and ocean-going vessels. Thirdly, the Bill proposes consequential amendments to 12 pieces of ordinances and 23 pieces of subsidiary legislation affected by the LVO and its subsidiary legislation.

Madam President, I would like to take this opportunity today to thank the Chairman of the Bills Committee, Ms Miriam LAU, and members of the Bills Committee, in particular, Mr WONG Yung-kan, Mr CHAN Kam-lam and Mr SIN Chung-kai for their efforts and valuable advice in scrutinizing the Bill. My thanks again go to the Chairman and other legislators. We also appreciate the dedicated work of Mr WONG Yung-kan and will certainly consider the views he put forth just now. As mentioned by him, we will enhance communication with the mainland authorities and will facilitate, as far as we can, vessel operations under safe conditions. The Bills Committee supports the Bill and proposes certain improvements to it. The Administration has accepted these suggested improvements and will move Committee stage amendments accordingly.

The Bill is indispensable to the implementation of the LVO. It has received support from the Panel on Economic Services of the Legislative Council and the local shipping industry, and has been carefully scrutinized by the Bills Committee. The commencement of the LVO will improve the regulatory regime for local vessels and strengthen Hong Kong's status as a major international maritime centre. I urge Members to pass the Bill into law. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 be read the Second time. 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.

CLERK (in Cantonese): Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

MERCHANT SHIPPING (LOCAL VESSELS AND MISCELLANEOUS AMENDMENTS) BILL 2005

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005.

CLERK (in Cantonese): Clauses 1, 3, 6, 7, 8, 10, 11, 13 to 16, 18 to 30, 32 to 36 and 38 to 51.

CHAIRMAN (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Clauses 2, 4, 5, 9, 12, 17, 31 and 37.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam Chairman, I move that clauses 2, 4, 5, 9, 12, 17, 31 and 37

of the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 be amended, as set out in the paper circulated to Members. These proposed amendments have taken into account the views and suggestions of members of the Bills Committee and received their agreement.

Clause 2 is amended to improve the definition of the terms "lifting gear" and the Chinese version of "crane" in the Bill. We also propose to make textual amendments to the definition of the term "protection and indemnity association".

Clause 4 is amended to provide clearly that in considering the conditions to be imposed on a surveyor authorized under section 7 of the Merchant Shipping (Local Vessels) Ordinance (the LVO) to carry out surveys and approve plans, the Director of Marine shall have regard to all relevant considerations including the experience and competency of the surveyor. We also propose to delete section 7(6) of the LVO because the detailed requirements regarding vessel survey and inspection by authorized surveyors which it contains will be set out in the Codes of Practice to be issued under section 8 of the LVO.

Clause 5 is amended to mirror the provision in the amended clause 4 for authorized surveyors and apply the same to recognized government authorities under section 7A of the LVO. We also propose to make a textual amendment to section 7A(1) of the LVO.

Clause 9 is amended to make textual improvements to sections 23F, 23G and 23I. It also recasts section 23K regarding the requirements to produce insurance policy to enhance its clarity and readability.

Clause 12 is amended to delete section 63A since the detailed requirements regarding vessel survey and inspection by government surveyors which it contains will be set out in the Codes of Practice to be issued under section 8 of the LVO.

Clauses 17 and 31 are amended to make textual improvements to section 89(1)(i) and section 94(1)(k) of the LVO respectively.

Clause 37(b) is amended to improve the definition of "lifting gear" and the Chinese definition of "crane".

Thank you, Madam Chairman.

Proposed amendments

Clause 2 (see Annex)

Clause 4 (see Annex)

Clause 5 (see Annex)

Clause 9 (see Annex)

Clause 12 (see Annex)

Clause 17 (see Annex)

Clause 31 (see Annex)

Clause 37 (see Annex)

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Economic Development and Labour be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendments passed.

CLERK (in Cantonese): Clauses 2, 4, 5, 9, 12, 17, 31 and 37 as amended.

CHAIRMAN (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese):	New clause 25A	Conditions and restrictions attached to full licence
	New clause 25B	Conditions and restrictions attached to temporary licence
	New clause 27A	Suspension of full licence or temporary licence after damage of vessel
	New clause 38A	Powers of Directors and inspectors.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam Chairman, I move that new clauses 25A, 25B, 27A and 38A read out just now be read the Second time. The contents are set out in the paper circulated to Members. These proposed amendments have taken into account the views and suggestions of members of the Bills Committee and received their agreement.

The new clauses 25A and 25B amends the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (the Regulation) to clarify the

extent to which the Director may restrict the plying area of a local vessel to ensure safety. The new clause 27A proposes textual amendments to section 33 of the Regulation to improve its drafting.

The new clause 38A amends section 39(1) of the Shipping and Port Control Ordinance (SPCO) to empower the Director and inspectors to require the production of any register required to be kept under section 80 of the SPCO, instead of only those required to be kept under Part V of the SPCO. This mirrors the arrangements in section 40(1) of the LVO.

Madam Chairman, I urge Members to support the addition of the above new clauses.

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the new clauses read out just now be read the Second time.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): New clauses 25A, 25B, 27A and 38A.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam Chairman, I move that the new clauses read out just now be added to the Bill.

Proposed additions

New clause 25A (see Annex)

New clause 25B (see Annex)

New clause 27A (see Annex)

New clause 38A (see Annex)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the new clauses read out just now be added to the Bill.

CHAIRMAN (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Schedule.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam Chairman, I move that the Schedule of the Merchant

Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 (the Bill) be amended. The proposed amendments were set out in the paper circulated to Members. These proposed amendments have taken into account the views and suggestions of members of the Bills Committee and received their agreement.

The Schedule is amended to introduce consequential amendments to the Insurance Companies Ordinance pursuant to the Bill.

Madam Chairman, I urge Members to support the amendments above.

Proposed amendment

Schedule (see Annex)

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendment moved by the Secretary for Economic Development and Labour be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendment passed.

CLERK (in Cantonese): Schedule as amended.

CHAIRMAN (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Third Reading.

MERCHANT SHIPPING (LOCAL VESSELS AND MISCELLANEOUS AMENDMENTS) BILL 2005

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the

Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 be read the Third time and do pass.

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.

CLERK (in Cantonese): Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: the movers of the motions will each have up to 15 minutes for their speeches including their replies, and another five minutes to speak on the amendments; the movers of amendments will each have up to 10 minutes to speak; the mover of an amendment to amendment and other Members will each have up to seven minutes for their speeches.

First motion: Conducting a referendum on the full implementation of elections by universal suffrage in 2007 and 2008.

CONDUCTING A REFERENDUM ON THE FULL IMPLEMENTATION OF ELECTIONS BY UNIVERSAL SUFFRAGE IN 2007 AND 2008

MR LEUNG KWOK-HUNG (in Cantonese): President, I am pleased and honoured to be able to sponsor this debate today. Although a lot of people may think that this is a stale topic about which nothing more can be said, this in fact

also shows that the Legislative Council lacks adequate legislative power, supervisory power over the Government and even the power to introduce new elements into the system or the constitution. I cannot possibly influence the Hong Kong Special Administration Region (SAR) Government by speaking here and still less can I influence the master behind the SAR Government, that is, the Beijing Government.

My motion requests the Central Government to arrange for all Members of the Legislative Council to visit Beijing. I myself have made this request to the SAR Government many times. What is the reason? The reason is that the two decisions made by the Standing Committee of the National People's Congress (NPCSC) in interpreting the Basic Law are wrong. They run counter to public opinions in Hong Kong. They represented an attempt to amend Annex I and Annex II to the Basic Law by means of the so-called interpretation of law, whereas originally, it would be possible for Hong Kong people to know the methods of selecting the Chief Executive and forming the Legislative Council in 2007 and thereafter through Annex I and Annex II.

Therefore, I believe that no matter what views people hold, as long as they are responsible to Hong Kong people, they definitely have to go to Beijing and discuss this issue with the NPCSC in Beijing. As a Member advocating the implementation of dual elections by universal suffrage in Hong Kong in 2007 and 2008, I am very interested in visiting Beijing. I believe that all Legislative Council Members should adhere to their own views and express them to the NPCSC in Beijing. Therefore, I cannot see why anyone in this Council should oppose my suggestion.

On another front, Mr QIAO Xiaoyang, who played a major role in the interpretation of the Basic Law by the NPCSC in 2004, recently made another gesture, saying that he wished to receive us and talk with us. Fine, however, is Mr QIAO interested in meeting even more Hong Kong people on 4 December to see what Hong Kong people think about this issue? Today, I am making an open appeal to Mr QIAO here: It is no good just to talk with me, at least, this is not as useful as coming personally to Hong Kong to understand the public opinions here. I know that Mr QIAO Xiaoyang once met El Che GUEVARA and that gave him a deep impression. Does he know that GUEVARA advocated that power be vested in the people? If he knows, I invite him to come to Hong Kong.

Secondly, I believe that whether and when universal suffrage should be implemented in Hong Kong should be decided by a referendum. This is also part of my platform when I ran for a seat in the Legislative Council. My platform is like this: "To make TUNG Chee-hwa step down, to hold a referendum to decide how to implement elections by universal suffrage in 2007 and 2008". I have succeeded in making half of my platform come true because TUNG Chee-hwa has now become a Vice Chairman of the CPPCC and washed his hands of this matter, however, I have not yet succeeded in making the other half of my platform come true.

I believe that no matter what views the public hold, they should be given a fair chance to express their views. Referendum or universal ballot has in fact become a cornerstone of modern civilization. It is spelt out in black and white in the constitutions of the majority of democratic countries or civilized countries and is included in the United Nations International Covenant on Civil and Political Rights. According to Article 39 of the Basic Law, we are absolutely entitled to this right. A lot of people said that I am creating trouble by saying this and many people said that I am breaking the law knowingly. I only think that if those people are not ignorant, then they are shameless.

I once posed a question to Secretary Stephen LAM. He was sitting right over there at that time. I also posed the same question to Ms Elsie LEUNG, who was then the Secretary for Justice. I asked her, "Did the Chief Executive ever bid you to introduce legislation on holding referendums?" She dared not make a sound and I do not know if he had done so. This Government has for eight years refused to introduce a piece of local legislation on the fairest and most impartial mechanism that we are entitled to and by which we can decide matters of concern to all members of the Hong Kong public. Is this Government being negligent in fulfilling its duties? What makes it think that it is in a position to accuse others of breaking the law knowingly and of being impractical? The present SAR Government has put forward a package of proposals, saying that anyone who blocks the passage of this package is deliberately trying to march on the spot and has to assume responsibility for this. Members, this is really the greatest joke of all.

Have Members ever heard Tony BLAIR blast the opposition after a proposal he submitted to the British Parliament was voted down? No. Have Members ever heard any soccer team such as Real Madrid rail against its adversary for putting up such a good defence that it cannot score and demands

that its adversary assume responsibility? No. However, this is what this Government is doing, so I hope that all Members who support the Government will think twice.

The issue that I am discussing today is a political issue as well as a matter of common sense. Anybody acting against common sense will definitely meet a sorry fate. This is just like someone trying to counter the law of gravitation and walking upside down. It would only be odd if he does not die of cerebral congestion. People who jump up a high wall carelessly will also definitely fall down. The present situation that I find in Hong Kong is that of birdcage democracy.

President, please let me present my views on this matter with this object. This birdcage was given to me by someone else. This birdcage has locked up democracy in it and it is the so-called venerable Fifth Report on the constitution. You can see that democracy has been confined in it and cannot move. Is this the situation that we wish to see? I do not have enough brawn, otherwise, I will break this birdcage immediately. Of course, this is not the situation that I wish to see. Some people told us that the pan-democratic camp has adopted a political strategy of coercion and pointed out that all people in the pan-democratic camp want to change tack but since they are under coercion, they cannot act freely and I am one of those under coercion. I have to tell Members that in this world, no one can coerce another person into doing anything. If a person's actions are dictated by his own conscience and he draws up his platform by following his own conscience, he will naturally do everything according to the dictates of his conscience and take it as his duty to adhere to his platform. Members are human beings too. In fact, the prime condition of becoming a Member is to be human. I can tell Members that as human beings, it is necessary to have conscience and one should not betray one's ideals, so how can people possibly coerce others into doing anything? A person can only be coerced by himself. This political strategy of coercion was an observation made by Mr Jasper TSANG and I have already written an article in response to it.

I will focus on talking about the best in our culture, so I will talk about pig-cage politics. This pig-cage is in fact a humiliation for women. In the old days, women who pursue sexual freedom would be drowned, that is, they would be tied up, put into a pig-cage and thrown into the water, and the person inside the cage would drown because their limbs could not move. Birdcage democracy, that is, the relevant report, is part of this pig-cage politics and all

people have been put into this pig cage. Pig-cage politics is horrible and all people are terribly frightened at the sight of the pig-cage because people inside the cage will be subjected to all sorts of criticisms and those who make mistakes will be put into the pig-cage, thrown into the water and be drowned. This explains why so many Members and political parties in this Council formerly advocating the introduction of universal suffrage in 2007 and 2008 now say that it is no longer necessary. This is whistle-blowing politics and pig-cage politics. One can say that this is like Ronaldo and Ronaldinho being no match for a compromised referee. That is to say, no matter how well a soccer player plays, he is stopped in his track as soon as the referee blows his whistle. I feel honoured to be able to fight for the honour of Hong Kong here and tell people that in the final analysis, Hong Kong people deserve to be given the right of holding a referendum. I will submit the legislation on referendum drafted by me to Mrs FAN, so as to provide a legal basis.

I will save one minute for the reply. Finally, it is a waste of breathe to say anything further, so we had better use our feet to open up a way towards the rainbow. Some people said that no voting could be allowed, but I will vote with my feet. I have already said this many times. In fact, initially, when I proposed my motion, I wanted to call on everyone to go to Victoria Park to join the rally at 3 pm on 4 December, however, since I have so far not received a notice of no objection, I cannot make an appeal here. Today, I just do not bother to wrangle any further and only hope that all people will follow their conscience and come out on 4 December, and even people who hide in their rooms have to come out. The future of Hong Kong belongs to us and the future of Hong Kong belongs to young people, so young people must come out and strive for the several decades in future that belong to them. Moreover, they have to do so because a Chief Executive selected by several hundred people will only lead to collusion between the Government and business and will only enrich a minority while the majority rots and will only lead to the transfer of benefits. I hope that everyone will come out on 4 December to join the rally. Thank you, President.

Mr LEUNG Kwok-hung moved the following motion: (Translation)

"That this Council requests the Central Government to arrange for all Members of the Legislative Council to visit Beijing so that Members can truly reflect to it the public opinions in Hong Kong on the dual elections by universal suffrage, and urges the Hong Kong SAR Government to conduct a referendum on the selection of the Chief Executive and the

election of the Legislative Council by universal suffrage in 2007 and 2008 respectively; furthermore, this Council appeals to all the people of Hong Kong to stand out against the Fifth Report of the Constitutional Development Task Force on 4 December this year, so as to demonstrate once again their determination to fight for elections by universal suffrage."

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

DR YEUNG SUM (in Cantonese): Madam President, recently, the Chief Executive has been advocating both in Hong Kong and places outside Hong Kong, including the United States and Britain, that the proposals on constitutional reform made by the Government are accepted by more than half of the public. The other day, the officials concerned, including our Secretary Stephen LAM, also reiterated this point in this Chamber.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

However, if we take a look at the opinion survey conducted recently by The Chinese University of Hong Kong (CUHK), we can find that the extent of support for the constitutional reform proposals put forward by the Government has dropped from the original 58% to 45%, representing a sharp fall of 13%. According to my estimation, the rate of support will further drop even more drastically and rapidly after the rally on Sunday, 4 December. Therefore, for the Government, a constitutional crisis has emerged. In the face of this crisis, I hope that the Government of the Hong Kong Special Administrative Region (SAR) and the Central Government can respond swiftly by withdrawing the constitutional reform proposals that very much lack public support and are criticized by various parties and put forward a revised proposal at a more important time.

Madam Deputy, from this opinion survey conducted by CUHK, we can see that public demand for universal suffrage is loud and clear and their demand for a timetable for universal suffrage is also getting stronger and stronger. More than 70% of the respondents demand that the Government provide a

reasonable timetable as soon as possible. In fact, the people of Hong Kong are self-restrained and sensible. Although they still hope that elections by universal suffrage can be conducted in 2007 and 2008, if the NPCSC really objects to them resolutely, the public should be given a reasonable and acceptable timetable on universal suffrage, abolishing the appointed seats in District Councils, and turning the corporate votes in functional constituency elections into individual votes. The public demand that a roadmap for each stage be drawn up in the timetable. I believe this actually shows that Hong Kong is a rather mature civil society.

It is often said in the current discussion papers for the Commission on Strategic Development or the papers submitted by the Government that it is not enough just to have universal suffrage, it also depends on what complementary system has been put in place. The Chief Secretary for Administration, Mr Rafael HUI, and Secretary Stephen LAM have also pointed out many times that we cannot just talk about universal suffrage, for a system of check and balance also matters. In fact, they also stress very often that universal suffrage has to depend on the conditions. They raise questions such as whether universal suffrage will affect the economy; whether universal suffrage will affect social stability; whether there are well-developed political parties and enough political talents for us to implement universal suffrage.

In fact, Madam Deputy, when mature societies or advanced or developing countries in general develop democracy and universal suffrage, the emphasis is basically on rights. Universal suffrage is a political right to which all people are equally entitled because all people are born equal. We cannot say that only those people who enjoy high social status or possess great wealth in society are entitled to vote or that there must be mature political parties before there can be universal suffrage. This is reversing the effect as the cause. I personally find that we should look at the fundamental theory.

In fact, universal suffrage is a fundamental human right, and a political right to which all are equally entitled. It is both the ends and the means. We say that universal suffrage is the ends because it gives everyone equal political power. We say that universal suffrage is the means because in Hong Kong, we need universal suffrage very much to assuage class conflicts. At present, the public basically think that there is collusion between business and the Government and government policies are skewed in favour of the business sector. The business sector is also not willing to devote their time and effort to

establishing political parties because as long as they can hold links to Beijing direct, they can protect their fundamental interests. They wish to hold on to the rights enjoyed by the minority to which they belong. In fact, this runs completely counter to the basic rights of the public and this also runs counter to their demand for universal suffrage.

Personally, I really hope that the SAR Government and the Central Government can study the latest opinion survey again and find out why despite the slight economic improvement, the aspiration of the public for universal suffrage has not waned so far and they still persistently demand a timetable for universal suffrage. I think if one can wake up to the danger in time, the effect on social harmony in Hong Kong will be long-lasting. In fact, on the whole, there are voices in society querying why the pan-democratic camp does not accept the District Council (DC) proposal because the Central Government has apparently expressed its goodwill and if this goodwill is accepted, it will then be possible to further discuss with the Central Government about a timetable.

Madam Deputy, the Democratic Party does not accept this view. Firstly, if we pass this DC proposal, it will only reinforce the appointed seats. In fact, the appointment system is a serious violation of the democracy principle. If it is further reinforced by allowing appointed DC members to elect the Chief Executive, this will only further reinforce an undemocratic system. Secondly, as we have said many times, there are basically a conflict of interests and a conflict of roles in the arrangement in which the Chief Executive appoints some DC members and then allow these elected DC members to elect a Chief Executive. Thirdly, and this is also a very important point, this DC proposal is not heading in the direction of universal suffrage. If a government proposal that has lost its direction is supported by the public, it seems that accepting such so-called goodwill expressed by the Central Government will completely overturn the groundwork we have laid.

Therefore, once again I make an appeal here: To all members of the Hong Kong public who are concerned about the development of our next generation and support the aspirations for democracy, please remember to go to the Victoria Park at 3 pm this Sunday. With our steps, let us open up a road decorated by the rainbow of democracy, establish long-lasting political stability for our next generation and further implement "one country, two systems" and "a high degree of autonomy". The people of Hong Kong must step forward and put into practice "a high degree of autonomy" in a peaceful way.

If we force ourselves to accept the DC proposal, we will only put the cart before the horse and give up the fundamental right that we originally have. This will be a great pity. I have strong confidence in Hong Kong people. On this coming Sunday, I believe tens of thousands of people dressed in black will make an effort to demand the introduction of democracy in Hong Kong. Thank you, Madam Deputy.

DR KWOK KA-KI (in Cantonese): Madam Deputy, I speak in support of the motion. As a matter of fact, recent discussions on constitutional reform have developed to a state that caught us between laughter and tears. Yesterday, the Chief Secretary for Administration even related constitutional reform to a mahjong game. On hearing that, I found it regrettable that on such a solemn matter that warrants every kind of respect, he had gone so far as to describe it in terms of a mahjong game. Moreover, he had also said before that if universal suffrage was to be implemented without making changes to the present legislature, the middle class in Hong Kong would leave the territory. These words are so irrational, so unrealistic and so untrue, yet they were uttered by a senior official of the SAR Government.

Madam Deputy, I visited the European Union last week and discussed with some members of the European Union parliament and European Union officials about the issue of universal suffrage. I had a very strange feeling. We went there to explain to them why Hong Kong people want to fight for universal suffrage and why universal suffrage is so important to us. However, to the members of the European Union parliament and European Union officials, universal suffrage was introduced in their countries more than a century ago. One of the officials was from Spain. When we explained to him in detail that we still have functional constituencies and the Fifth Report recommends their continued expansion, he said that he was very familiar with such matters because he was from Spain, where a General Francisco Franco had actually initiated discussions on these matters in the country under his dictatorship 80 years ago but those matters are now remote from Spain.

Besides, when we talk about why a timetable for universal suffrage is necessary, it is in fact very incomprehensible to others because in fact, in Europe, and by that I mean in some eastern European countries, where the situation is even worse than that in Hong Kong, where the education level of the people may be even lower than that in Hong Kong and where the *per capita* income may be worse than that of Hong Kong, these countries are still moving

towards the goal of universal suffrage and many of the eastern European countries have already implemented universal suffrage.

Some people say that universal suffrage cannot be implemented and should not be implemented in Hong Kong, and it even sounds as though talking about universal suffrage is a heinous crime that will affect the Hong Kong economy. I really do not know how anyone can possibly say such words. Also, some people say that Chinese people should not implement universal suffrage because it will not do for Chinese to implement universal suffrage, that we can only wait for others to bestow universal suffrage on us. I believe those people who say such words are insulting our country and the Chinese people. Why can Hong Kong not enjoy universal suffrage?

Members in the Chamber have all along been addressed as Honourable Members. However, we are in fact just like kids who have been taken to the Disneyland, seated on the merry-go-round for a spin that lasted 20 years. However, some people are still telling us that universal suffrage will not work, that universal suffrage will not be coming and that it is not even possible to discuss when it will come true. The circumstances surrounding the publication of the Fifth Report were very strange: after the publication of the Report, the Legislative Council took on the atmosphere of a fantasyland or a casino, with people starting to talk about the game theory and speculating who among the 25 Members of the pan-democratic camp would change tack or become a drop-out. Some people are fond of gambling and even the gambling tycoon also took part in gambling, however even though the gambling tycoon has joined in, we may still be able to win this game. He said that he would bet on the number of people who would take part in the rally to see if it would reach 50 000 people. What if it does and what if it does not? Why should we deal with this matter in this way? Has the situation in Hong Kong come to such a deplorable pass? Do the people of Hong Kong deserve this kind of treatment?

Democracy is a very proper, lawful and reasonable matter that complies with the provisions of the Basic Law, the trouble is certain privileged classes in society together with some senior officials in the Government are trying every means to discredit it, saying that it will not work and that the situation is not yet ripe. They even go so far as to smear the middle class and the people of Hong Kong. This will not do. Naturally, the middle class does not like to be smeared and the public do not like it either. Moreover, these people are being so self-deprecatory as to say that the conditions in Hong Kong are not ripe and

that it will definitely not do to implement universal suffrage. How can they possibly say these things? Why have things come to such a pass? Why do they have to wilfully vilify what we should fight for? Why do they have to smear those Members who insist on universal suffrage, including those who insist that a timetable for universal suffrage be set? They are being depicted as retrogressive, having no understanding of the present situation and not working for the interests of the Hong Kong public. However, fortunately, we see that according to recent opinion surveys, Hong Kong people are not so credulous.

Just when the Chief Executive is being smug, thinking that his constitutional reform proposal will gain the support of a lot of people, a recent opinion survey indicates that people see clearly that the Fifth Report will not take Hong Kong forward at all. This Report does not contain any timetable for universal suffrage, nor has it set any direction on universal suffrage. Some people gradually find that they cannot agree with the proposal. I believe that after 4 December, the public will further see through some of the lies and false claims of the Government. In fact, they cannot be deceived. I hope that the SAR Government can face this issue seriously and really step forward and make representations to the Central Authorities clearly for the Hong Kong public. Their demand is most humble. It is something they have been fighting for for 20 years and it is not excessive. Instead, it is something assured by the Basic Law and they are only asking for a timetable for the implementation of universal suffrage.

Twenty years have passed. Everyone has been going round and round but the Government still wants to deceive Hong Kong people, taking them on a wild goose chase. Going round and round, we find that this garden is in fact even larger than the birdcage mentioned by Mr LEUNG Kwok-hung. This garden is a very huge cage that engulfs Hong Kong. Moreover, the Government is telling the people of Hong Kong that they should not go beyond it and that it is very good in here and there is not any problem. Perhaps, some people may think that this is good and those who are willing to be fooled will also feel complacent. Besides, the existing political system has basically created a privileged class. We all know that in the present functional constituencies, there are many people with the so-called vested interests are given these votes. I believe that Hong Kong people know what they need clearly. I hope that there can be a clear roadmap and a timetable to let Hong Kong attain universal suffrage in accordance with Articles 45 and 68 of the Basic Law as soon as possible. I

also hope that the Government can listen to my comments with sincerity and then repond to them.

Thank you, Madam Deputy.

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

MS MARGARET NG (in Cantonese): Madam Deputy, it seems that the status of Hong Kong people is getting lower and lower, particularly in the issue of "Hong Kong people ruling Hong Kong". When the Basic Law was first promulgated, we could see the outline of "Hong Kong people ruling Hong Kong" in the entire framework, in particular, Article 158 confers the right to interpret the Basic Law on the Court; Article 159 stipulates the role played by Hong Kong people in amending the Basic Law and the restrictions on amending the Basic Law; Annex I provides that if the method of selecting the Chief Executive needs to be amended after 2007, such amendments have to be proposed by the Government with the endorsement of the Legislative Council and reported to the Central authorities for approval; Annex II provides that changes relating to the Legislative Council after 2007 also have to be proposed by the SAR Government and endorsed by a two-thirds majority of all Members of the Legislative Council, then be reported for the record.

In our opinion, there were quite a number of restrictions because at that time, we were still leery of whether Hong Kong could enjoy greater democracy, human rights and freedom under the rule of the Chinese Communist regime. However, it is true that the Basic Law outlined a blueprint that makes Hong Kong people feel that they occupy a focal position. However, after the reunification, we found that in many aspects, the implementation of the Basic Law is unlike what we originally envisaged. We found that the provisions that we thought were the better and more reliable ones had turned out to be unreliable, whereas the provisions that were a concern to us are far more damaging than we originally thought.

The repeated interpretations of the Basic Law by the Standing Committee of the National People's Congress (NPCSC) made us feel that the protection provided by and the meaning of the provisions of the Basic Law are arbitrary and can be interpreted in any way that those in power like. Moreover, the Fifth

Report on constitutional reform has further aggravated the situation. A couple of days ago, the Government even proposed that future motions could have annexes attached to them and even the term of office for the Chief Executive could be stipulated in such a way. In this way, even formal procedures such as the interpretation of the Basic Law can be dispensed with as the officials can interpret the Basic Law and decide what to do in any way they like. Even when we wanted to discuss whether such a move or the wording was proper and in conformity with the Basic Law, the officials explained that they had already consulted the Central Authorities which indicated that there was no problem. The officials also said that they had consulted the Legislative Affairs Commission (LAC) of the NPCSC. In other words, the proposal had already been passed before it was submitted to the Legislative Council and we only have to give the stamp of approval. If one third of us or more Members stand in its way, then it would become a matter for which we have to assume responsibility.

Regarding the constitutional reform proposals, the Chief Executive, Mr Donald TSANG, said while he was overseas that although all of us want democracy and universal suffrage, Beijing does not allow it. In fact, this is not what the entire issue is about. We still have to investigate why it is so difficult to reduce the functional constituencies? Why is it still necessary to retain the functional constituencies? The Government said that it would not discuss the details and told us that at the present stage, it would only talk about the motion but not the details. However, one detail therein that has been stated clearly is that corporate votes will not be abolished. Why? In the process of consultation, the subject that attracted the greatest opposition was the preservation of corporate votes in functional constituencies. In saying so, the SAR Government in fact wants to pledge its allegiance to the business sector and consortia and ask these consortia to support the SAR Government and rally for their support because the SAR Government will protect their interests under all circumstances.

In Hong Kong, the status of Hong Kong people in general is in fact declining, but that of the privileged few is rising. What we can find now is an unjust Government. But under this deformed system characterized by executive hegemony, even we in the Legislative Council cannot voice public opinions. A few days ago, I came across an article written by Vaclav HAVEL. It reached me by email. He wrote, "For fear of losing his job, the school teacher teaches things he does not believe; fearing for his future, the pupil repeats them after him; for fear of not being allowed to continue his studies, the young man joins

the Youth League and participates in whatever of its activities are necessary; fear that, under the monstrous system of political credits, his son or daughter will not acquire the necessary total of points for enrolment at a school leads the father to take on all manner of responsibilities and voluntarily do everything required. Fear of the consequences of refusal leads people to take part in this kind of special elections, to vote for the proposed candidates, and to pretend that they regard such ceremonies as genuine elections." Are we also facing such a situation?

On civil rights and political rights, today, I reiterate that we have freedom to choose people to represent us in taking part in political affairs but we also have the freedom to participate direct. We campaign for universal suffrage by means of demonstrations and protests and they are also channels through which we participate in politics direct. Madam Deputy, under these circumstances, we have no alternative. If we really want to participate direct, we must support universal suffrage and the mass rally on 4 December. Since things have reached such a stage, this is the only way in which we can fight for democracy and universal suffrage.

Thank you.

MR FREDERICK FUNG (in Cantonese): Madam Deputy, with the departure of TUNG Chee-hwa and the ascension of Donald TSANG, and against the background of the so-called "strong governance" and the resurgent economy, an artificial aura of harmony deliberately created is prevailing in society. The new Administration is hoping that with the restoration of the mode of governance adopted by the British Hong Kong Administration, public discontent accumulated in the past eight years can be allayed and the situation of ineffective administration and disharmony among people that occurred after the reunification can be resolved. In the final analysis, this approach of restoring the old system is intended to cover up the Government's lack of legitimacy with high efficiency and good performance. Is such an approach effective? Have the public's aspirations for constitutional reform and universal suffrage been diverted? Ever since the publication of the constitutional reform proposals, a number of opinion surveys have shown that over 60% of the members of the public wish to see the introduction of universal suffrage in or before 2012. The results of the surveys have proven the ineffectiveness of this tactic of diverting attention.

Since the publication of the District Council (DC) proposal, the Government has adopted an uncompromising attitude and taken a firm stance in selling the proposal. It has aroused public resentment and the Government has personally destroyed the harmonious atmosphere that it has deliberately fostered earlier on, leading to the intensification of a confrontational atmosphere in society. The earlier visit to Guangdong Province by all Members of the Legislative Council has caused rays of hope to shine through the heavy doors shutting out the road towards communication. The Central Authorities have softened its stance of sidelining the pro-democracy camp. However, Madam Deputy, the uncompromising DC proposal has brought everything back to square one. This calls into doubt the situation of the so-called "grand reconciliation", that it is only intended to create the image that the Central Authorities and the SAR Government are open and liberal, in order to gain bargaining chips for passing the constitutional reform proposals which were proposed unilaterally.

Madam Deputy, everyone longs for a harmonious society, however, we cannot mix up what is right and wrong or reverse the effect as the cause. Harmony is a result that has to be founded upon a relationship of communication on an equal footing and mutual trust, and it has to be fostered by fair and just social and political institutions. Harmony should not be used as an excuse to muffle dissenting voices and the fundamental human rights of the public must not be sacrificed to maintain an appearance of peace and order so that an unjust social institution is propagated.

Madam Deputy, how can we establish a relationship of communication and mutual trust? I believe we should neither rely on those third parties who are biased or businessmen with vested interests to convey messages or make secretive reports, nor should we make use of the media to incite people. The really effective way is for all Members of the Legislative Council to communicate directly and openly with the Central Authorities. In this way, not only will the unjustified misunderstanding of the Central Authorities towards the pro-democracy camp be eliminated, the misgivings on both sides about universal suffrage will also be removed. The Hong Kong Association for Democracy and People's Livelihood (ADPL) welcomes the SAR Government's announcement last night that Mr QIAO Xiaoyang will meet with Members of the Legislative Council in Shenzhen this Friday. This proactive attitude should be appreciated. However, it is a pity that only some Legislative Council Members have been invited, the arrangement was made too hastily and the matters to be discussed are not specific enough. Will consideration be given to the abolition of the

appointment system? Will a timetable for universal suffrage be set? Will the discussion be held on this basis? Madam Deputy, I hope that the Central Authorities are not just posing as if they are listening to different views so as to take the heat off the imminent rally on 4 December. I believe that a mere expression of goodwill is not really helpful in this matter. The only viable solution is to heed the calls of the Hong Kong people and make substantive adjustments to the constitutional reform proposals.

I sincerely hope that through a meeting with all Members of the Legislative Council, the Central Authorities can truly understand that Hong Kong has indeed the conditions for the introduction of universal suffrage. The ADPL also believes that in order to achieve "good governance and a harmonious community" and a "people-based" Government in the Hong Kong society, it is necessary and a must to practise a democratic system. There should be appropriate checks and balances on government power, full respect for individual rights and adequate care for the underprivileged. These are exactly the spirit and principles underlining a democratic system.

Madam Deputy, recently, Mr TSANG has indicated several times on various occasions that the majority public supports the Government's existing proposals, turning a blind eye to the fact that the public accepts the proposals only with reluctance and turning a deaf ear to the view of the majority public that a timetable for universal suffrage be set. If the Government is just making use of opinion surveys as a tool for political manipulation, it is perhaps better to conduct a referendum on universal suffrage seriously to get to know the people's aspirations for universal suffrage and put forward a package of constitutional reform proposals that really respects the wishes of the public.

Recently, there is another claim that if the constitutional reform proposals are voted down, the relationship between the Central Authorities and the Government will be ruined and the consequences will be disastrous. The purpose of such a claim verging on a threat is to portray the opposition as fools in political affairs, who know nothing about making compromises and have no understanding of the present state of affairs. Moreover, there are accusations that the rally is intended to force the Government to succumb and that it is tantamount to mobocracy.

Madam Deputy, frankly speaking, some people are always more than happy to interpret the actions of the pro-democracy camp in terms of the

conspiracy theory. However, I wish to make it clear that our actions are consistent with our beliefs in our commitment to pursue democratic ideals. We demand laying down a clear goal for universal suffrage in order to establish a genuinely harmonious society for our next generation.

Madam Deputy, no one would have expected that more than 500 000 people would take to the streets on 1 July 2003, still less would anyone have anticipated that this rally by 500 000 people would change the fate of Hong Kong people, leading to the shelving of the legislation on Article 23 of the Basic Law and the rapid development of a civil society and eventually, even causing the former Chief Executive, Mr TUNG, to step down. Can we imagine how the situation would be like today without the 1 July rally?

This time, concerning the 4 December rally, the ADPL and I call on the public to take a definite step forward, vote with our feet, strongly oppose the DC proposal which runs counter to the principle of democracy, and campaign for universal suffrage, for the sake of Hong Kong's future, for our own sake and for the sake of our next generation.

With these remarks, Madam Deputy, I support the motion.

MR RONNY TONG (in Cantonese): Madam Deputy, it is said that the amount money you have determines the sort of legal advice you can get from your lawyer, the amount of money you have determines the valuation you can get for your building, similarly, the amount of money you have determines what sort of result you can get from an opinion survey.

I have had a number of discussions with the Chief Executive on constitutional reform. Each time, he told me that his constitutional reform proposals were supported by 70% of members of the public, that Hong Kong people were not interested in universal suffrage as they were concerned about other livelihood issues. So what did you want to insist on? When the Chief Executive was overseas, he still insisted that the constitutional reform proposals had the support of the majority of Hong Kong people. However, the opinion survey that he relied on throughout had been conducted in September. He forgot to tell people that when this opinion survey was being conducted, the Fifth

Report had not yet been published. He also forgot to tell people that the questions in that opinion survey were fairly leading questions. He forgot to say that this opinion survey had not allowed people to choose whether they wanted universal suffrage or the constitutional reform spelt out in the Fifth Report. He also forgot to tell other people that the method of calculation in the opinion survey had been queried by many experts. He used the number of people agreeing to a certain answer as the basis, and on this basis, he calculated the figures for each question by deduction and created a figure or percentage showing consent by a majority of people.

In pushing forward the constitutional reform proposals, the SAR Government is actually making use of the opinion survey conducted in September to manipulate public opinion, hoping that it can deceive people into thinking that the constitutional reform proposals deserve support. However, it is not really worthy of support. Hong Kong people are concerned about their livelihood because they are suffering in deep water. This does not mean that they have given up democracy or universal suffrage. In fact, since the reunification, the truth tells us and all opinion surveys also tell us that more than 60% of the people hope that universal suffrage can be implemented as soon as possible. Although the District Council Elections in 2003 and the Legislative Council Election in 2004 were held after the decisions made by the National People's Congress on 26 April, 62% of the voters in Hong Kong still supported Legislative Council candidates who advocated introducing universal suffrage in 2007 and 2008. These figures tell us that Hong Kong people's aspirations for universal suffrage have never waned.

Recently, we also find that the results of opinion surveys conducted by several newspapers and universities are vastly different from the results of the opinion survey cited by the Chief Executive. The latest figures tell us that 69% of the respondents hope that universal suffrage can be implemented in Hong Kong in or before 2012. Towards the SAR Government's repeated insistence that Hong Kong people support universal suffrage and its high-handed implementation of constitutional reform, Hong Kong people are taking them stoically. Do the people of Hong Kong have to take such things stoically each and every time? I do not think so. We should tell the SAR Government clearly and we should debunk the myth that public opinions are in favour of implementing the constitutional reform proposals.

I am very grateful to Mr LEUNG Kwok-hung for proposing this motion today. He said that we should make a decision by conducting a referendum. A referendum is of course the most convincing and legitimate method, however, since it is also the manifestation of democracy, this Government will not agree to it. This Government even painted democracy as an indescribably vile rodent and laid the blame of all undesirable occurrences in society on democracy. Recently, the paper issued by the Commission on Strategic Development states clearly that if we want to develop democracy, we must guard against "five must nots": Firstly, we must not compromise development in various areas; secondly, we must not compromise the efficiency and effectiveness of government operation; thirdly, we must not damage the mutual trust between China and Hong Kong or the relationship between Hong Kong people and their compatriots on the Mainland; fourthly, we must not damage prosperity and stability, and so on. It has attributed all imaginable undesirable occurrences in society to democracy. These arguments, views and attitude not only insult each and every one of us in Hong Kong but also people who love democracy throughout the world. Given that this is a government which steadfastly refuses to respond to the aspirations of the people, which refuses to accommodate the opinions of the general public, which insists on having its own way and which refuses to cede an inch of ground, how will it possibly agree to solving the problem by way of conducting a referendum?

There is only one solution. Ms Margaret NG has already made it very clear just now. We can only mobilize the public to join the rally so as to clearly express our resolute demands. We have said many times that democracy is not a grace bestowed on us and we have to fight for it. Here I appeal to all those who are committed to Hong Kong, to all those who are committed to our next generation: Sunday is our only chance and it is a crucial moment. We must come forth and tell the SAR Government where public opinion can be found. I believe that public opinion can be found in Victoria Park. Thank you.

DR FERNANDO CHEUNG (in Cantonese): Mr Ronny TONG mentioned just now that if we are responsible to the next generation, we should come forward. Today, a rather unusual thing in this Chamber is that there are many people of the next generation in the public gallery listening to we adults discuss how society should function and how to allow the public to participate as far as possible and decide their own fate.

As there are so many students here, I wish to talk a little bit about history. This piece of history is fairly simple. First of all, I want to read out a few paragraphs from the preamble of the Constitution of the People's Republic of China (the Constitution): The preamble says:

"China is one of the countries with the longest histories in the world. The people of all nationalities in China have jointly created a splendid culture and have a glorious revolutionary tradition.

Feudal China was gradually reduced after 1840 to a semi-colonial and semi-feudal country. The Chinese people waged wave upon wave of heroic struggles for national independence and liberation and for democracy and freedom.

Great and earth-shaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the Chinese people had yet to fulfil their historical task of overthrowing imperialism and feudalism.

After waging hard, protracted and tortuous struggles, armed and otherwise, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat capitalism, won the great victory of the new-democratic revolution and founded the People's Republic of China. Thereupon the Chinese people took state power into their own hands and became masters of the country."

This describes the struggles in China over the past several centuries and also means the most important spirit behind this revolution is to allow the Chinese people to have the power to control their country and be the masters of their country. To allow the people to become the masters of their country is democracy. What is wrong about democracy? According to the Constitution of our country, democracy is the ideal and ultimate goal that the entire country is striving for.

Democracy is realized through elections. Many students are observing the meeting today. We know very well that their class monitors are also elected by one-person, one-vote.

If one day, the principal says, "No, the class monitors cannot be elected by one-person, one-vote. The class monitor has to be designated by me. The deputy class monitor can be elected by students but only two types of students can vote: either the student's father is a millionaire or he has to be a doctor. If his father is neither a doctor nor a millionaire, then I am sorry, the student cannot vote."

Other students will ask, "That is unreasonable. Why can I not vote? Can I elect our class monitor by one-person, one-vote? Can I not do that?"

The principal says, "According to the rules of our school, students will eventually be allowed to elect the class monitor through one-person, one-vote. However, we got to have balanced participation and balanced participation means allowing the minority to express their opinions. In society, there are many rich people and professionals. They belong to the minority and we have to protect their interests and achieve balanced participation."

The students then say, "That is not true. What can be more balanced than one-person, one-vote?"

The principal says, "That will not do either. We have to proceed in a gradual and orderly manner, and the discussion will take a lot of time. Students are not yet mature mentally and intellectually, so they do not know how they should cast their votes and they do not know how they should choose their own class monitors. These students do not know how to do that, so we have to educate them."

However, the students say, "Not really. We already know each other and we are fully capable of casting this vote to elect our own class monitors."

But the principal says, "In fact, it is not really impossible, however, we should continue to discuss what sort of structure and what sort of "building blocks" should actually be used to ultimately achieve the goal of electing the class monitors by one-person, one-vote."

The students then ask, "Precisely when can we elect the class monitors by one-person, one-vote?"

The principal says, "I now want to put forward a proposal so that we can consider allowing more people to vote in the election of class monitors. However, for the time being, we still have to consider when the discussion will yield a timetable. In this regard, we will ask some students to form a strategic development commission to discuss when the class monitors can be elected by one-person, one-vote." In the end, the principal says, "Every student supports my idea. I have the support of the majority of students. The students agree with my proposal."

The students say, "We suggest that all students in the school should decide by one-person, one-vote if this proposal will get the nod of approval and whether it is welcomed by students, shall we?"

The principal says, "This kind of referendum is a challenge to my authority and is totally unacceptable."

Therefore, Madam Deputy, I believe we have no alternative. Students have no votes in their hands but they have ideals in their minds. I believe that ultimately we can only use our feet to fight for democracy and universal suffrage, which the Chinese people have been striving for over the centuries. Thank you, Madam Deputy.

MR CHEUNG MAN-KWONG (in Cantonese): Madam Deputy, Mr QIAO Xiaoyang has just arrived in Shenzhen and is about to meet Hong Kong politicians to discuss constitutional reform matters. Some people say that his aim is to try to take the heat off the 4 December rally. I have to point out that such thinking has underestimated the people of Hong Kong in that it is believed that Hong Kong people will balk at the sight of a senior mainland official and refrain from joining the rally. This is like the dreams of an idiot. If one really wants to take the heat off the rally, I call on him to give Hong Kong people a package of proposals with a timetable for universal suffrage and give Hong Kong people an exact year in which universal suffrage will be introduced.

It is said that the interpretation of the Basic Law by the National People's Congress was intended only to resolve the issue of the elections in 2007 and 2008

and it did not include, and it does not even allow any package of proposals consisting of a timetable for universal suffrage. This is nonsense. I think that if the Central Government has the will and if the leaders in the Central Government really want to make an undertaking, why can they not give the people of Hong Kong a humble, realistic and feasible timetable for universal suffrage? Therefore, regarding the request on setting a timetable for universal suffrage, the point is, this is not impossible, only that the will is lacking. I hope that Mr QIAO Xiaoyang can give Hong Kong people a satisfactory response the day after tomorrow.

Recently, Mr Donald TSANG chaired a meeting of the Commission on Strategic Development (the Commission). Some people say that he is also trying to take the heat off the 4 December rally. However, let us first put aside the issue of how imbalanced the composition of the Commission is and it is just necessary to take a look at what Mr Donald TSANG has said. He said that the Commission would spend two years to study the principles and concepts of universal suffrage and also on the design of elections by universal suffrage for the Chief Executive and the Legislative Council. We can tell from these remarks that Mr Donald TSANG is once again attempting to make use of the Commission to fight a drawn-out battle, making the path to universal suffrage very tortuous and fraught with hurdles. He is trying to re-employ the tactic adopted in the past 20 years to impede the people's fight for universal suffrage. What is originally the right of the public is turned into political and academic studies and debates, and the meetings are turned into meetings for indefinite empty talks. However, after 20 years, Hong Kong people will not fall into the same trap again. The heat cannot be taken off and people refuse to prolong the debate or go on a wild goose chase. I strongly believe that a huge number of people will take to the streets on 4 December and the number will even be greater than before. This shows that the people have really grown mature after the suppression of universal suffrage and they have become truly aware of people power.

Mr Rafael HUI also said that if universal suffrage is implemented, the middle class will surely be doomed. Of course, this remark will not serve to take the heat off. Not only does it raise the temperature, it is even inflammatory. Why? Because he is setting a fire that has caused class division and created the false impression that the middle class opposes universal suffrage. He has even created a panic about universal suffrage. In fact, it also shows that Mr Rafael

HUI is already politically at his wits' end, so he is trying to sow discord, as though the middle class does not belong to the humand kind and does not attach any importance to its own human rights. It is as though the middle class is like Ye Gong who professed to love the dragon, saying that it wants to fight for universal suffrage but is actually scared of it. In fact, such a move would only smear the middle class, a kind of political mud-slinging when he is at his wits' end.

Furthermore, Mr Gordon WU recently said that to fight for universal suffrage by means of a rally is mobocracy. Has Mr Gordon WU tried to ask why the people have to take to the streets? Because they have not succeeded in securing universal suffrage under our system after 20 years. Therefore, if people do not take to the streets, no one will believe that Mr Gordon WU will give up, of his own volition, the interests he enjoys as the politically privileged. Just think about this: In fact, behind this long-standing system for the politically privileged, there is imperceptible collusion between the Government and business which does not have to resort to violence but can rely on the system to safeguard the inordinate amounts of profits. This is power politics that does not require any violence to suppress people's right to universal suffrage. This is silent suppression. This is genuine mobocracy practised by the privileged because they mob the public imperceptibly so that the people are deprived of their rights and in the end, they even have to put up with the bullying by the mob.

In addition, there is Dr Stanley HO, who is ever so comical, even when he made his birthday wish. He said that he hoped that the number of people joining the rally would be less than 50 000 and this was his birthday wish. However, he also said that if the constitutional reform proposals were passed, property prices would rise by 20%. I would like to ask Dr Stanley HO: As he told lies against his conscience a number of times in the TUNG Chee-hwa era, is he now once again acting against his conscience and deceiving people with another lie?

I just want to say that without universal suffrage or checks and balances in society, the collusion between the Government and business and the transfer of benefits as in the case of the Cyberport project will only continue to happen. This is a hard fact, not a lie. Therefore, I would ask Dr Stanley HO to take back his birthday wish because he has already got too many privileges and benefits. Just like his ridicule of Mr LI Ka-shing, saying that Mr LI is already so fat that he could not put on his socks, does he also want to get fatter and fatter?

However, we people in Hong Kong have our own new year wish. We wish that more people will join the rally on 4 December to fight for universal suffrage. We hope the pro-democracy camp in the legislature can vote down the constitutional reform proposals on 21 December. We are waiting for the advent of a new century in which the public will awaken, fight for their rights, and the realization of universal suffrage. This is our wish and the new year wish of the people.

Thank you, Madam Deputy.

MR JAMES TIEN (in Cantonese): Madam Deputy, I wish to respond to Mr LEUNG Kwok-hung's motion on behalf of the Liberal Party. There are three more concrete parts in his motion. Unlike other Members who have spoken, I will not relate this motion to other issues, such as the collusion between the Government and business or things like being so fat that one can hardly put on his socks.

Madam Deputy, the first point of Mr LEUNG Kwok-hung's motion is to request the Central Government to arrange for all Members of the Legislative Council to visit Beijing, so that Members can truly convey to the Central Government public opinions in Hong Kong regarding dual elections by universal suffrage. Regarding this point, I trust all Honourable colleagues must have noticed that in the past couple of years, the Liberal Party has always been in favour of communication between the Central Government and Members. In 2004, before taking part in the Legislative Council Election, we already expressed such a hope. Therefore, we think that if the Central Government is willing to communicate with Members — including all Members of the pan-democratic camp — the Liberal Party will absolutely render support.

Earlier on, Members of the Legislative Council visited the Pearl River Delta. Although it was the first time that all Members visited the Mainland and the topics discussed did not cover all problems, the mainland authorities have responded positively to the requests raised by several panels of the Council and allowed Members to visit Guangdong Province to conduct exchanges on such matters as the economy, people's livelihood and transportation. I think that this is a good start and we will continue to support this.

As for going to Beijing to discuss constitutional development, I think that it is in fact rather difficult to realize before 21 December. However, in the long run, no matter if the constitutional reform proposals can be passed on 21 December or not, we will still have a lot of opportunities in the future to support the requests raised by the pro-democracy camp to discuss with the Central Government the timetable and roadmap for constitutional reform. Of course, this does not mean that these questions will only be raised in Beijing but not in Hong Kong. In fact, the Commission on Strategic Development (the Commission) has also held discussions on a roadmap and timetable. Moreover, the news report last night also said that the Deputy Secretary-General of the National People's Congress (NPC), Mr QIAO Xiaoyang, was prepared to go to Shenzhen to meet us. I notice that not all Members have been invited this time and only the Chairmen and Vice-chairmen of the panels are invited, but I also notice that quite a number of them are Members of the pro-democracy camp. I believe the Deputy Secretary-General, Mr QIAO Xiaoyang, can already represent the Central Authorities in listening to the views of Members of the pan-democratic camp on implementing universal suffrage in 2007 and 2008 or on the roadmap or timetable for universal suffrage after 2012. Madam Deputy, this is my response in this regard.

The second point in the motion urges the Government to conduct a referendum on the selection of the Chief Executive and the election of the Legislative Council by universal suffrage in 2007 and 2008 respectively. The Liberal Party does not support this point. Why? The reason is that, regarding the proposals for the elections in 2007 and 2008, the interpretation of the Basic Law by the NPCSC last year has already stated clearly that it is not possible to have dual elections by universal suffrage in 2007 and 2008. I believe that on the premise of "one country, two systems", the people of Hong Kong cannot make decisions on constitutional reform on their own. We have to respect the view of the "one country". Since the NPCSC has made its decisions, there is not much point even if we conduct a referendum, as it will not be possible to make the NPCSC change the fact.

The third point of the motion is the call made by Mr LEUNG Kwok-hung on this Council to appeal to all the people of Hong Kong to stand out against the Fifth Report of the Constitutional Development Task Force (the Fifth Report) on 4 December this year, so as to demonstrate once again their determination to campaign for universal suffrage. Of course, no matter how many people will join the rally on 4 December, I will absolutely respect the decisions of these

people. The Liberal Party will neither urge them to participate in the rally nor urge them not to do so. However, by joining the rally, does it mean that these people are against the Fifth Report and that they are determined to fight for universal suffrage? I think that the Government's views in this regard is very similar to that of the Liberal Party, that is, the two are not mutually exclusive. I think that we can, on the one hand, support the constitutional reform proposals for 2007 and 2008, that is, to take the first step forward, however, taking this step forward does not mean that we do not have the determination to fight for a timetable and a roadmap or even lack the determination to fight for dual elections by universal suffrage in 2012 because the two are not mutually exclusive. I think that it is possible that many people will come out to fight for universal suffrage, however, is it absolutely necessary to oppose the Fifth Report, that is, the proposals for the elections in 2007 and 2008? The Liberal Party believes that it is not. If the rally represents the determination of the people in fighting for universal suffrage, we respect that absolutely. However, meanwhile, is it necessary to oppose the Fifth Report before the objective can be achieved? The Liberal Party does not agree with such a view. These are the views on Mr LEUNG Kwok-hung's motion that I would like to express on behalf of the Liberal Party.

The Liberal Party does not agree with the notion of conducting a referendum on the selection of the Chief executive and the election of the Legislative Council by universal suffrage in 2007 and 2008 respectively, and does not agree with the opposition to the Fifth Report. Therefore, the Liberal Party will oppose this motion. Thank you, Madam Deputy.

MR MA LIK (in Cantonese): Madam Deputy, since the release of the Fifth Report of the Constitutional Development Task Force, there have been lively discussions in society and we can see that the public have expressed many views through various channels. One interesting phenomenon is that the local newspapers have recently earned considerable amounts of revenue as a result of political advertisements. From this, we can see that Hong Kong is a free and open society and there are fairly diversified means by which the public can express their opinions. We also understand that many members of the public choose to express their opinions on constitutional reform by way of rallies. We think that any peaceful and rational means of opinion expression should be respected.

So far, we notice that a considerable number of views in society have expressed the hope that future constitutional development in Hong Kong can adopt a more distinct direction and pace of development. At the same time, a considerable number of people hope that constitutional development in 2007 and 2008 will not march on the spot. They are people who either accept or do not oppose the proposals put forward by the Government. In fact, these two views are not conflicting because supporting the constitutional reform proposals for 2007 and 2008 does not mean negating the aspirations in relation to the long-term development of the constitution and having aspirations for the long-term development of the constitution does not mean that one must oppose the constitutional reform proposals made by the Government.

In fact, no matter which view one subscribes to, it is necessary to solve the practical problem of the constitutional arrangements for 2007 and 2008. To solve this practical problem, we think we must adhere to the provisions of the Basic Law and the principles laid down by the Standing Committee of the National People's Congress (NPCSC) when it interpreted the Basic Law and made decisions regarding the Basic Law last year.

Just think about this: If conditions such as setting a timetable for universal suffrage are added to the constitutional reform proposals for 2007 and 2008, we are afraid that this will hardly comply with the principles spelt out by the NPCSC in its interpretation of the Basic Law. This is because even if the present Government proposes a timetable, no matter what timeframe is set down in this timetable, we reckon that it will only cause greater controversies. From an objective point of view, if our society cannot even reach a consensus on the issues relating to 2007 and 2008, how can we possibly reach a consensus for the more distant future easily? This is obviously not a desirable way to solve the problem of the electoral arrangements for 2007 and 2008.

Even as we express different aspirations, we should stay focused, set off from the angle of solving actual problems and deal with the Government's constitutional reform proposals in a pragmatic manner.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) certainly does not think that these proposals are perfect. However, we think that the proposals have made concrete recommendations on the issues of broadening the electorate base and dealing with the conventional functional constituencies. Therefore, if it is believed that the Government must produce a

timetable for universal suffrage before it is possible to discuss the present constitutional reform proposals and there is no need to discuss them if there is no timetable, such a view actually reflects that some people's thinking that the present constitutional reform proposals are not entirely without merits, otherwise, they should think that the proposals do not merit any discussion under all circumstances.

We believe that if a step forward can be taken regarding constitutional reform in 2007 and 2008, the direction of constitutional development in future will be more definite and the strides will be more steady and solid. Conversely, if we give it up or oppose it, constitutional reform will not just stand still in 2007 and 2008, I am afraid the road of constitutional reform afterwards will be even more bumpy. Therefore, we believe that no matter what sort of appeals the Legislative Council makes, the public have the wisdom to make their own judgements and decide what course of action serves the interests of Hong Kong and also theirs best.

Today's motion requests the Government of the Hong Kong Special Administrative Region (SAR) to conduct a referendum on introducing elections by universal suffrage in 2007 and 2008. There are some controversies over the issue of referendum in society and it has also been discussed in this Council. In short, our view is that since the Basic Law does not specify any mechanism for conducting any referendum, it is constitutionally improper to conduct a referendum on any issue involving the provisions of the Basic Law, no matter whether the results are legally binding or not.

More specifically, regarding the issue of constitutional development in 2007 and 2008, the NPCSC already made decisions last year stating that no universal suffrage would be implemented but appropriate amendments compatible with the principle of gradual and orderly progress can be made according to the stipulations of the Basic Law. Therefore, we think that it is all the more necessary to handle the issue of constitutional development in 2007 and 2008 in accordance with the Basic Law and the decisions of the NPCSC, rather than adopting measures that lack any constitutional basis, such as a referendum.

SU Dongpo of the Song Dynasty once said, "When a man aims high and afar, he must have something to wait for. When he wants to achieve great success, he must endure something." Although in politics, SU Dongpo was not a very successful or high-flying figure, his argument is absolutely original and

insightful. The inspiration that can be drawn is: In promoting democratic development, it is not enough just to have passion, what we need even more is to identify a practical and feasible approach so that progress can be made step by step. Only in this way can we go even further on the road of constitutional reform and create even more space.

I so submit. Thank you, Madam Deputy.

MR ALAN LEONG (in Cantonese): Madam Deputy, recently, I heard a lot of different expositions on universal suffrage in Hong Kong. One characteristic of all of them is the extreme complication of a simple issue. In fact, the universal suffrage that we demand is just a fair voting system which does not differentiate between you and me or others, in which opinions can be expressed and public power is conferred on the people governing Hong Kong. Why is such a simple theory so difficult to understand? Why is it necessary to beat about the bush so much?

Madam Deputy, instead of saying that I am addressing my Honourable colleagues in this Chamber, it is better to say that my speech today is intended to appeal to the conscience of Hong Kong people. Not only is it now a crucial moment in the political development of Hong Kong, it is also the moment that requires everyone in Hong Kong to act honestly. Here, I urge everyone in Hong Kong — including the general public who long for universal suffrage, the officials in charge of formulating the strategy on constitutional development, and even those bigwigs who enjoy political privileges — to face their consciences honestly, to speak their minds honestly and to face the present situation in society honestly.

Madam Deputy, similarly all Honourable colleagues of the pan-democratic camp and I are facing the political reality honestly. We understand that the key to the success of constitutional reform in Hong Kong is the mutual trust between the Central Government and Hong Kong society. However, if we do not even have a chance to speak out freely, how can we possibly talk about establishing mutual trust? If even the principal officials in the Central Authorities, who have the final say on the issue of constitutional reform, cannot or are unwilling to listen to the views of Hong Kong people, how can constitutional reform in Hong Kong truly address the problem of governance in Hong Kong and re-establish smooth administration and harmonious relationships?

Even though the Central Authorities have made some decisions which are puzzling and disappointing to Hong Kong people, even though a large number of people, who style themselves as the spokespersons of the Central Authorities, keep sowing discord between the Central Authorities and the SAR Government for personal gains, I am still prepared to pin my hopes on the Central Authorities. I hope that the Central Authorities can give themselves and Hong Kong one more chance and listen to the true words uttered by those representatives of public opinion in Hong Kong.

Originally, the Chief Executive and the SAR Government, who have pledged their allegiance to both the Central Authorities and Hong Kong, should assume the important responsibility of promoting honest dialogue between China and Hong Kong. However, not only has the SAR Government adopted a passive attitude towards this task all along, it cannot even treat public opinions in Hong Kong honestly. The biggest lie in the Fifth Report is the claim that the proposals in it have the support of 60% of public opinions. It deliberately evades the true nature of all the proposals and does not offer universal suffrage as one of the options. I believe that this is another outrageous example of manipulating public opinion to stall the progress of democracy after the British Hong Kong Administration distorted results of the public opinion survey in 1987 to prevent direct elections from being held in 1988.

Another opinion survey conducted by a university indicates that 65% of the people who accept the Fifth Report are just accepting it because they feel helpless or have no feeling about it. 65% of the people request that a timetable for universal suffrage be proposed at this stage. The Government's insistence that the Fifth Report has public support merely by citing the results of the opinion survey is becoming more and more unconvincing. If the Government wants to prove that its so-called "two to one" claim is correct and to put a stop to all our comments and voices, there is perhaps only one best way and, that is, to conduct a referendum to allow the public to make known their position towards the constitutional reform proposals in a direct and equal manner. I hope that the Government still has some basic respect for public opinions.

If the Government is willing to collect opinions on the Fifth Report by means of a referendum, it may not be necessary to hold the rally on Sunday. By the same token, had the political system in Hong Kong really been able to reflect public opinions, it would not have been necessary for hundreds of thousands of members of the public to be doused in their own sweat and embark on the road to

oppose the hasty and excessive legislation on Article 23 of the Basic Law (Article 23). Even though our anger was at boiling point and all of us vowed to make it to the Victoria Park, we did not have the slightest certainty of success in making the Government withdraw the legislation on Article 23. We only wanted to do our best so that we could live up to our own expectations, our conscience, our next generation, Hong Kong and our country. And what was the result? The people of Hong Kong won the battle.

Madam Deputy, when Dr TO Yiu-ming recently gave his encouragement to the public, he said that maybe universal suffrage would be introduced immediately if more than one million people took to the streets. I am not as optimistic as Dr TO and I do not believe that the number of people taking part in the rally can really have such a dramatic effect. However, I believe that just like what happened two years ago, so long as every one of us can be true to our conscience, perform our duties duly and express our stance in an honest and peaceful manner, we will surely get what we deserve.

Madam Deputy, I so submit. Once again, I invite the people of Hong Kong, out of dignity and the calls of our conscience, to take along the old and young in their families, seize the opportunity and join this rendezvous with democracy on Sunday at this critical moment. Let us revive our memories of 1 July and meet again at the Victoria Park at 3 pm four days later.

MR DANIEL LAM (in Cantonese): Madam Deputy, today, on behalf of the New Territories Heung Yee Kuk, I will voice its opposition to Mr LEUNG Kwok-hung's motion in a brief speech.

The New Territories Heung Yee Kuk considers that the proposals in Mr LEUNG Kwok-hung's motion are not the best ways to bring about universal suffrage. In the executive committee meeting of the New Territories Heung Yee Kuk this month, the Fifth Report of the Constitutional Development Task Force was passed unanimously. We are of the opinion that in the Report, the first step towards universal suffrage has already been taken. The New Territories Heung Yee Kuk fully supports the proposals and will stand firm. Thank you, Madam Deputy.

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

DR LUI MING-WAH (in Cantonese): Madam Deputy, Hong Kong is a typical capitalistic society and China is a socialist country. Before 1997, in the course of negotiations over the return of sovereignty over Hong Kong, I believe the Central Government must have already thought long and hard over the way in which Hong Kong could return to the embrace of its socialist Motherland and the way in which the confidence of Hong Kong people, economic prosperity and social stability could be maintained. As a result, the "one country, two systems" arrangement, which enabled the smooth reunification of Hong Kong, the continuation of the political, economic and legal *status quo* in Hong Kong and the lifestyle of "horse racing and dancing as usual", was created.

Since Hong Kong would become a Special Administrative Region (SAR) of China after the reunification, the Central Government enacted the Basic Law of the SAR specifically for Hong Kong, prescribing the institutions in respect of politics, economy, science, education, culture, external affairs, and so on, to be practised in the SAR, in order to ensure the implementation of the basic policies of the State in respect of Hong Kong.

Article 2 of the Basic Law clearly provides that "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this law.". When required, the Standing Committee of the National People's Congress (NPCSC) may interpret certain provisions of the Basic Law. On 26 April 2004, the NPCSC made an interpretation of the Basic Law in relation to the selection of the Chief Executive and the election of the Legislative Council in 2007 and 2008 respectively. The electoral arrangement and the direction of the constitutional development were set down to quell the increasingly heated arguments in society, so as to stabilize the society and reassure the public. In accordance with the details of the interpretation of the Basic Law made by the NPCSC and after extensive consultation, the SAR Government prepared the Fifth Report of the Constitutional Development Task Force to formulate specific proposals for the selection of the Chief Executive and the election of the Legislative Council in 2007 and 2008 respectively.

Mr LEUNG Kwok-hung has now moved this motion demanding that a referendum on introducing dual elections by universal suffrage in 2007 and 2008

be conducted. Here, he has made a serious mistake in his understanding. The National People's Congress (NPC) is the highest organ of state power which has the constitutional power to interpret the Basic Law. Its authority is indisputable. Mr LEUNG Kwok-hung wants to overturn the decisions of the NPCSC but he has probably realized that there was no legal channel for him to achieve such an end. Therefore, he moved this motion on conducting a referendum. However, he should know that a referendum is equivalent to "people's right to self-determination", which is a legal procedure by which the people of the whole State bypass the executive, judiciary and legislative authorities to decide the fate and future of the State by voting. However, Hong Kong is just a SAR of China. Referendum will virtually turn Hong Kong into an independent political entity. This is legally unsound and also an open challenge to the Central Government. This is extremely dangerous and will be detrimental to Hong Kong. Therefore, the proposals of Mr LEUNG Kwok-hung's motion are not founded on law and are unreasonable, so they must be resolutely opposed.

Madam Deputy, after seven years' effort, Hong Kong is gradually embarking on the thoroughfare towards the implementation of democracy in compliance with the stipulations of the Basic Law. Several years later, when the conditions are ripe, dual elections by universal suffrage will eventually be achieved. At present, what the general public of Hong Kong wants most is social stability, economic prosperity and decent lives and jobs for all. However, it is regrettable that individual Legislative Council Members are incapable of making some constructive proposals on economic development and contributing to the well-being of the community. On the contrary, they insist on behaving like street-fighters by adopting a confrontational approach, stirring up troubles and controversies inside and outside of this Council to damage the atmosphere of stability in society. Such an approach can neither serve to advance democracy nor serve the long-term interests of Hong Kong. I hope that they can do a thorough soul-searching, change their course of action and keep in mind the welfare of the community and work for the well-being of the people.

Madam Deputy, I so submit. Thank you.

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

MR ALBERT HO (in Cantonese): Madam Deputy, just now, the Chairman of the DAB, Mr MA Lik, cited a poem written by SU Dongpo and suggested in the end that we should listen to SU Dongpo, be patient and wait. As we all know, SU Dongpo waited and endured for several decades. He was banished time and again. In the end, he expressed his mood in a poem to make it known that his aspirations found no fulfilment: "My heart is like a piece of rotten wood and my body, a drifting boat.". However, we are not living in that period of time. Why should we follow the example of a frustrated dissenting official living in feudal times?

It is now the 21st century today. In our time, the International Covenant on Civil and Political Rights is recognized. Why can we not, with our identity as citizens who have our rights and dignity, fight for the rights to which we are entitled? Madam Deputy, are Hong Kong people really fond of coming out under the scorching sun and sweating all over to fight for our ideals and aspirations? Do we not, like many of our friends, love to go to the pitch to play football or go to the beach to enjoy the sunset and lead a leisurely life? We actually have no alternative. We know that if Hong Kong does not make any progress, if a system that meets the need of our times is not established, Hong Kong will gradually lag behind more and more. It will be difficult for Hong Kong to maintain its status as a first-rate world-class city. If we do not forge ahead, we will lag behind and see the gradual loss of our rights and freedoms.

When people are prepared to come forth to voice their aspirations, we are accused and ridiculed. Mr Gordon WU slammed us as a mob that is prone to exert pressure on the Government with the number of people. However, are we capable of becoming a mob? Not to mention that we do not have such an intention whatsoever, how can the people of Hong Kong possibly have the ability? Has anyone ever tried to resort to violence? In the past 20 years, no matter if 1 million people took to the streets — in 1989, 500 000 people took to the streets — everything was always in perfect order. Everyone observed the rules and orders and voiced their demands as citizens in a peaceful, rational and persevering manner. Mr Gordon WU complained that he was a victim of collusion between the Government and business but when we requested him to provide information on that, he was reluctant to do so and backed away. In fact, he did not even have the least basic civic awareness. Under these circumstances, he cannot distinguish between citizens and a mob. In coming forth, Hong Kong people actually want to fight for civil rights and express their dignity as citizens.

Nevertheless, his words also remind me of another thing: If we are indeed a mob, what sort of mob are we? We are the people who have been mobbed. It is the interpretation and the decisions adopted by the Standing Committee of the National People's Congress on 26 April that mobbed us. It was the several reports prepared by the Hong Kong Government that mobbed us. It is Mr Rafael HUI who mobbed the middle class, saying that if there is democracy in Hong Kong, all of them will flee. His words have imposed the mindsets of officials on ordinary members of the public. He is well aware that in the Legislative Council, the political parties with extensive representativeness are in favour of introducing universal suffrage in 2007 and 2008. This is all very clear. However, our two respectable parties — the Liberal Party and the DAB — have given up this aspiration after being mobbed, so we cannot reach any consensus. The Government says that we do not have the right conditions and this is in fact also a form of mobbing in that such views are imposed on us. What condition is lacking in Hong Kong? The only condition that we are lacking is a green light from Beijing to implement universal suffrage in 2007 and 2008.

Madam Deputy, under today's circumstances, what choice is still open to the powerless public? Our only choice is to exercise the only remaining power that the powerless have, which is what Vaclav HAVEL called the power of the powerless, by coming out in our identity as citizens to voice our minds and to continue to fight for democracy in a peaceful, rational and persevering manner. The number of people in the rally is certainly important because that is the manifestation of the wishes and aspirations of many members of the public. However, I would also like to say one thing, that is, perhaps some people will give in under pressure, yet those who have given up cannot represent others who persevere and surrender the rights that we are enjoying and will continue to fight for.

With these remarks, I urge everyone to take to the streets together on 4 December.

MS AUDREY EU (in Cantonese): Madam Deputy, I would like to first respond to Dr LUI Ming-wah's claim that Mr LEUNG Kwok-hung's motion today has no legal basis. He claimed that since the NPCSC had already given its interpretation of the Basic Law, if this motion was passed, it would mean that the

public was not accepting certain laws of the Central Authorities or the authority of the Central Authorities.

The interpretation of the Basic Law last time is of course a decision made by the NPCSC. However, according to the constitution of our country, the NPCSC must be accountable to the NPC which can also revise or alter any decision made by the NPCSC. Moreover, apart from holding regular meetings, the NPCSC can also hold meetings frequently to make new decisions in response to new situations and there is no time constraint.

In fact, there is still some time before 2007 and 2008. When our country tells us that its governance is people-based, we should believe that the Central Authorities are really people-based. Mr LEUNG Kwok-hung's motion today is simply urging the Government of the Hong Kong Special Administrative Region (SAR) to conduct a referendum on the selection of the Chief Executive and the election of the Legislative Council by universal suffrage in 2007 and 2008 respectively. This will give Hong Kong people the opportunity to express their opinions on universal suffrage in 2007 and 2008. If we firmly believe that the Central Government and the SAR Government's claim that they are people-based governments working for the people's well-being and that they really mean what they say, then giving Hong Kong people the opportunity to come out to vote is consistent with the claims of the Central Government or the SAR Government that they are working for the well-being of the people and are people-based.

In addition, Mr MA Lik asked us to wait. In fact, we have been waiting for a long time. We have waited for 20 years. The question is always: Be it the Central Government or the SAR Government, every government hopes that there will be less participation from the public, so that their work and operation can be more expeditious. Therefore, all governments will definitely resist universal suffrage or democracy. As members of the public we cannot wait forever. This is not the kind of attitude one should adopt in fighting for democracy.

Therefore, our call on the public to take to the streets on 4 December is not intended to foment unrest. We are just heeding what the Government claims by allowing it to put into practice its claim of being people-based, willing to listen to opinions and working for the public's well-being. If all members of the public firmly believe that the Government really means what it says, one very simple course of action is to come together at Victoria Park on 4 December for

the sake of our own rights or for the sake of fighting for a fair and just system. This motion is definitely not against the law. Thank you, Madam Deputy.

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

MR LEE CHEUK-YAN (in Cantonese): Madam Deputy, on 4 October, I said publicly that probably now was the crucial moment in the showdown on constitutional reform because we could see that all the public remarks made by the Government were probably tailor-made for the battle for public opinion on 4 December. As the Government is so anxious about it, I hope that the public will come out to tell the Government that we have been waiting for universal suffrage for such a long time that we are growing impatient and that we want to have the right to universal suffrage now.

Recently, the Government has been making a lot of efforts. It is said that Donald TSANG will make a public address and speak directly to the public on three television channels this evening. Regarding his public address this evening, I wonder if he is going to repeat what he said in the meeting of the Commission on Strategic Development yesterday, such as saying that everyone had waited for the Mandatory Provident Fund (MPF) schemes for 20 years. I wonder if by this he meant that we should not mind waiting for 20 years, or having waited for 20 years we now have the MPF schemes, therefore, if we wait for 20 years, there will also be universal suffrage. I am not sure what he will say, however, the worst thing is that he did not mean by what he said that yesterday that since we have already waited for 20 years, we can now have universal suffrage.

Therefore, if Donald TSANG is going to come out and repeat the same old stuff this evening, with a view to asking the people not to take to the streets on 4 December without being able to provide a substantive answer to their aspirations for universal suffrage, then I am confident that Hong Kong people will not accept what is being offered and they will take to the streets all the same. The people can also see the power of rallies, feel that unity is power and they are proud of being Hong Kong people. I remember very well that when the Government wanted to legislate on Article 23 of the Basic Law, before 1 July 2003, a lot of people had said that it would be useless no matter how many

people would take part in the rally as the bill concerned would certainly be passed. Members can see what the result was: The Government's legislation on Article 23 of the Basic Law was not passed and it has been shelved ever since. We can see the effects of the two rallies: The Government or the Central Authorities found that the TUNG Chee-hwa regime was really not up to scratch, so eventually Mr TUNG could not but feel the pain in his legs, otherwise, it would not be necessary for Mr TUNG to feel the pain in his legs. Since Mr TUNG felt that his legs hurt, so Donald TSANG had to take over his office. We can see that rallies have in fact wrought drastic changes in Hong Kong.

In view of this piece of history, the people of Hong Kong have to realize that we are not helpless. Of course, all of us have no power or influence. However, if everybody comes out, we have the power to make history. The question is how many people are going to come out. Therefore, I hope that members of the public will not ask the people around us if they are going to come out or ask our family members if they are going to do so. All of us have to say that we are willing to commit and should step forward first. If everyone says so and comes out, the Central Authorities and the Government will then find that many Hong Kong people have come out to demand universal suffrage. I am sure public opinion is a very important consideration.

Yesterday, the Government repeatedly stressed the four major principles, that is, balanced participation, gradual and orderly progress, facilitating the development of a capitalist economy, and I cannot remember the remaining principle because it is not very important (*laughter*) — that is right, in accordance with the actual situation. Insofar as the actual situation is concerned, the Government did not specify clearly what it was about. In fact, I believe the most important actual situation is public opinion. This is the most important consideration. Therefore, of these four major principles, if we make the Government see that the actual situation is that the public is demanding universal suffrage strongly, I think the Central Authorities will surely give a positive response.

Regarding the four major principles, I think that the worst thing is that at present, there are some very absurd views circulating among the public. They claim that in order to uphold the development of a capitalist economy, there must be functional constituencies. However, the experience throughout the world shows that this is not the case. Experience throughout the world has proved that

only by implementing universal suffrage can capitalist societies be maintained. All capitalistic societies worldwide rely on a democratic system to resolve internal contradictions and protect private properties. Of course, in this process, workers will make their demands, however, society will achieve a balance eventually. All capitalistic societies in the world are like this, so how can the Government tell the people of Hong Kong openly that in order to uphold the development of our capitalist economy, functional constituencies must be preserved?

At present, there is another very absurd suggestion which I find very dangerous, that is, to let functional constituencies nominate the candidates before the public can elect the candidates by universal suffrage. If candidates are to be nominated by functional constituencies, there will in fact be no choices. That is not a popular and fair election because there is actually no equal right to take part in elections. Even if the public can really take part in the voting, the public have to select from the nominations made by the functional constituencies. I think it can be seen that the groups with vested interests in the functional constituencies actually want to delay the progress of universal suffrage so that they can continue to enjoy vested interests.

Earlier on today, in his reply to a question from a Member, the Secretary said that he had worked in the United Kingdom and Canada before. I do not understand why he had worked in the United Kingdom and Canada before. What was that oral question about? The Member concerned asked if, since all people in the middle class would leave if universal suffrage was implemented, in that case, had the middle class in the United Kingdom and Canada all left? Universal suffrage is practised in these two countries. Since the Secretary has worked in the United Kingdom and Canada before, he should tell the public openly that if universal suffrage is implemented, the middle class will not all leave. On the contrary, universal suffrage will boost the ranks of the middle class.

Therefore, I hope that after all the sophistry by the Government, I hope that they can say something fit of a human being, that is, their usual claim that universal suffrage is the goal, however, they have to really implement it right away.

Thank you, Madam Deputy.

MS EMILY LAU (in Cantonese): Madam Deputy, I rise to speak in support of Mr LEUNG Kwok-hung's motion.

Madam Deputy, this motion has been moved at an opportune moment — I do not know if you, Madam Deputy, will say that it is but we do. Since a mass rally for democracy will be held this Sunday, it is really wonderful that this motion has been moved today. We also hope that the message advocated by Mr LEUNG Kwok-hung can circulate widely, not just in Hong Kong but also in the international community, so that it will also be known that this is what Hong Kong people yearn for.

I am very pleased to hear that the Honourable colleagues of other political parties also support part of the motion. Although they do not support the entire motion, as the motion can be divided into three parts, they have expressed their support for certain parts of it. Mr James TIEN said just now that he supports the first part of the motion. I find that this is the part that is most often supported. I learnt that even the DAB supports the part about communicating with the Central Authorities. However, I remember that Mr Ronny TONG once moved a motion suggesting that Members of the Legislative Council should go to Beijing together to raise the demand for universal suffrage. Of course, some Members are not pleased about it because they will not request that universal suffrage be introduced in 2007 and 2008. Ms Margaret NG, out of goodwill, proposed an amendment, by dividing the motion into two parts, so that some Members can talk about their small-circle election whereas we can talk about universal suffrage. However, the amendment was negated eventually. Therefore, it can be observed that although some people may say in their speeches that they support, when all parties have discussions together and express their own views separately, some may not be allowed to declare their positions as such. Therefore, it is necessary to raise this subject again today. Sometimes, I am also puzzled. On the one hand, they are saying that they support doing so; and yet on the other, some people are not allowed to declare their positions. Madam Deputy, what are we supposed to do?

Sometimes, as politicians, once we start doing something, we have to see it through, particularly when a lot of children and students are looking on in the Chamber. When a promise is made, it has to be kept. Why should one say that one supports a motion but acts to the contrary when voting on it? At that

time, Ms Margaret NG also proposed an amendment so as not to limit all Members to discussing universal suffrage only. She proposed that we could reflect our views to the Central Authorities together and everyone could express their own views separately. However, even that was not allowed. Therefore, when those people stood up and said that they were in favour of communication, that particular motion and amendment kept popping up in my mind. I cannot help but ask: Why did you vote down the motion on that day? Please do not give people the impression that you people preach one thing but practise another.

The second part has to do with a referendum. They will certainly not support it. Mr LEUNG Kwok-hung should have known that. However, a referendum is a very important matter. It is a channel through which people can express their opinions on important issues by one-person, one-vote. Since the establishment of the Frontier in 1996, we have always been in favour of making decisions on important issues by conducting referendums. I therefore definitely support doing so, however, Mr LEUNG Kwok-hung can only lament his bad luck.

The third part is an appeal to the public to join the rally on Sunday. Madam Deputy, I noticed that we have all been speaking in a very low voice today. Only Dr LUI Ming-wah mentioned stirring up troubles but his voice was also very low. I am not sure what Mr Jasper TSANG will say later. His speech can always achieve the effect of whipping up rolling waves by throwing a rock. However, I believe he too does not wish to provoke tens of thousands of people to join the rally because this will be stabbing at the Achilles heel of the Central Authorities and the SAR Government. In fact, this is not surprising at all. Any government is afraid of its people. For a government, if there are hundreds of thousands of people taking to the streets at a place, the government concerned has to step down right on that day — on that very day — and it is only in Hong Kong that people are so tolerant. However, this is also a good thing. Madam Deputy, I also have to thank your party for not supporting the legislation on Article 23 of the Basic Law in 2003 so that the Government had to withdraw the bill. Soon after the rally in 2004, Mr TUNG left the Government on the ground that he was suffering from leg pains. Therefore, rallies do serve some purpose. Now, I no longer hear people, whether they are people who participate in rallies or otherwise, say that joining rallies is useless. No one will say anything like this anymore. The empowerment effect of the two mass rallies is remarkable.

This time, we invite the public to come forward. We also understand that the majority of Hong Kong people have their own independent thinking. Honestly, what kind of people or which group (including the Communist Party of the People's Republic of China) can have such power to appeal to hundreds of thousands of people to take part in a rally? All people came forward out of their volition. Now, we have come to a very crucial moment. I knew that as I sold clothes in the streets. Yesterday, when I was selling clothes, someone told me that it really took a long time for Hong Kong people to warm up. Now, as the day is approaching, someone came excitedly to the stall and bought a dozen of shirts with the graphic of a birdcage on them — Madam Deputy, I can give you one if you like.

The public is gradually gaining a better understanding of the situation. As a result, the Chief Executive has to make an address on the television this evening and QIAO Xiaoyang also has to come and discuss with us, so it can be seen that this is a very crucial moment. I hope that the people of Hong Kong, including all the students here, can focus their minds and consider if they should dress in black and come out together at three o'clock this Sunday? This is not having a confrontation with the Central Authorities but just to express our yearning for democracy, to show that we want to have universal suffrage as soon as possible — preferably in 2007 and 2008.

Just as Mr LEE Cheuk-yan said earlier, the Secretary had also cited Canada and the United Kingdom as examples, saying that people do not like the Labour Party, populism, and so on, but things have now changed. I think that his remark is ridiculous. This is just like Secretary Rafael HUI likening universal suffrage to playing a mahjong game, breaking a hand and winning a hand, and he is getting more and more nonsensical. The Secretary cited the United Kingdom and Canada as examples but there is democracy and universal suffrage in those places. Madam Deputy, it is true that these countries are also facing some problems but we have never said that universal suffrage can solve all problems. Mrs Selina CHOW alleged that we had claimed that universal suffrage was a panacea, however, we have never said that. Nevertheless, I would like to ask, "Notwithstanding so many problems in the United Kingdom and Canada, will these countries ever say that they want to learn from Hong Kong? Did they ever try to adopt the system of functional constituencies to allay the fears of the middle classes in the United Kingdom and Canada, so that they will not think that they are doomed and that they do not have to leave? Did anything like that ever happen?"

(THE PRESIDENT resumed the Chair)

President, sometimes, I find that the Chief Executive, the Secretaries of Departments and the Directors of Bureaux are only trying to present lame arguments. However, it does not matter. As the rally is drawing near, I call on everybody to respect the freedom of speech. Although Dr Stanley HO said that 50 000 people would take part in the rally, I am confident that the number of people joining the rally will definitely be far more than that. The people of Hong Kong are very good at remaining silent and then spring a surprise. I so submit.

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

MR ALBERT CHENG (in Cantonese): President, I support Mr LEUNG Kwok-hung's motion. I think that fighting for universal suffrage by one-person, one-vote is an innate human right. It is also stipulated in the Basic Law that we will attain universal suffrage. If we cannot attain universal suffrage in 2007 and 2008, it is not a problem at all if Hong Kong people take to the streets to express their wish on 4 December, that is, the coming Sunday. They are not a mob and there has never been any mob in Hong Kong.

Moreover, some people take the recent riots in Paris as a warning for the rally to be held by Hong Kong people and even said that some unrest would occur during the coming WTO conference and urge people not to take to the streets. I believe that this is an insult to Hong Kong and also an insult to Hong Kong people. From the one million people who took to the streets in relation to the 4 June incident in 1989 to the 1 July rallies for two consecutive years, Hong Kong people can take pride in them. Therefore, it is absolutely reasonable, justified and lawful for them to take to the streets to express their aspirations for democracy on 4 December. We should not insult ourselves anymore and we should not insult other Hong Kong people either. We have the right to do so.

It does not matter how many people are taking to the streets. It does not matter if there are 50 000, 100 000, 200 000 or even 500 000 persons. Some people will say that there are 7 million people in Hong Kong, so it is always the

case that the majority of them do not take to the streets. That those people do not take to the streets does not mean they do not support fighting for democracy. Those people who do not take to the streets can also be in favour of democracy. If they do not support democracy, there will not be 25 Legislative Council Members of the so-called pan-democratic camp in this legislature at all. This is already the best proof. Most Hong Kong people support democracy. Most people hope that one day, they can elect their Chief Executive by one-person, one-vote and also elect Legislative Council Members by one-person, one-vote.

We can also see that there is the problem of small-circle elections. I still remember that when we sworn in as Legislative Council Members, we pledged that we would be accountable to the Special Administrative Region and all the people in Hong Kong. However, those elected through the small-circle elections are representing the interests of their respective sectors and they are duty-bound to represent the interests of their constituents. When the interests of their constituents are at variance with public interests, their positions will be to uphold the interests of their own sectors. This runs counter to the principle of fairness.

It is said that Legislative Council Members should not urge people to take to the streets in the Legislative Council. I do not know who uttered such nonsense. Legislative Council Members can say anything in the Legislative Council.

Regarding the motion moved by Mr LEUNG Kwok-hung today, I cannot see any problem with it. We have aspirations for democracy. This is a very ordinary demand made by a civilized, cultivated and enlightened society. Therefore, when casting our votes later, I really hope that someone can explain to me why he has to oppose this motion.

With these remarks, I support this motion.

MR CHIM PUI-CHUNG (in Cantonese): President, I speak in opposition to the motion. Firstly, all of us know that it is not possible for Hong Kong to conduct a referendum. Of course, Members have the right to propose such a motion and notwithstanding its unrealistic proposition, Members can still take the opportunity to express their opinions.

Secondly, regarding the introduction of dual elections by universal suffrage in 2007 and 2008, the NPCSC clearly ruled that out on 26 April 2004. As it was ruled out and Hong Kong is not an independent entity, it must abide by the laws of the People's Republic of China. Fighting for dual elections by universal suffrage now will cause confusion in the community. Therefore, the possibility of implementing dual elections by universal suffrage does not exist.

Thirdly, regarding the rally on 4 December, the public can go ahead if they consider it right to do so. Whether the public are going to join the rally or not depends on their political views. However, I personally would like to take this opportunity to present my views on the Fifth Report. Of course, this may be a bit irrelevant, but anyway, they are also related to the issue of fighting for the introduction of dual elections by universal suffrage in 2007 and 2008.

The Fifth Report is not an imperial decree. It is but the fifth one in a series. However, the attitude of the Government is extremely arrogant and unreasonable, and it is still all grins and grimaces. The future political structure of Hong Kong is at stake and the Government should try to lobby Members very solemnly and communicate with the Central Government to discuss whether dual elections by universal suffrage should be implemented in 2007 and 2008 or at what time they should be implemented.

First of all, I personally think that the Fifth Report will obviously invite questions as to whether it is in contravention of the Basic Law. In the four sectors in the first term, each sector has 100 seats. In the four sectors in the second term, each sector has 200 seats and the distribution is very even. However, in Annex I, it is stated that the proportion will be 3:3:3:7 in the third term — the other day, I mistakenly said that it would be 3:3:3:9 but in fact, it will be 3:3:3:7. How can such a distribution be considered even? Since the Government has made a mistake, it is justified for others to propose that dual elections by universal suffrage be introduced in 2007 and 2008 or a referendum be conducted. Therefore, the Government should make the distribution very clear-cut.

Secondly, the Fifth Report is in contravention of the Basic Law in that Article 97 of the Basic Law clearly stipulates that there is no other centre of power in Hong Kong. However, the Government now intends to confer all the

powers on District Council (DC) members. This is actually in breach of the Basic Law. If the proposals made by the Government are also in breach of the Basic Law, what are Members supposed to do?

Thirdly, the Fifth Report also violates the interpretation given by the NPCSC on 26 April 2004. The NPCSC clearly pointed out that the ratio between Members returned by functional constituencies and Members returned by geographical constituencies through direct elections is to be 50% each. Now the Government has gone so far as to give five functional constituency seats to DC members and said publicly that it is the first step towards full democratic elections. If Members do not accept it, then there will be nothing. This glaringly violates the decisions of the NPC, in that there should originally be 40 seats but only 30 seats will be allocated. To avoid going off track again, I have to come back to the present subject. Therefore, if some people suggest that dual elections by universal suffrage should be implemented in 2007 and 2008, what is wrong with it?

Fourthly, there is another point on which the SAR Government is at fault, namely, the interpretation on the term of office of the Chief Executive. We know that the power of interpreting the Basic Law is vested in the NPCSC. On what basis did the SAR Government take it upon itself to interpret matters in the Basic Law on which there were queries and disagreements?

Fifthly, although the SAR Government indicated that basically, it has a tacit understanding with the Central Authorities on all matters and communications are maintained, in fact, it is doing an injustice to the Central Government. Actually, with whom did the Government have discussions? Is it with Mr QIAO Xiaoyang or Mr HU Jintao? The Government should disclose that. If the legislation on Article 23 of the Basic Law had been enacted in Hong Kong, the Government would have already committed the offence of disclosing state secrets in doing so.

Under these circumstances, President, if we want to forestall all possibility that Mr LEUNG Kwok-hung would propose any unreasonable motion — I personally think that it is impossible — the Government has to first review its own actions. The Government's actions have been the subject of all sorts of queries. Even I can spell out five of them. Our Secretary is now almost immune to all attacks and nothing is too difficult for him, but as a truly

responsible government, it has to be accountable not only to the Central Authorities but also to all Hong Kong people. All that it does must accord with the truth. It cannot make drastic changes all of a sudden just because it believes that it is correct.

More importantly, the public may make an application for a judicial review at any time in future. This is because during the elections of DC members in 2003, the Government did not inform all those interested in standing in the elections that these 529 DC members would be empowered to take part in other elections in future. Had the Government said so at that time, perhaps many people would have been interested in running in the elections. Since the Government did not say so, these people were not interested in running in the elections or they thought that the representativeness of DC members would be limited. In view of this, is the Government not also creating conflicts in society as a whole? Personally, I firmly believe that dual elections by universal suffrage will be implemented sooner or later according to the provisions of the Basic Law. Of course, as to the time or the mode, it depends on both the development in society and the progress of democratic reform in our country.

Nevertheless, the SAR Government must be consistent and fair. It should not make any changes all of a sudden just because they are advantageous to the Government and then shift the responsibility to the Legislative Council. This is not the right thing to do.

President, I so submit.

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

(No Member indicated a wish to speak)

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the motion moved by Mr LEUNG Kwok-hung today involves three issues: the first involves the communication between Members of the Legislative Council and officials of the Central Authorities; the second is the issue of referendum and the third is about the rally to be held this Sunday. I am going to respond to these three issues *seriatim*.

First of all, on the issue of meeting with officials of the Central Authorities, Mr LEUNG Kwok-hung proposed that arrangements should be made so that Members of the Legislative Council can exchange views with officials of the Central Authorities on constitutional development. In fact, various Members have also made similar proposals in Council meetings or in the meetings of the Panel on Constitutional Affairs and the Government already gave a response yesterday. Yesterday, we announced that the Government of the Hong Kong Special Administrative Region (SAR) and the Liaison Office of the Central People's Government in the SAR will jointly invite the chairmen and vice-chairmen of various committees of the Legislative Council, the Chairmen of District Councils and members of various sectors of the community to go to Shenzhen this Friday to exchange views on constitutional development in Hong Kong with the Deputy Secretary-General of the Standing Committee of the National People's Congress (NPCSC), Mr QIAO Xiaoyang, and other persons-in-charge of the relevant departments in the Central Authorities.

We understand that the schedule is really a little bit tight this time. However, it is with great sincerity that we invite everyone to go to Shenzhen so that all of us can have the opportunity to exchange views with the persons-in-charge of the relevant departments of the Central Authorities on issues of mutual concern, so as to enhance mutual understanding between the Central Authorities, various political parties and Members on the issue of constitutional development and to establish more common grounds on this issue. I believe the communication on this occasion will be beneficial in many ways.

I wish to reiterate that this arrangement is not intended to take the heat off the rally to be held in Hong Kong this Sunday. We do believe that Hong Kong people of course have their own views on this issue and in the SAR, the SAR Government will respect and listen carefully to the views expressed by the public in demonstrations or through other channels.

Madam President, concerning the second issue, namely, conducting a referendum on implementing elections by universal suffrage in 2007 and 2008, that is, the suggestion of holding a referendum, Mr LEUNG Kwok-hung's suggestion in this connection is in fact nothing but playing the same old tune again. Back at the meeting of the Panel on Constitutional Affairs held in October last year, Dr Fernando CHEUNG also made the same suggestion, which was subsequently negated after discussion in the Panel.

The SAR Government's position regarding this issue has remained the same, consistent and constant. The Basic Law also prescribes clear procedures for amending the methods of the two elections. If there is a need to amend the methods of the two elections, 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 record or approval before we can make such amendments.

Why is it necessary to set such a high threshold of a two-thirds majority? In fact, this is intended to ensure that if any fundamental change is to be made to the constitution, representatives of district-based elections and those elected by various sectors must reach a more broadly-based consensus before these changes can be made. Moreover, it also ensures that the views of the public and those of various sectors have to be basically consistent before the changes can be implemented.

No reference to referendum is made in the amendment procedures laid down in the Annexes to the Basic Law. Therefore, the SAR Government considers it unnecessary and inappropriate to introduce any procedure other than those prescribed by the Basic Law.

The Chief Executive said that the proposals on the two electoral methods for 2007 and 2008 put forward by the Government had not come easily. There are many reasons behind this. Firstly, the proposals were made after almost two years of effort and public consultation. Secondly, we have tried, in accordance with the provisions of the Basic Law and in the light of the circumstances prevailing, to propose this package of proposals by fully exploiting the room allowed. We are the first to admit that this package of proposals is not perfect, but we know that to implement this package of proposals is to make good preparations for universal suffrage as well as taking a concrete step towards the ultimate goal of universal suffrage.

The Government will move this motion in the Council meeting on 21 December and hopes that the Legislative Council can vote on it. There are still three weeks to go before that day, however, Mr LEUNG Kwok-hung has suddenly moved this motion, which is in fact an attempt to overturn this constitutional groundwork to be laid down in 2007 and 2008 and start anew. Since the NPCSC has already made interpretations and decisions in this regard,

we should follow the stipulations of the constitution and do our best in working out the two electoral methods for 2007 and 2008 and injecting the greatest possible degree of democracy into the two electoral methods. It is not possible to overturn everything, nor should this be done.

Mr Albert HO mentioned a certain covenant on international human rights and Mr LEUNG Kwok-hung also said in his motion and his speech that the Government should introduce a mechanism for referendum in accordance with Article 25 of the International Covenant on Civil and Political Rights. In fact, Article 25(a) provides that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. As regards how this Article should be implemented in actual practice, each place should deal with this matter according to its own circumstances. The Covenant does not stipulate rigidly that each jurisdiction must put in place a mechanism for holding referendums. In fact, here in Hong Kong, representatives from various districts and functional constituencies are taking part in public affairs in Hong Kong by such means as Legislative Council elections. We all know clearly that Hong Kong is not a sovereign entity, therefore, on issues relating to constitutional development, the only channel and procedure that are constitutional and legal for dealing with such issues is to do so according to the Basic Law and the stipulations of Annex I and Annex II, that is, according to the principle of reaching a consensus among the three parties, as we have often mentioned. However, Mr LEUNG Kwok-hung insists on proposing the constitutional arrangement of holding a referendum, which has no basis in the Basic Law. In fact, such an arrangement does not accord with the principles underlining the constitution, nor is it in line with the Basic Law. It is not necessary for us to put in place such an arrangement in Hong Kong.

Concerning the third issue, Mr LEUNG Kwok-hung mentioned the rally to be held this Sunday. I believe he hopes to convey two messages: First, he opposes the Fifth Report of the Constitutional Development Task Force (the Fifth Report); second, he hopes to stress once again the determination to campaign for universal suffrage. However, if we think about it carefully, there is actually no conflict at all between supporting the package of proposals for 2007 and 2008 and continuing to campaign for universal suffrage. In fact, the SAR Government hopes to deal with the methods of the two elections to be held in 2007 and 2008 first, and then deal with the issue of universal suffrage together with Members from now on. If we can finalize the methods of the two elections

to be held in 2007 and 2008, we can narrow the gap between the electoral system for Hong Kong society as a whole and the ultimate goal of universal suffrage. Therefore, one cannot say that to support the proposals for 2007 and 2008 is to accept a raw deal without a whimper, as Mr LEUNG Kwok-hung maintains.

Madam President, I will respond to the arguments put forward by a number of Members today before summing up. Mr Alan LEONG happens not to be here. Just now, when he mentioned in particular the fact that when releasing the Fifth Report, we said that we had invited a university to conduct an opinion survey. He also compared this opinion survey to the public consultation conducted before the decision of not introducing direct elections in 1988 was made. I believe Mr LEONG might have adopted the approach of comparing two matters of different backgrounds, a tactic sometimes used by lawyers. As far as I can recall, the work unit responsible for this task in 1988 did not conduct the kind of opinion survey which we requested a university to conduct. Since the announcement of the results of this opinion survey on 19 October, various academic institutions and media organizations have also conducted quite a number of opinion surveys. Up to now, the people who support and accept the package of the proposals for 2007 and 2008 still outnumber those who oppose them.

Ms Emily LAU once again mentioned the situation with regard to Britain and Canada, which I talked about when replying to a question. Madam President, when we officials speak here, we always run some risks because our remarks are often distorted soon afterwards. What I told Members today is that I know both Britain and Canada are both democracies that implement universal suffrage. Even though universal suffrage is in place in these countries, the problem of serious fiscal deficits has existed for a rather long period of time, so we should learn from these examples. Since we are now preparing for the implementation of universal suffrage, how can we ensure that public finance in Hong Kong can remain sound and its low-tax regime can be maintained? Is it wrong or incorrect to request Members to bear such considerations in mind in the discussions? The truth should not be put in that way. Therefore, if we want to hold further discussions or debate, we should be fair and spell out all aspects of this matter.

Madam President, before I conclude, I would like to comment in particular the remark that we attach great importance to social harmony, as pointed out by

Mr Frederick FUNG. In fact, the reason that the Chief Executive established the Committee on Governance and Political Development under the Commission on Strategic Development is to deal with the issue of universal suffrage in two stages by taking on board a wide spectrum of views from various sectors.

The first stage is to have discussions on the principle and concept of universal suffrage. Discussions will commence sometime before the summer vacation in the middle of next year and preliminary conclusions will be drawn after that. Upon the conclusion of the first stage of work, we will enter the second stage, which is to study and discuss the design of the system for the election of the Chief Executive and the Legislative Council by universal suffrage, with a view to drawing conclusions on the discussions in this regard in early 2007. We plan to complete the work in these two stages within the tenure of the present Administration, in the hope of making preparations for the implementation of universal suffrage in future. After finalizing the designs of the electoral system and the system for implementing universal suffrage, the most important elements in the roadmap for universal suffrage will be ready and we can then conduct a study on a timetable.

Mr CHEUNG Man-kwong pointed out again that we had discussed how democracy could be implemented a number of times over the past two decades. However, it seems that he has failed to notice some rather important developments. Members may not have noticed, however, on the implementation of universal suffrage, the difference between the SAR Government and Members, including Members of the pro-democracy camp, is narrowing. I hope Members can notice that in the past two decades, be it before or after the reunification, no Administration in Hong Kong has ever held such a positive attitude towards the implementation of democracy and universal suffrage as we do.

Firstly, we have invited Members to study the mode of holding elections by universal suffrage together. Secondly, we have invited Members to work out a roadmap for universal suffrage together. Thirdly, we have told Members that when we explore the issue of a timetable for universal suffrage, we will do so on the basis of a roadmap for universal suffrage.

In fact, we can all do the work in this respect together, irrespective of to which political party or sector one belongs. We sincerely hope that Members here, no matter to which political party they belong, can join hands and become

partners in taking forward democracy in Hong Kong by passing the electoral proposals for 2007 and 2008 before all else, so as to pave the way for the eventual introduction of universal suffrage in Hong Kong. We can then draw up a roadmap for universal suffrage together and explore the timetable for universal suffrage together. We hope that we will not keep wrangling in future. Rather, we hope that we can work together for Hong Kong and to take the development of democracy forward.

With these remarks, Madam President, I implore Members to oppose Mr LEUNG Kwok-hung's motion. Thank you.

PRESIDENT (in Cantonese): Members, when the Secretary for Constitutional Affairs was giving his speech, I received a request from Mr LEE Wing-tat. He said that as he had been out of the Chamber earlier on and he wished to speak right after the Secretary has concluded his speech.

I will allow Mr LEE Wing-tat to do so, however, I would like Members to note that if any Member wishes to take part in the debate on a motion, he is expected to press the button to indicate his wish to speak. Insofar as today's motion is concerned, the Deputy President and I had repeatedly asked if any Member wished to speak, however, the Member concerned did not press the button to indicate his wish until the official had concluded his speech. Since I have allowed Members to do so before, I will also allow Mr LEE Wing-tat to speak. However, if the official concerned considers that it is necessary to speak again, I have to give him the opportunity to do so. However, in this way, it would not be possible to conduct the debate in one breath. Therefore, I hope that all Members will be co-operative in future.

MR LEE WING-TAT (in Cantonese): President, thank you for your leave. President, I just want to raise a few points. The first point is that recently, on the Mainland, there was a very important piece of news about a singing contest organized by the Hunan Television Station. Young people were allowed to make applications on their own to participate and all young people were allowed to pick the champion by means of the Internet and SMS.

This piece of news drew widespread attention on the Mainland. If the students in the public gallery have ever visited the websites hosted by the

Mainland, they would have learnt about this piece of news. It is reported that tens of millions, and even close to a hundred million of our compatriots have watched the programme. After that, a lot of people on the Mainland are discussing one question: Why did so many people watch such a simple programme and why so many people have sent SMS to take part in the election of the singer they consider the best? Commentators and academics on the Mainland are saying that this is because it is the first time that young people are allowed to freely apply to join a singing contest and to cast their votes without having to obtain authorization from the State or the units concerned.

Although that was not an election of leaders, the President of the State, the NPC, governors, town heads or mayors but a champion singer, people were just as excited. This is because that was the first time that they felt the dignity of being a human being. Human beings are free, although this freedom is manifested only in the election of singers.

Moreover, Premier WEN Jiabao said both this year and the last that he was very angry about the many coal mine accidents in the country. He said that the casualties of tens or even hundreds of coal mine workers in each accident were intolerable. A couple of weeks after his remarks, similar accidents happened again in Heilongjiang.

What problem does this situation reflect? It shows that no matter how much the State leaders, President HU and Premier WEN, oriented their policies towards the people, how diligent they are and how much they love the people, the power of a single person is limited. We have 1.3 billion compatriots, many provinces, towns and coal mines. If the shortcomings in the system cannot be rectified, even if there were 10 President HUs and 10 Premier WENs, this problem would still occur. This is because the system has become a hotbed of bribery and corruption. To put it simply, this is not a system subject to the supervision of the people. To put it even more simply, this is not a system in which democracy can be found at the grassroots level.

I have also said in this Chamber that as a Chinese, I feel pathetic on hearing such news. Young people on the Mainland felt excited for such a long time just because they could vote on their singers through the mobile phone. However, we can see from television news footage how other compatriots at the grass-roots level living in Heilongjiang, Hunan or other places wail in anguish

over their deceased family members. Every Chinese will be grieved to see that. Although Hong Kong is a place where there are a little bit of freedom and democratic participation, if those friends who always talk about patriotism cannot see that this is the way out for Hong Kong and the way out for our country, how can we tell our compatriots and our next generation that we have acted in a responsible way?

Secretary Stephen LAM said just now that the Government had raised with the Commission on Strategic Development the problem of deficits found in some democracies. I hope that Secretary Stephen LAM can study it carefully again with his colleagues. The relationship between economic development and democracy may not always be a persistently good or bad one. Deficits have indeed occurred in some democratic countries, however, in other democratic countries such as the United States, there has been no deficit for 10 years in a row, or the economy has been doing well for 10 consecutive years. However, deficits also occur in some totalitarian countries. Therefore, it is a bias to simplistically relate democracy to the occurrence of deficits. Just think about this: In this world, where do we find famines most often? Do you think famines will occur in the United States or in Europe? We learn from an article written by a Nobel Prize winner that there is no famine in poverty-stricken India even though there have been many instances of floods. One of the reasons is that it has a democratic system which allows limited resources to be distributed to victims of natural disasters in a relatively speaking equitable way. In fact, India is a poor country.

I urge the public to take it to the streets on Sunday because for the most insignificant people like us, this is the most peaceful possible way to make our positions known. Some people in my neighbourhood asked me: What can you do after you people have staged a rally? In fact, I cannot give an answer. I just think that as a human being, as a Chinese, apart from hoping that my country can be rich and powerful, I also hope that I can tell others in a dignified manner that my country is rich because we have spacecraft that take us to space, that my country respects human rights and has a democratic system that makes everyone feel fair. This is what being rich and powerful is truly about and only then can I truly stand up and say that I am proud of being Chinese. Sometimes, I dare not stand up and say this. It is not money or food, or being well-clad or well-fed that makes us proud of being Chinese. What makes us proud is that alongside prosperity, everyone is respected and free from fear and anxiety in their life and

do not have to be afraid when they write essays and organize trade unions. Therefore, we will not ask what this rally can bring about. The most important thing is to come out and leave a record in history that everyone in Hong Kong has done his level best.

Thank you, President.

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs, do you wish to respond?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I want to give a very brief response only. I share Mr LEE Wing-tat's speech that all of us can strive for prosperity, stability and democracy in Hong Kong. Provided that Honourable Members, including Members of the pan-democratic camp, and we have an opportunity to co-operate, the 2007 and 2008 electoral systems can make progress. We will also be better able to fulfil the conditions of achieving the goal of universal suffrage earlier.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you may now reply and you have three minutes 31 seconds.

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to respond to the remarks made by Secretary Stephen LAM first. He said that all democratic countries would have to carry fiscal deficits for many years.

I have to tell the Secretary that countries which do not have democracy will not have any fiscal deficits. Because even if there are deficits, no one is permitted to talk about them. In mainland China, 30 million people have died, but who knows? Because all along no one is permitted to talk about it. A country without democracy will certainly have no deficits. Even if there are, these figures will be regarded as positive figures. This is really pointing at a deer and calling it a horse. What the Secretary has said has put me in great shame. Ever since the founding of our Motherland, all through the catastrophes of the Gang of Four, the Great Leap Forward and the like, the death toll was as high as 30 million. At that time, some reporters asked the Chinese authorities

whether any person had died and the answer was no one had died. Then there was the great earthquake in Tang Shan and hundreds of thousand people died. But the authorities said that no one had died. Now the avian flu strikes and again it is said that no one has died. When SARS occurred sometime ago, there was the same answer that no one had died. Do Members know what the values of democracy are? The first thing is that people can say the truth and people can be different from others. The Secretary does not know even this point, so I will not bother talking to him.

Second, Dr LUI Ming-wah — is it LUI Wah-ming or LUI Ming-wah? I am quite confused. (*Laughter*) I will not respond to what he has said because I know he read out from a script. I will respond to his remarks in the newspaper and if he likes debates, I hope to debate with him later on a public occasion.

Third, originally I do not want to insult this Government, but it should really be blamed for its faults and it has only itself to blame. Had it let us have the basic human rights that we deserve, I would not have engaged in any arguments with it. I just wish Members would recollect what the late Premier ZHAO Ziyang said during the Sino-British talks. The reporters asked him if he was afraid. He answered to this effect, "What should I be afraid of? After the recovery of sovereignty, it would only be natural to practise 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy'". At that time, all the people clapped their hands. After watching the movie "Gandhi", my impression is that conditions may become slightly worse than before after the sovereignty of a place is recovered. But even if things are slightly worse off than before, there should be an applause for it.

Honourable colleagues, it has been quite a long time since the sovereignty was recovered. Why then are the powers not returned to us? Is it right for the Central Authorities to do this? Do they think that it is right for someone to refuse to return the money he has borrowed and then say that it is all right to pay later? Does this not mean the same as not returning the money? Do Members think this is right? Secretary Stephen LAM, I hope you can say something fair. Hong Kong is not a sovereign state. But the right to referendum is not exclusive to sovereign states. Just look at the number of elections held in the United States every day and as each state holds its election, one just cannot count the number of referendums conducted in association with these elections. So please do not change the concept in disguise. It is only that the Government does not want to legislate to handle this and that is all.

I want to make a remark in response to the speech made by Mr MA Lik. Talking about SU Shi, it makes me think of Master Fo Yin who said that he was talking nonsense. SU Shi said that he had practised the way of Buddha, but Fo Yin still said that he was talking nonsense. SU Shi asked him what he was talking about. Fo Yin said, "What would it be if it is not nonsense? You get so furious when other people said that you have talked nonsense." What I am saying today is no more than common sense. But there are so many people around who get so furious. I have nothing more to say. Because I am in a hurry to invite people to come to the march.

Dear young friends, will each one of you invite five more people to come? And so five people can ask 50 people to come. On 4 December we must voice out fully the views of Hong Kong people. We must tell the world on 4 December that Hong Kong people love democracy.....

PRESIDENT (in Cantonese): Please sit down.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LEUNG Kwok-hung be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr CHEUNG Man-kwong rose to claim a division.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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:

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG and Mr Albert CHENG voted for the motion.

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying, Mr MA Lik and Mr CHEUNG Hok-ming voted against the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections, 25 were present, 13 were in favour of the motion and 11 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion: Preventing avian influenza.

PREVENTING AVIAN INFLUENZA

MR FRED LI (in Cantonese): Madam President, we are now getting reports every day of deaths of birds and poultry in a certain country and cases of people infected by avian influenza in a certain place. It may be a place far away in Europe or nearby on the Mainland. And there may be new outbreaks at any moment. Experts also warn that the question now is no longer whether or not there is going to be an outbreak of avian influenza, but when that will take place.

According to past experience, in every century invariably there were three to four global outbreaks of influenza pandemic. In the last century, there were, one after another, the infamous influenza pandemic of 1919, and the influenza outbreaks of 1957 and 1968. It has been 37 years since the last influenza pandemic. Given the flu cycle, we indeed have the feeling that the danger is imminent.

While there is a high level of vigilance against avian influenza around the world, the Democratic Party and I personally understand that the Government of the Hong Kong Special Administrative Region (SAR) is also giving much attention to this possible outbreak of pandemic. Apart from reporting to this Council again and again on how to deal with and prevent avian influenza, it has also conducted preventive exercises and drills, and even activated the infra-red temperature screening mechanism at border control points. However, we are of the view that in addition to efforts already made, there is still room for the Government to make improvement so as to properly effect the work of precaution and convince the people of the Government's determination and capability in combating the pandemic.

I would like to speak on the issue regarding the steering group headed by the Chief Executive. As stated earlier on, the outbreak of avian influenza is just a matter of time. Thus it is necessary for Hong Kong to have strong and vigorous leadership to prepare for the prevention of and combat against the pandemic. Although the Secretary for Health, Welfare and Food is the core figure responsible for the work of preventing and combating the pandemic, and it seems to be a matter of course for the Policy Bureau to co-ordinate the work of

different departments, yet the Democratic Party hopes that if there is really an outbreak which unfortunately turns out to be more serious than SARS, the Chief Executive can, as the head of the territory, take up the responsibility and head the steering group for the combat against the pandemic.

I understand that the Government attaches much weight to avian influenza. However, the plan merely appears to be one in which the Health, Welfare and Food Bureau will assume the co-ordinating role "when there is an outbreak of avian influenza among birds and poultry," "when there are human cases of avian influenza in Hong Kong", and "when there are cases of human-to-human transmission of avian influenza". But we opine that the Government's approach should be equally cautious both before and after the outbreak of the pandemic.

On consulting overseas experience, we hold that insofar as contingency measures are concerned, those of England, the United States and Japan are all better than ours. They have all set up high-level committees or working groups, and drawn up preparedness plans delineating the division of work and power among various agencies, and mapping out contingency measures phase by phase comprehensively covering all aspects including how to use and distribute drugs in a bid to combat the inevitable outbreak of avian influenza. Surely, it is everybody's hope that it will not come at all.

Madam President, it is my hope that details in respect of the abovementioned arrangements can be worked out as soon as possible under the leadership of the Chief Executive and fully understood by the public so as to wage joint efforts to combat this pandemic of the century.

In addition to leadership, the Government must also have enough money to deal with the pandemic. In order that the Government can draw up plans for the task well in advance, the Democratic Party suggests that the Government apply to this Council for one lump sum of non-recurrent provision, and set up a fund for the combat against the pandemic. According to our estimate, for a period of half a year, the fund approximately requires \$200 million.

With regard to the uses of the fund, our suggestion is that it can be used to enhance manpower for the combat against the pandemic, stock up supplies, give influenza vaccination to seniors aged over 65, make purchases of anti-viral drugs and personal protective gear, and so on.

Surely, there is the view that upon the outbreak of avian influenza, both the Government and the legislature will agree to waive certain procedural requirements and turn on the green light for allocation of funds. However, if there indeed comes the pandemic of the century, it will strike without specific targets, even senior officials and Members may be infected. It may perhaps be too late to deal with funding only then. So, to prepare for the worst scenario, the Democratic Party suggests that allocation be made by this Council now. Then the combat against the pandemic can still proceed even if those in the leadership are unable to discharge their duties.

With regard to the prevention of and the combat against the pandemic, the Democratic Party holds that the most important thing now is to give seniors free influenza vaccination. Seniors constitute a high-risk group vulnerable to infection. We can ill-afford to treat this lightly and let the flu spread from among seniors. However, many seniors, because of financial constraint, can ill-afford to go to private clinics for influenza vaccination. Most of them, to save money, just refrain from doing so voluntarily. It is hoped that the Government can take the lead in offering the seniors free vaccination.

Our worry is that members of the public will be in a state of great panic when human cases of avian influenza emerge in Hong Kong. So, it is also our recommendation that the Government should make good use of the fund to hand out masks to the people at crowded places.

Regarding regional slaughtering, in 1997 Hong Kong was first hit by an outbreak of H5N1 avian influenza, more or less like a prelude for the imminent pandemic of the century. At that time, an exercise to slaughter all live chickens got underway, making headlines around the world. On review, members of the international community also consider the decision made by the Government then to be resolute.

That year, the outbreak of avian influenza altogether killed six persons in Hong Kong, and brought substantial changes to the mode of operation of the poultry trade. After four intermittent outbreaks of avian influenza over the past eight years, the threat of avian influenza engulfs the whole world this year. Although Hong Kong is just a tiny place, being a member of the international community, it is still obliged to work for the prevention of the avian influenza. The mode of poultry breeding adopted in Southeast Asia has been considered to

be the best avenue for transmission of avian influenza. Although we are not in a position to tell other countries how to cope with avian influenza infection, we are definitely in a position to set an example in the prevention of avian influenza.

It goes without saying that after successive outbreaks of avian influenza, members of the poultry trade well understand that their trade is running up against a colossal challenge. As a result of a series of overhauls, measures governing the sales of live chickens are very strict. It can be noticed that over the past few years, some members of the poultry trade have voluntarily switched to new jobs and surrendered their licences. In fact, a consultation paper issued in the middle of last year and entitled "Prevention of Avian Influenza: Consultation on Long-term Direction to Minimize the Risk of Human Infection" already laid down the plan to implement, in the long run, regional slaughtering or central slaughtering under the adopted principle of segregating humans from poultry.

As the outbreak of avian influenza is just a matter of time, the Democratic Party after considering the matter again and again has come to the conclusion that the risk inherently posed to human beings should no longer be taken lightly. We agree that it is necessary for the Government to give the plan of regional slaughtering a trial to specifically see the impact on the poultry trade arising from the implementation of the plan, and explore ways to change consumers' habit of buying live poultry in order to decide whether or not to implement the plan on a full scale.

Of course, the implementation of the plan is bound to render it necessary for members of the poultry trade to face a situation of switching to new jobs. So, it is imperative for the Government to make proper arrangements in compensation and assistance for those switching to new jobs. Only then can the implementation be smooth. We agree that it is going to be a knotty arrangement to ask members of the poultry trade to accept compensation and switch to new jobs. It is, however, hoped that members of the poultry trade can understand that, in view of the threat posed by avian influenza, we must make a choice.

Finally, the Government, for fear of importing eggs from avian influenza-infected areas, is thinking of enacting legislation to regulate the importation of eggs. The Democratic Party is in favour of this. As a matter of fact, in early 2004 when there were successive outbreaks of avian influenza in neighbouring regions, Mr Andrew CHENG of the Democratic Party already

moved a motion urging the Government to immediately suspend processing all importation applications in respect of live poultry, poultry carcasses and poultry eggs from countries or places hit by the outbreak. The motion had the support of Honourable colleagues and was carried. The legislature made the recommendation long time ago. It is hoped that the Government can still recall this. Only now, when there are already outbreaks of avian influenza, is the Government considering drawing up legislation. The Government was, in fact, unaware of the problem in the past two years. In this respect, it is our earnest hope that Secretary Dr York CHOW will no longer keep a slow pace in dealing with the many urgent issues. For example, in the case of malachite green, the Government was able to draw up legislation quickly. Eggs in fact can also spread avian influenza. Therefore, it is hoped that the Government will not treat it lightly again.

With these remarks, Madam President, I beg to move.

Mr Fred LI moved the following motion: (Translation)

"That, as cases of avian influenza have successively occurred in many countries, in order to guard against the recurrence of an avian influenza outbreak in Hong Kong and prevent human infections of avian influenza, this Council urges the Government to consider establishing, as early as possible, a steering group led by the Chief Executive to combat the pandemic, to set up a fund to defray the expenditure in this regard, to enhance the preventive efforts by strengthening influenza vaccination and public education on influenza prevention, etc, to expeditiously introduce a trial scheme on regional slaughtering after putting in place proper arrangements for compensating the live poultry trade and assisting affected trade operators to switch their business or jobs, and to further improve the sanitary conditions in farms as well as live poultry and birds wholesale and retail outlets."

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

PRESIDENT (in Cantonese): Mr WONG Yung-kan and Mr Vincent FANG will move amendments to this motion respectively. Mr Andrew CHENG will move

an amendment to Mr Vincent FANG's amendment. The motion and the amendments will now be debated together in a joint debate.

I will call upon Mr WONG Yung-kan to speak first, to be followed by Mr Vincent FANG and Mr Andrew CHENG; but no amendments are to be moved at this stage.

MR WONG YUNG-KAN (in Cantonese): Madam President, ever since the first massive local outbreak of avian influenza in early 1998, Hong Kong has never been able to stay clear of the avian influenza threat. This year, the avian influenza epidemic has not just hit Asia, sparing neither Europe nor America. The DAB thinks that the Government should step up vigilance and get ready well in advance. Here I would like to put forward some ideas.

In the first place, an overview of the places recently hit by the avian influenza epidemic shows that they are right on the routes of migratory birds. According to many experts around the world, migratory birds are the culprits responsible for the spread of the epidemic. It is quite unsettling that Hong Kong lies right on the flight path of migratory birds, and is therefore more vulnerable to the epidemic. So, the prime task for the SAR Government now is to closely monitor the coming and going as well as the health of migratory birds. According to recent press reports, avian influenza was found even on one common local bird (namely, the sparrow). We therefore can ill-afford to take it lightly. The Government should also closely watch the development of the epidemic in neighbouring regions so as to assess our risk and make follow-up arrangements accordingly.

Second, I think it has come to the notice of Members that the information on avian influenza issued by the Government earlier on was chaotic. It gave rise to unnecessary worries among the public, making people rush to buy influenza drugs and get influenza vaccinations. I am talking about seasonal influenza, not avian influenza. At the district level, many people have asked me this question. Can influenza vaccination prevent avian influenza? This is very unclear information and has the ironic effect of depriving the genuinely high-risk groups in the community of the vaccine for injection. The episode serves to remind the Government that people's worry and fear may be caused by inadequate and confusing information. The DAB recommends that the

Government should consider holding regular briefing sessions to proactively brief the public on the development of the epidemic, and the risk assessment and contingency plans of the Government so as to assure the people and also appeal for their earnest co-operation with government efforts in order that preventative measures can be more effective.

Third, according to the contingency measures announced by the Government earlier on, there is a three-tier contingency hierarchy. In principle, the DAB supports the suggestion that different levels of command be activated in accordance with the development of the epidemic. The question as to under what situation the highest level of command is to be activated is still open to further discussion. However, given the fact that the development of the epidemic has not reached a critical stage both locally and internationally, it is really not advisable to hastily activate the highest level of contingency command. The DAB, however, is not asking the Government to fold up both arms. At this stage, the Government should conduct more large-scale drills so as to ensure that all parts of the Government know well how to operate during emergency and what contingency measures to take. In the event of a drastic change in the epidemic situation, the Government will then be able to immediately activate the steering committee headed by the Chief Executive to combat the epidemic. The DAB understands that the combat against the epidemic requires a lot of resources, and should brook no loss of one single second or minute. In order to meet the needs, we do not oppose setting up a fund for the combat or making an allocation well in advance. We must, however, keep a close watch so as to ensure that the provision is used properly and effectively and that no embarrassing scenario like that of the Hong Kong Harbour Fest will recur.

Madam President, whenever a crisis of avian influenza outbreak emerges, the entire live chicken trade will not have peace for one single day. According to members of the trade, the threat posed by the current epidemic has led to a drop of over 40% in the sales of live chickens. In fact, as pointed out by me here again and again (actually no less than 10 times), at present the precaution and quarantine requirements in Hong Kong for rearing chickens locally or importing live chickens are the strictest in the world. According to information from the Agriculture, Fisheries and Conservation Department, the H5 vaccine now injected into live chickens has proved to be effective in giving chickens protection against H5N1 virus. There is also a study showing that even when the virus undergoes partial genetic mutation, the vaccine now in use can still give chickens protection. It can still be recalled that ever since early 2004, when

places close to Hong Kong (including those chicken farms in Guangdong not supplying chickens to Hong Kong) successively experienced outbreaks of the epidemic and posed a threat to Hong Kong graver than what it is now, our local chicken farms and those mainland chicken farms supplying chickens to Hong Kong managed to maintain zero infection. It shows that our gatekeeping ability can stand the test. The threat posed by the present epidemic is apparently caused by migratory birds. So long as there are enough bio-security measures at chicken farms to keep poultry away from migratory birds, the chances of an outbreak in Hong Kong are probably still very slim.

Madam President, now on the proposal for central slaughtering or regional slaughtering, I have repeatedly stated in this Council that I doubt whether or not Hong Kong has the need to put the proposal to trial, and whether or not Hong Kong has the conditions to do so. In the first place, given the precaution and quarantine arrangements for live poultry in Hong Kong and the hygienic measures now in force in wholesale and retail markets, chickens are to a large extent being protected from infection by highly pathogenic influenza viruses. Furthermore, it has long been announced as government policy that in the event of two or more avian influenza cases in wholesale and retail points or poultry farms, all live chickens in Hong Kong will be culled, and the entire live poultry trade will be terminated on a compulsory and permanent basis. So, the Government has already made the decision that there will be no more live poultry for the markets in future. What is the purpose of conducting a trial now? The main reason is that Hong Kong will probably have to produce its own chilled chickens. The Government expressed to us the wish to have live chickens slaughtered in Hong Kong on a trial basis. However, I have a question for the Government. If the production cost is too high, there is absolutely no margin to compete with chilled chickens from the Mainland. Ultimately it will just lead to a situation similar to the central slaughtering of ducks and geese, in which case local members of the trade, unable to compete with mainland products, have to close their operation one after another. As such, the Government's hasty decision will inevitably come under fire and be condemned by the community. What is more, public funds amounting to billions of dollars will be wasted.

Madam President, finally, I would like to respond to the question of an equal supply of local and imported live poultry raised by Mr Vincent FANG and Mr Andrew CHENG. I do not understand the purpose of the two Members in putting forward such a point. I, however, must remind them that at present the daily supply from local chicken farms is around 30 000; so is the supply from the

Mainland. So it is equal. However, the Government is implementing a programme for the voluntary surrender of licences as well as a policy to halve the supply of live chickens. I have been told by quite a few farmers that after the Lunar New Year both the number of local chicken farms and their stock are going to drop sharply. According to estimate, there will be only 20 000 daily. If the proposal of Mr Vincent FANG and Mr Andrew CHENG is endorsed, and the so-called equal supply policy is implemented, the number of live chickens to be supplied by the Mainland will also have to be lowered to 20 000. The total number of live chickens will then drop from the original 60 000 to 40 000. The whole trade will, as a result, shrink further more. In the end, it is the members of the trade who will suffer. When things come to such a stage, what should members of the trade do? There are going to be 40 000, or even fewer, live chickens. I do not understand why the two Members should propose the two amendments. Madam President, there is one more question that I would like to ask. In the event that members of the trade do manage to cope with this year's avian influenza, will the Government review its policy on the poultry trade so as to make it possible for the said trade to fully co-operate with the Government in order to be able to do even better?

Madam President, I hereby propose my amendment.

MR VINCENT FANG (in Cantonese): Madam President, it is certainly good to be able to pre-empt possible trouble. Mr Fred LI proposed a motion on the prevention of avian influenza. No one will oppose it. Even though the infection rate of avian influenza is low, it is quite lethal. If it is preventable, then the people of Hong Kong, who once had the traumatic experience of SARS, surely will agree to maintain a high level of vigilance.

This year's threat is not just from avian influenza. Winter itself is the peak time of seasonal influenza. Moreover, according to forecast, this year is a time of high risk for the outbreak of the century's influenza pandemic, one that comes once every 40 to 50 years. If there is a simultaneous outbreak of the three types of influenza, it is going to be difficult to control the situation. So, the risk posed by the influenza pandemic of the century is also something that we now have to guard against. If we devote our attention only to the prevention of avian influenza, our measures are not going to be really water-tight, and there is not going to be an efficient utilization of resources.

In the combat against avian influenza, we are not starting from zero. In Hong Kong, the resources committed to the fight against seasonal influenza are different from those during the outbreak of SARS. Early this month, Secretary Dr York CHOW pointed out that the Government had spent more than \$3 billion on strengthening our preparedness plans against new infectious diseases.

I, being a member of the Hospital Authority (HA), know more about the amount of resources committed to the medical system by the Government. All hospitals have sufficient protective clothings and isolation wards, some of which are actually "negative pressure wards" capable of preventing the back drift of virus. There is adequate preparedness in terms of both software and hardware.

Given the fact that viruses constantly undergo genetic changes, the Liberal Party thinks that the combat against epidemics is a long fight. What is more, there should be no slackening in efforts to conduct researches to look for ways to combat viruses. We, therefore, disagree with Mr Fred LI's idea of setting up a fund to combat avian influenza. We suggest that the Government must set aside sufficient funds to cater for expenses pertinent to the long fight with epidemics and the procurement of health care equipment.

The idea of setting up a fund to combat the avian influenza pandemic was raised by the Democratic Party. However, after some consideration, the Democratic Party came to agree with my view. Mr Andrew CHENG will propose an amendment in support of the Liberal Party's proposal to set aside sufficient funds. Here, in addition to thanking them for their support, I will also support Mr Andrew CHENG's amendment.

In the midst of the recent avian influenza scare, not a single case has been detected in Hong Kong. This is not because luck is on our side. It is the result of co-operation between government departments and members of the trade, with strict preventive measures being taken right from the start of breeding. Last month, I held meetings with those engaged in the wholesale, transport and retail of live poultry. They were all prepared to step up co-operation, with wholesalers strictly regulating the quantity of imports, and everybody contributing to the preparedness, keeping markets and vehicles hygienic and sanitized, and enhancing personal protective equipment.

According to certain media reports, there are accumulations in wholesale markets. On the one hand, it is because the people, for the time being, have refrained from eating chickens for fear of avian influenza. As a result, there is a drop in business. On the other hand, it is because of over supply from local farms. Since 1997, a daily limit of 60 000 has been imposed by the Government on live chickens supplied to the market, equally split between those imported from the Mainland and those reared locally. That is to say, 30 000 from each source. Chickens are not allowed to be kept overnight in wholesale markets. Market stalls selling chickens are required to keep the places well ventilated. Regarding the imported portion, mainland suppliers have been co-operative. Furthermore, the Agriculture, Fisheries and Conservation Department (AFCD) and the Customs are keeping watch at border crossings. It is just impossible for wholesale markets to get more chickens themselves. However, it has been pointed out by the trade that the recent accumulations are due to the fact that the farms have been sending huge numbers of chickens to the markets as they have to get ready for next year's day-old-chicks and there is a fear of threat from avian influenza.

To lower the risk of avian influenza outbreaks in local farms, the Government set in 1997 the population of locally-reared chickens in the farms at 1.8 million. However, there are now 3.2 million chickens in the farms. The number supplied daily is, on average, higher than that approved by the Government.

To eradicate the risk arising from chickens accumulated in wholesale markets, it is hoped that the Government can strictly enforce the policy of an equal supply of Mainland and local poultry. Wholesalers also fear that accumulations might affect market hygiene. So, they once voluntarily cut back on the imports for a few days, even making it clear that should the situation show no improvement, they would review the situation voluntarily and cut back on imports.

Members of the trade are prepared to run their business at a loss and yet are not prepared to run the risk of leaving live chickens in the markets. Besides understanding the fact that they are most vulnerable, they also realize that the entire trade will have to be eliminated and they will not be able to earn their living if Hong Kong is unlucky enough to get hit by avian influenza again. They are even more averse than us to seeing an outbreak of avian influenza, and

are, therefore, very willing to co-operate with the Government in taking preventive measures.

However, chickens reared by individuals are those most unprotected. Although the AFCD is implementing vaccination in domestic chickens, those individuals are not professional chicken breeders. They have neither protective clothings nor the professional expertise of observation. On finding that the chickens are ailing, they definitely will slaughter them for meals. According to press reports, a few cases of avian influenza outside Hong Kong occurred in this way. Furthermore, these chickens are in close contact with kids and pets. As we all know, all animals, such as cats and dogs, are also vulnerable to seasonal influenza. Must we run the risk of possible cross-infection? I, therefore, urge the Government to give careful consideration to the idea of prohibiting individuals from rearing live poultry.

I and members of the trade oppose the implementation of central slaughtering by the Government. Why is there no request to delete from the motion the part on having a trial scheme on regional slaughtering? It is because members of the trade are very reasonable. They also value the health of the people in Hong Kong, and, therefore, do not insistently oppose the trial scheme on regional slaughtering. What is more, the Government has only put forward a trial scheme, which is not bound to succeed. Take the regional slaughtering of geese and ducks as an example. The Government once carried out central slaughtering at the Western Wholesale Food Market, but the plan failed miserably eventually.

Both the Liberal Party and I have no objection to the Government carrying out the trial scheme on regional slaughtering. It is, however, hoped that the Government can give consideration to: (1) setting a goal for the trial; in the event that the goal is not reached, any expansion of the trial scheme should be put on hold; (2) asking the investors of regional slaughterhouses to give priority to those affected trade operators when hiring staff; and (3) retaining certain live poultry retail businesses, which, however, can be confined in markets fitted with facilities segregating people from poultry. In this way, facilities already installed will not be wasted.

A retail stall that has been selling live poultry for decades is a business upon which members of several generations have been dependent for their

livelihood. It might come to an end because of the change. It is hoped that the Government can take good care of those affected members of the trade and help them switch to new types of business or jobs. Do not wait till an avian influenza outbreak to wipe out this business in one strike.

According to quite a few recent cases, migratory birds are the carriers of avian influenza. I have made repeated requests on the Government to step up efforts in monitoring the movements of migratory birds in the territory, the reason being that once an avian influenza-infected dead migratory bird was found at the Gold Coast. However, the Secretary again and again replied by saying that there was no way to control migratory birds. Can we not consider temporarily closing the Mai Po Bird Sanctuary during the peak season of avian influenza?

Madam President, I would like to stress that the World Health Organization has praised Hong Kong for being the world's most successful city in avian influenza prevention. This is not sheer luck. We ought to be proud of the Government's commitment and the sacrifice and co-operation rendered by members of the trade. Should we suffer big losses for the sake of trivial things and let the risks inherent in home-reared chickens and migratory birds ruin all the efforts and commitment rendered by us for years in preventing avian influenza?

I so submit. Thank you, Madam President.

MR ANDREW CHENG (in Cantonese): Madam President, avian influenza is not just a medical problem. It also has something to do with economy and people's livelihood. It is, what is more, a test of a government's ability to govern. So all governments around the world are standing in combat readiness.

To do well in the combat against the epidemic, it is necessary to mobilize the entire population. However, in preventing avian influenza, there are many tasks requiring attention. Who is to lead?

A matter now right in front of us for our attention is the management of poultry and birds. Poultry comes under the responsibility of the Health, Welfare and Food Bureau. The Government is considering stepping up the

control on the importation of eggs. It is therefore necessary to amend the legislation, which thus involves the Department of Justice.

According to recent findings on the Mainland, 10% of the sparrows carry H5N1 virus. With regard to preventing influenza from spreading from birds to humans, people's knowledge about avian influenza is just as important as their knowledge about its prevention. A recent survey conducted by the Boys and Girls Clubs Association of Hong Kong shows that parents have inadequate understanding of avian influenza. We, therefore, have to step up publicity and education. This involves departments like the Education Department, the Department of Health and the Information Services Department.

Director General LEE Jong-wook of the World Health Organization (WHO) has pointed out that the avian influenza virus undergoing genetic mutation and bringing about an influenza pandemic transmittable among humans is inevitable, and such an outbreak is only a matter of time. So, to combat avian influenza, it is necessary to get doubly prepared in order to be ready for the eventuality that avian influenza undergoes genetic mutation and becomes a pandemic transmittable among humans. In the first place are temperature checking at immigration checkpoints, and ventilation and cleanliness in vehicles, food premises and workplaces. Next are the amendment of legislation and the contingency plans, such as making arrangements to effect segregation and shut down schools when necessary. Hence, the Security Bureau, the Environment, Transport and Works Bureau, the Education and Manpower Bureau, and the Economic Development and Labour Bureau are all key links in the efforts to prevent the epidemic. Recently the Government conducted a drill. Though it was just a simulation drill on finding in Hong Kong a patient from abroad, more than 30 government departments and 200-odd persons were involved.

To let each department operate separately is not a feasible approach. When SARS first broke out, the situation was chaotic. It was because all the departments just went their own ways like a tray of loose sand. As a result, Hong Kong missed the chance, and the disease was allowed to spread in the community.

Having learnt the lesson in SARS, we understand that the combat against the outbreak of influenza pandemic is a tough battle. The key to victory in this battle is to have a powerful centralized commander to effect co-ordination so as

to make officers of all government departments participating fully aware of who the commander-in-chief is. And decisions must be made as soon as possible too. On looking back, even the issue of hanging out laundry required the co-ordination of the then Chief Secretary for Administration to overcome internal bureaucracy. It is indeed very risky that so far the Government still has not got an official commander-in-chief, and has yet to set up a steering committee.

At present, the Permanent Secretary of the Health, Welfare and Food Bureau is responsible for co-ordinating other government departments of similar ranking. Such an approach is not practical. The Government's proposal is that only upon the detection of human-to-human transmission will the Chief Executive chair the steering committee. It might be too late by then. Even before showing serious symptoms (for example, high fever), seasonal influenza is already highly contagious. Once avian influenza has undergone genetic mutation to become transmittable among humans, it can spread quickly in the community. So, in the combat against seasonal influenza, advance preparation carries even greater importance and demands even greater efficiency when compared with that during the time of SARS. The Chief Executive should set up the steering committee sooner, to be chaired by either the Chief Executive or the Chief Secretary for Administration.

Madam President, there is the saying that "Provisions should be ready before any army mobilization." The success of the combat against avian influenza also hinges on whether or not there are enough resources. Countries have been, one after another, putting in resources in advance for the said purpose. Our Central Government has also decided to set aside RMB 2 billion yuan to establish a fund. The United States has initially agreed to set up a fund of US\$8 billion. The European Union also made an allocation of 1 billion Euro.

The procurement of anti-viral drugs and health care equipment, the testing of virus, the promotion of public education, and so on, all require extra manpower and material resources. When a major outbreak of seasonal influenza happens, there are bound to be a lot of extra expenses peculiar to the pandemic. Efforts combating the pandemic might experience delay if an application for funding is made to this Council only then. So, the Democratic Party urges the Government to set up, as soon as possible, a fund earmarked for

the contingency expenses required at the start of a major outbreak of seasonal influenza on the basis of a preliminary estimate. The power to approve withdrawals from the fund should be entrusted to the chairman of the steering committee. The Secretary for Health, Welfare and Food should exercise such power before the establishment of the steering committee. All government departments which need resources for the prevention of or the combat against the epidemic should apply to the person in charge of the fund. The person in charge of the fund should prioritize the applications according to their urgency and importance in approving withdrawals. The person in charge of the fund should, at the same time, keep a close watch on the adequacy of the fund and regularly report to this Council. Additional funding should be sought when the need arises.

The merit of setting up a fund lies in the fact that those in charge of the combat against the epidemic may, within a defined scope, flexibly deploy resources in the light of the actual situation. With reports on its financial position being made to the Legislative Council regularly, there will be adequate monitoring on the use of the fund. Apart from that, it can, in one way or another, serve as mechanism that allows upward or downward adjustments.

Earlier on, Mr Vincent FANG said that the Democratic Party, after careful consideration, supported his proposed amendment to delete from the original motion "to set up a fund" and to substitute it with "to set aside sufficient funds". Here I would like to make it clear to Mr Vincent FANG. Our wish is not to let today's motion "end up in nothing". Surely, what the Democratic Party wants most is that, for the purpose of providing support to the Government, there can be a fund just described by me which can be monitored with flexibility and serve as a mechanism that allows upward or downward adjustments. We will support setting aside sufficient funds provided that the Liberal Party also supports my amendment to their amendment and on condition that a three-pronged approach is adopted to provide for co-ordination of emergency needs, flexible deployment and a mechanism of proper monitoring. No matter whether a fund is to be set up, I still hope that the Government can be given enough resources to fight a tough battle and, just as other countries so wish, emerge victorious with the rest of them. I call upon the Liberal Party to support us. Do not let the motion "end up in nothing".

Thank you, Madam President.

MR TOMMY CHEUNG (in Cantonese): Madam President, with regard to Mr Fred LI's motion, I just wish to comment on his proposal to introduce expeditiously a trial scheme on regional slaughtering. I am speaking on behalf of the catering trade and operators in the wet markets.

Last month, a fellow native in Dongguan let me savor a freshly slaughtered local goose roasted over burning laichee wood. The skin was so crispy and the meat so tender. Every part of it savored of the aroma of laichee (because Dongguan grows the world's best laichee). All that still lingers in my memory. However, in Hong Kong nowadays — Secretary, do not let your mouth turn watery, for you will not have it unless you go to Dongguan — it is not possible to have roasted goose like that.

History tells us that the entire live goose and duck trade totally gave way to the chilled goose and duck trade because the Government back then peremptorily implemented central slaughtering of live geese and ducks. Now the Government again wants to implement a trial scheme on regional slaughtering of live poultry. Is the live poultry trade being forced to follow the same old disastrous road so as to let history repeat itself?

Members of the trade and I definitely are not ignoring people's health. On the contrary, we have been trying to meet with government requirements over the years, adopting all precautions to guard against avian influenza. However, the scheme on regional slaughtering of live poultry drawn up by the Government has many problems indeed: (1) How many regional slaughteringhouses is the Government going to establish? Will there be three, or five, or, as in the case of District Councils, 18? (2) Who will operate those slaughteringhouses so as to obviate monopolization? (3) Will there be storage temperature requirements on the transportation of chickens from slaughteringhouses to retail outlets? (4) Can slaughtered chickens be sent to wet markets for retail? (5) Will live poultry stalls be allowed to co-exist in wet markets during the implementation of the trial scheme? (6) If the Government insists on recovering the licences of live poultry stalls, how is the Government going to solve the problem of livelihood of the tens of thousand people, including licensees, operators, employees (casual workers and piece-rated workers included), delivery workers and those employed by wholesalers and farms? (7) In the event of outbreaks of avian influenza on the Mainland after the implementation of regional slaughtering, is it still going to be necessary to

suspend for three to six months the importation of live or chilled poultry from the Mainland? The Government is under obligation to give clear answers to these specific questions to members of the public and the trade.

Here is my view. If the Government insists on compelling members of the trade to surrender their licences so as to make them cease operation permanently and instantly lose their means of living, the Government must not compensate them merely according to the current voluntary surrender scheme. Instead, the amounts of compensation should be raised, with reasonable compensations to be given to licensees, stall-owners, employees (casual workers and piece-rated workers included), and delivery workers.

I also strongly object to contracting out the operation of regional slaughteringhouses to one single contractor. Otherwise, a consortium may monopolize the business or bring the market under oligopolistic control. I think Mr Fred LI well understands and supports my view. The situation is going to be like that of today's slaughterhouses of pigs, where one single contractor dominates the wholesale of pigs. By then, it is not going to be possible for the prices of live chickens to make self-adjustments in accordance with market demand, and can easily be raised by manipulation. Those who are to suffer in the end are members of the public and the catering industry.

The Government should make reference to the way in which the Food and Environmental Hygiene Department (FEHD) manages wet markets. The Government should hold the property ownership of the regional slaughteringhouses, and outsource the work of management. With regard to the number of stalls in slaughteringhouses, reference should be made to the way in which population sizes are calculated for the purpose of seats in different District Councils. That is to say, there should be 400 stalls for the whole of Hong Kong. In order that most of those who have been selling chickens since youth can switch to the work of slaughtering live chickens and thus acquire skills in a particular field to compete on equal terms with others in the free market, the Government should give those currently engaged in the live poultry trade priority in the allocation of stalls for business. In this way, the Government can also save a lot in monetary compensation.

However, my greatest worry is that the Government's implementation of the scheme on regional slaughtering of live poultry today is just a ploy to "finish

people off after getting them inside". The ultimate aim is the gradual and systematic elimination of the live poultry trade. The reason is very simple. After being slaughtered at regional slaughteringhouses, fresh chickens will have to be delivered to different retail outlets. The cost of operation will rise sharply because of the different processes involved in the course. Furthermore, for reasons of hygiene during transfer and storage, the Government might even take the opportunity to demand that fresh chickens be transported at a temperature not exceeding zero to 4 degrees Celsius. In that eventuality, how can these fresh chickens compete with those cheap chilled chickens from Shenzhen, delivered here early in the morning every day in huge quantities? The live poultry trade ultimately will be "drained dry" and just disappear.

Given all the news about cases of avian influenza infection in different parts of the world, people's worry is understandable. However, we should all look back. Over the past three years, when there have been sporadic outbreaks of H5N1 type of avian influenza in places nearby, our poultry farms, wholesale markets and retail markets have shown no signs of avian influenza. Is it because we are "blessed" or lucky? Certainly not.

Here I would like to highly commend Mr Thomas CHAN, the Director of Agriculture, Fisheries and Conservation, for efforts he has made over the past few years in balancing the aspirations of the people and those of the trade. I would also like to moderately commend Mr Gregory LEUNG, the Director of Food and Environmental Hygiene. He does listen to the views of members of the trade, though he has yet to sufficiently take them on board.

However, all in all, with the co-operation of the trade, they put in place very strict measures of prevention and surveillance, and compulsorily inoculated imported and local live poultry with H5 vaccine. As a result, over the past three years, our line of defence has never been breached. Why do we still have no confidence in the system of defence built up by ourselves?

If Hong Kong remains avian influenza-free and 70% to 80% of the people still like eating live poultry after the implementation of the scheme on regional slaughtering of poultry by the Government, and if members of the medical profession one day manage to successfully produce an avian influenza vaccine, thus converting avian influenza into a strain of common influenza bothering those infected with several days of high fever curable by medication and

injections, will members of the trade be allowed to operate live poultry stalls in wet markets again? Will then members of the trade be allowed to redeem their licences for resumption of their old business?

We must realize that once an industry is culled, it is not easy to rebuild it. Given the fact that Hong Kong is still avian influenza-free, the Government absolutely should not hastily implement the regional scheme on regional slaughtering of live poultry.

Madam President, I so submit.

MR LI KWOK-YING (in Cantonese): Madam President, avian influenza has already become an issue of global concern. Everybody is talking about how to establish contingency mechanisms and allocate more resources to fight the virus so as to win the battle. I, however, would like to speak on precautions. Nowadays people are either rushing to take vaccination or scrambling to buy the anti-viral drug Tamiflu. The shortage of Tamiflu is still a problem to be solved and Western medicine practitioners have long been quibbling over that with the drug company in question. Instead of quietly waiting for the early delivery of Tamiflu, we had better look for an alternative to deal with the huge on-coming crisis of avian influenza.

The alternative that I refer to is Chinese medicine, which has a history of several thousand years. In fact, the Ministry of Health of China has clear foresight here. In addition to applying Western drugs such as Tamiflu for the treatment of avian influenza, it has brought in Chinese herbs as a treatment protocol for the whole nation against avian influenza. The Ministry of Health has also clearly listed four prescriptions of Chinese herbal medicine for use in diagnosis and treatment and no less than 22 kinds of Chinese patent medicines under six categories for the treatment of avian influenza.

As avian influenza is spreading on the Mainland and the Ministry of Health has explicitly pointed out that Chinese medicine is to be used to treat avian influenza, I wonder why the Government of the Hong Kong Special Administrative Region (SAR) does not take expeditious actions to follow the example set by the Mainland and incorporate Chinese medicine into the contingency plan to deal with the crisis of avian influenza. In the opinion of some people, Chinese medicine lacks a scientific foundation and the

prescriptions have no records showing clinical results or side effects. There is also the worry that extensive use of Chinese medicine might lead to problems like resistance to drugs. Is there, however, anyone who is prepared to make the bold assurance that it is absolutely safe and side effect-free to use Tamiflu to treat avian influenza?

If we say that Chinese medicine lacks a scientific foundation and is not suitable for clinical treatment of avian influenza, why do we not look back at the power shown by Chinese medicine during the SARS outbreak in 2003? At that time, the Mainland successfully curbed the epidemic and greatly lowered the mortality rate because it adopted the strategy of "assigning the major role to Chinese medicine while giving the auxiliary role to Western medicine". A Chinese medicine hospital in Guangzhou even set a legendary medical record of zero death among 73 SARS patients and zero infection among members of the medical and nursing staff treating these patients. Chinese medicine practitioners have been able to properly treat diseases which have driven Western medicine practitioners to their wits' end. Now the threat posed by avian influenza is approaching. Yet both vaccine and drugs are short in supply. Why do we not let Chinese medicine practitioners take part in the prevention and treatment of avian influenza?

As stated by the distinguished Chinese medical practitioner DENG Tietao, the head professor at Guangzhou Institute of Traditional Chinese Medicine, avian influenza is an epidemic, and Chinese medicine practitioners have great potential in the prevention and treatment of avian influenza. The reason is that Chinese medicine practitioners are endowed with abundant theories and experience in epidemic treatment. What is more, both Chinese and Western medicine practitioners have something in common with regard to the prevention and treatment of influenza, namely, both emphasize the need to beef up disease resistance. However, many Western drugs tend to have stronger side effects. For instance, after being injected with vaccine against influenza, one may have resistance only to one influenza virus but will not be impervious to all kinds of infection as imagined.

Conversely, Chinese medicine is free of side effects like Western medicine, and can strengthen one's resistance. In the case of Chinese medicine practitioners, the treatment concept puts emphasis on "keeping good elements in the body to keep out the bad". It means that if the body has immunity, then bad elements cannot enter the body. When one's resistance grows weak, bad

elements will invade the body to cause influenza. Chinese medicine practitioners' theory on preventing influenza has recently been endorsed by the Department of Health, which, in conjunction with three local universities' Schools of Chinese Medicine, has recommended to members of the public five kinds of Chinese herbal soup. Given the fact that even the Department of Health, which is under the control of Western medicine practitioners, is willing to make references to Chinese medicine practitioners and Chinese medicine, it can be considered as a major breakthrough in a long-established situation where "Western medicine prevails over Chinese medicine". It also indicates that the authorities acknowledge the effectiveness of Chinese medicine in preventing influenza.

As pointed out by me earlier on, with several thousand years' history and experience behind it, Chinese medicine is in a position to play an important role in preventing and treating influenza in addition to merely providing the people with soup prescriptions. To this end, the Government should adopt a multi-pronged approach to enable Chinese medicine to come into full play in the treatment of influenza or even avian influenza. First of all, the Government should incorporate Chinese medicine into the contingency mechanism against influenza and establish a notification system in order that Chinese medicine practitioners can refer cases of suspected influenza to the Department of Health for follow-up right away. Next, before the influenza epidemic worsens, Chinese medicine practitioners should, as soon as possible, be given the chance to provide clinical treatment. At the same time, the Government should speed up the process of combining traditional Chinese medicine and Western medicine for the offer of joint consultation service and consider including avian influenza treatment in the contingency plan so that patients having the need may get the best treatment that combines Chinese and Western medicine. The Government should learn from the lesson of SARS and must not wait till the matter is beyond the control of Western medicine practitioners to urgently call on Chinese medicine practitioners to clear up the mess at the eleventh hour.

The Ministry of Health recently invited avian influenza experts of Hong Kong, Macao and Taiwan to go to the Mainland for exchanges. However, not a single person on the list of our local experts is a Chinese medicine practitioner. Is this not another example of favouring the West whilst slighting the Chinese? As the common target is to give top priority to the prevention of the epidemic, the SAR Government should encourage the co-operation and sharing of experience in epidemic prevention among the experts of Hong Kong, Macao and

Taiwan, including both Chinese medicine practitioners and Western medicine practitioners. Also, we should not forget to bring into play the medical strength of Hong Kong so as to promote the combination of Chinese and Western medicine for the prevention and treatment of influenza. We must not harbour sectarian bias and exclude Chinese medicine from the plan for epidemic prevention.

Nowadays, members of the public can gather from media reports a lot of information on how Chinese medicine practitioners and Western medicine practitioners treat avian influenza. To make sure that those who are sick will not turn to patent medicines or drugs themselves instead of seeking medical consultation, the Government should enhance public education on medicine, especially that on Chinese medicine, and thus teach the people how to choose the appropriate remedies available in Chinese and Western medicine for the prevention of influenza. In sum, the Government should make available to Chinese medicine practitioners more room and opportunities so that they can apply their talents in every possible way and make their greatest contribution towards the prevention and treatment of influenza.

Madam President, I so submit.

DR KWOK KA-KI (in Cantonese): Madam President, the prevention of avian influenza has become pressing. Although there is neither the territory-wide culling of chickens as in 1997 nor the kind of morbidity witnessed in 2003 during the major outbreak of SARS in the community, all parts of the world are on full alert, standing in combat readiness for the possible onslaught of avian influenza. This can simultaneously test the crisis management of all places (Hong Kong included) as well as their governments' ability to govern. Finding ways to effect proper disease control, and improve the environment, hygiene and people's resilience has become the common target of countries in Asia, or around the world.

As the representative of the medical sector, I have recently set up a Combating Avian Flu Network to provide members of the medical profession with the most important and up-to-date information about avian influenza. In the event that Hong Kong has to deal with a major outbreak, the network can get physicians and members of the public linked up with each other most swiftly, thus making it possible for both physicians and the people to fight the invasion at

the forefront, hold their positions firmly, bring into full play the spirit of mutual help, monitor government work and call on the public to pay attention to health and hygiene.

Indisputably, measures taken by Hong Kong then, including the culling of chickens, have been adopted by other places in the world. However, virus knows no state boundaries. The global preparedness has been raised to a level said to be strategic or combatant. We are also aware that, sooner or later, it is possible for the spread of avian influenza, or even its transmission among humans to recur. The situation of the epidemic in Southeast Asia and on the Mainland is getting more and more serious. Vaccine is out of stock. There is not enough Tamiflu to go around. Migratory birds are spreading the virus. The quarantine of eggs has also become necessary. As all these matters are related to medical science, people's livelihood and the economy, it is imperative to reinforce the close ties between public and private health care systems, among different social sectors, between the Mainland and Hong Kong and even among the international community.

Besides the abovementioned local contingency measures, I am also most concerned about the transparency of information dissemination and the freedom of news circulation. As we all know, the likelihood of an outbreak of avian influenza can be both early warned and prevented. In so doing, harm and mortality may be reduced. However, we are concerned whether or not the notification mechanism as we see it, up to this moment, is really in a position to help us get prepared. I feel concerned about this.

From the recent notification process of confirmed human cases of avian influenza in Hunan Province, we can see that the time required for notification and confirmation of the cases was, as reported on the Mainland, very much shorter than we expected. Just as the scholar GUAN Yi lamented, the outbreak of infectious diseases is in fact "30% due to acts of God and 70% due to mistakes of human beings". As we all know, there are numerous small towns and villages as well as countless destitute peasants on the Mainland. Can they maintain strict vigilance, make reports instantly, destroy all sick poultry and even identify cases of suspected infection? With regard to certain preventive measures, especially the notification mechanism and the work that can be done among different provinces or cities, we do feel concerned. It is our hope that no place will hold back information on all the illnesses or fail to expeditiously report to Hong Kong or even the whole world those confirmed or suspected cases

so as to make it possible to nip in the bud infectious diseases likely to emerge or already breaking out.

Both Europe and America are now taking strict preventive measures, including a ban on the importation of birds suspected to be carrying viruses. In countries like Turkey, Romania and Canada, infected areas were isolated and poultry destroyed. Netherlands, Germany and the United States have, as an alternative, arranged to breed all poultry indoor, also strictly segregating humans from poultry. Every country has stepped up the quarantine of poultry, banned the import of poultry products from infected areas, thoroughly inspected markets of poultry products, and heightened border control. All these measures aim at getting precautions done properly.

Let us take a look at the situation in Hong Kong. After 1997, we did express the wish to strictly segregate poultry from humans. Unfortunately, the scheme on regional slaughtering or central slaughtering is still in the trial stage. Even though there was once segregation between humans and poultry, we cannot see that it will be put into effect in the near future. This makes it forever impossible for Hong Kong to stay out of the shadow of a major avian influenza outbreak. I, therefore, think that the Government should put into effect the plan that it once tabled.

Regarding the issue of making improvement to farms as well as to the wholesale trade of live poultry and birds, we know that the Government has put in a lot of efforts. However, every time when we walk past a market — I think we all share the same view — we can see that many retailers have not taken the required precautions. There is no need for me to emphatically reiterate how important such efforts are in preventing avian influenza. It is, however, hoped that the Government can have sufficient resources and an adequate response mechanism, one that includes the establishment of a high-level steering group to assume the leading role in the combat against the epidemic. In my opinion, the Government may set up a fund well in advance. The reason is that in the case of the United States, there is an avian influenza prevention fund of US\$7 billion. Japan will also spend ¥1 billion to develop new types of vaccine. Every place in the world is making full use of their resources, capacity and their government's power of mobilization to mount their defence against avian influenza. Hong Kong, in my opinion, should be no exception. According to the Government, a lot of efforts will be put in. I, however, think that there is always room for improvement.

It is, therefore, hoped that the Government will carefully consider every suggestion raised at this debate and expeditiously put the precautions in place in accordance with today's motion.

Thank you, Madam President.

DR JOSEPH LEE (in Cantonese): Madam President, avian influenza is spreading around the world. Several places in Asia, including China, Thailand and Indonesia, have had quite a few human infection cases.

Experts have further pointed out that the H5N1 virus has established a permanent ecological niche in poultry, which means that the combat against avian influenza is going to be a long struggle. In the 21st century, humans are going to run up against a series of natural calamities, of which we have little knowledge, which are undergoing rapid changes.

Geographically speaking, given its propensity to undergo mutation, its trans-species infectiousness, its territorial adherence, its spreading speed and its lethality, avian influenza is not just a regional endemic disease entrenched in certain Asian regions. Instead, it may become a global endemic disease likely to ravage the whole world.

Madam President, even though avian influenza has been described as an unprecedented threat from nature, any outbreak of the epidemic, whether local or overseas, is more or less bound to involve some human factors. This can possibly be attributed to the factor that the Government's battle plan against avian influenza or seasonal flu is not good enough, and that in terms of certain public health policies, there has been indecision because of the long entanglement over the interests of the trade and those of the public. As a matter of fact, the avian influenza trend indicates the start of a global outbreak. Our people are becoming more aware, resulting in a steady drop in the demand for live poultry, which leads to a decline in the retail prices of live poultry and a shrinkage of the market. The trade can be said to be in the eventide. The Government need not adopt a firm stand to recover the licences peremptorily. Nor is it necessary to heavily compensate members of the trade. Given the economic pressure from the free market, the mode of operation of the live poultry retail trade will inevitably be eliminated in the end. I firmly hold this view. I think this is the

reason why the Hong Kong Government is in no hurry to completely get rid of the live poultry retail trade to implement central or regional slaughtering. It is also the main reason why the Government delays implementing the policy. However, consideration given to these economic and political interests has imposed some unnecessary constraints on our public health policies. As a matter of fact, from the scientific perspective, it is definitely better to implement regional or central slaughtering earlier than later. Hong Kong can thus be safer too. Madam President, once there are deaths among members of the trade because of infection, there is going to be a high risk of an outbreak in the community on account of man-to-man transmission. Is the Government going to follow the same old disastrous track of SARS, and ready to accept political responsibility for such human errors?

A steering committee to respond to a major flu outbreak has been established, with the Chief Executive at its helm. Late this month, various large-scale avian influenza drills were conducted in public hospitals. Reviews were held afterwards. Earlier, the Hospital Authority (HA) also conducted several drills for the combat against the epidemic. On the face of it, the Government appears to have done all that ought to be done. However, can the Government cope with the scenario of an outbreak in the community on the strength of those limited drills? Those previous large-scale avian influenza drills were confined inside the hospitals, just offering front-line staff rehearsals on treatment and information dissemination in connection with emergency response. There has never been any public participation. The role of the public is quite passive. I am of the view that before there is an avian influenza outbreak in the community, there must be instructions and preparation for the residents with regard to their daily life, local activities and psychological adaptation in order to be in line with the highly time-sensitive efforts put in by front-line staff and the Government in their fight against the epidemic, and to minimize human errors.

With regard to local private homes for the aged, their modes of operation, hygiene standards and service quality have always been irregular. I very much doubt and worry about their power of resistance and ability to respond in the event of an outbreak of avian influenza in the community. I therefore think that the drills should be expanded to cover the community. Contacts should also be made with homes for the aged. Health education knowledge among members of the public, service providers of private homes for the aged and community

health care providers should be boosted through dress rehearsal-like exercises so as to enhance and reinforce people's awareness in maintaining the up-to-date and tightest vigilance against the epidemic.

On the other hand, the Government should respond to advice from the World Health Organization and make arrangements for the some 820 000 local seniors aged 65 and above to be inoculated against influenza so as to improve their resistance. Initiative should be taken to appeal particularly to those more passive ones. Finally, I urge the Government to proactively liaise with the manufacturer of Tamiflu so as to explain in detail our needs. It is hoped that the other side can understand our overall situation. We also have to understand their overall situation of production and supply in order to make sure that supply promises can be honoured at critical moments so that Hong Kong will be provided with assistance on a partnership basis as well as technical support and advice.

With these remarks, Madam President, I support the original motion and the amendments.

MR WONG KWOK-HING (in Cantonese): Madam President, for some time there have been successive outbreaks of avian influenza in several Asian countries. By now, the epidemic has already spread to Russia and several European countries. Given the fact that places away from Hong Kong and areas nearby are experiencing serious outbreaks of the epidemic, the Government should expeditiously take the relevant contingency measures to prepare as soon as possible for the outbreak of a major infectious disease so as to provide for possible trouble. I am going to comment on the prevention and treatment of avian influenza from four perspectives, namely, notification, stepping up public education, health care/pharmaceutical arrangements, and co-operation with the poultry trade.

First, on notification. For information about the epidemic, we have to depend on the notification from places nearby. Only with that can we more accurately grasp the epidemic situation confronting our neighbouring places. As there have been outbreaks of the epidemic in different Asian countries for some time, the World Health Organization (WHO) has been asking affected places to notify the WHO of their epidemic situation. On the other hand,

because of the close ties between Hong Kong and the Mainland, there has been a notification system on infectious diseases between the two sides since the SARS outbreak. However, in the past when the system was put to use, there were often problems of gearing-in, which rendered the operation of the notification system not quite smooth. But infectious diseases can spread quickly, posing grave threats to the people. The SAR Government should step up co-operation with the Mainland in order that there can be first-hand notification regarding the epidemic situation. This is the most effective precaution.

Second, on stepping up public education. As we all remember, in 2003, SARS brought us a painful lesson. Public hygiene and health education became this city's main subject matters. Has such an unpleasant experience faded from our memory after two years? The battle with SARS in fact cost us a lot of lives (altogether 299 Hong Kong citizens were sacrificed). This, as an experience and lesson, is still fresh and bitter in our memory. Our hygiene awareness has indeed improved. For instance, hands are washed frequently, and the people appear to be more observant of habits of personal hygiene. In addition, the Government has launched a territory-wide cleansing exercise. All these have indeed made Hong Kong look much cleaner after SARS. Two years have passed. How many of such measures can last perseveringly? Is it just "a three-minute fever"? We really ought to reflect upon it.

Third, on health care/pharmaceutical arrangements. According to earlier reports, there is a global shortage of a drug used to treat avian influenza (that is, Tamiflu). Last week, Honourable colleagues also questioned the Secretary about the situation. The peak flu season will start early next year, which is only a short time away. The Government should, therefore, prepare as soon as possible in terms of stocking up the drug. According to the reply given by the Secretary to this Council last week, the Government has presently stocked up only 3.5 million capsules of the drug. It is forecast that even by the beginning of next year, there will only be another delivery of 4 million capsules. It is a far cry from the Government's target stockpile of 20.56 million capsules. Given the stock now available, not every person can get one capsule of Tamiflu. As the manufacturer of Tamiflu cannot meet the huge global demand, various countries have resorted to producing it themselves. Notwithstanding the situation, Hong Kong, however, is unable to do so. Why can Hong Kong not follow the example of foreign countries and produce it ourselves? Will the Secretary give us an explanation on this in due course? What restrictions is

Hong Kong facing now? It is hoped that the Secretary can answer later. With regard to medical facilities, I think that the Government should assess, as soon as possible, the capacity of public hospitals in the event of a major flu outbreak. To wage an all-out battle against the epidemic, the Government should also proactively co-operate with private medical organizations so as to achieve diversion and division of work.

Fourth, some views on co-operation with the poultry trade. To further improve farms and to better agricultural development, the Government should co-operate more with members of the poultry trade. Now on the retail and wholesale of live poultry and birds. Hong Kong has been repeatedly plagued by avian influenza since the year 1997. With regard to the retail of live poultry, the Government has introduced several improvement measures, such as stepping up the cleansing of markets, improving market ventilation, and upgrading market ventilation systems. In new markets, there are even facilities designed to segregate poultry from humans at sale so as to minimize the chances of cross-infection between humans and poultry. The Food and Environmental Hygiene Department has indeed done well on this policy. Is it, however, possible to take the work further and arrange for additions or conversion works in existing markets so as to further implement proper segregation arrangements separating poultry from humans?

Given the fact that the virus can spread very quickly, it is hoped that the Government can indeed provide for the eventuality and take precautions. Those large-scale drills already held unquestionably did get the Government and the people prepared for the coming and handling of the crisis. However, we can ill-afford to lower our guard after the drills. I, therefore, call upon the Secretary to plan ahead. It is also hoped that he will, in due course, respond to this. Madam President, I so submit. Thank you.

MISS CHOY SO-YUK (in Cantonese): President, avian influenza has been hitting the news headlines frequently these days. Often visible on the screen are large numbers of birds perishing from illness, or being exterminated. The scenes are shocking. In addition, there have been confirmed fatal cases of human infection on the Mainland. All of a sudden, it appears that the epidemic is hitting everywhere, and even showing signs of coming down to the south. As a result, many Hong Kong people have been driven into great panic.

President, I am not a medical expert. It is advisable to leave it to experts to look into the matter and devise ways for Hong Kong to counter the challenge, because past events have proved that our health care system, especially medical staff on the front line, is of the top calibre in the world in terms of both professional standard and professional ethics. With them watching the gate, Hong Kong people may probably rest assured. Today, I just would like to say something more on two points, namely, how to expedite information dissemination, and how to enhance the role of Chinese medicine practitioners in holding the line of defence against the disease.

President, in face of this challenge, the SAR Government must, of course, take adequate precautions. At the same time, it should set people's minds at rest through publicity and education. The latter is perhaps even more important. Otherwise, the community will constantly be wrapped in a fear reminiscent of doomsday. That, on the contrary, will merely bring about serious but unnecessary consequences.

Sometime ago, due to rush buying, the local stock of Tamiflu was exhausted, indicative of the fact that any news about the epidemic can make members of the public panic. Any rustle of leaves in the wind is likely to generate strong reactions. However, the fact is that the global supply of Tamiflu is limited. It is just impossible to satisfy every demand. If the people themselves stock up the drug, it is even more likely to lead to panic. Furthermore, extensive wanton use of the drug for prevention purposes is likely to make the virus drug-resistant. An attempt to be smart will eventually end in a blunder. In view of such information, it is indeed imperative for the Government to put in every effort to make the public fully understand avian influenza and adopt an objective and sensible attitude towards the epidemic.

President, over the past eight years since 1997 when the world's first human case of avian influenza infection was detected, there have been some 150 human cases of avian influenza infection. The figure is probably a far cry from what some people subjectively perceive it to be. Secondly, Hong Kong is considerably different from places nearby. We have the best medical surveillance system. Moreover, because of our small territorial size, any abnormality can be detected easily. What is more, all live chickens, including those imported from the Mainland, are required to be inoculated against flu. In fact, there is usually little chances of contact with chickens or birds provided that

certain basic routines of hygiene are observed. Given these peculiarities, it is believed that our chances of getting another epidemic outbreak are far lower than that in the case of places already hit by avian influenza outbreaks.

In order that the people can better understand news about the epidemic, the DAB suggests that the Government regularly holds press conference, just as it did during the SARS outbreak, to give a summary of the development of the epidemic over the preceding period and provide information on the Government's follow-up actions. This will enable the public to obtain clear and consistent information so that they will not make wild guesses.

President, to strengthen our line of defence against the epidemic, the SAR Government should deploy all deployable medical resources so as to provide avenues for all medical resources inclusive of Chinese medicine practitioners and Chinese medicine to make their contribution. Earlier on Mr LI Kwok-ying also mentioned this point. Now I just would like to repeat a little. It is beyond doubt that the battle between Western medicine and infectious diseases has a long history. No one will dispute the outstanding achievements scored by Western medicine. If not so, it would not have been possible for the United Nations to declare in 1980 the utter elimination of smallpox, the killer of at least 100 million people. We, however, should not forget that smallpox is the only infectious disease really utterly eliminated. The others, such as cholera, black plague and leprosy, are still with us. So, while acknowledging the effectiveness of Western medicine, we should not repudiate the value of other therapeutic regimes. It especially has to be so in dealing with avian influenza, an illness for which even the mainstream Western medicine has yet to find a good cure. Every single medical remedy counts, given the possibility of saving a life at a critical moment.

On the face of it, the Government does let Chinese medicine practitioners get involved in epidemic prevention. For instance, it co-operated with the universities to jointly launch certain therapeutic prescriptions for flu prevention. However, regarding clinical treatment, the Government's position remains very conservative. The Government still does not let Chinese medicine practitioners take part in the rescue work even when there is a major flu outbreak. Health care is undoubtedly a most professional job. Chinese medicine practitioners should not participate just for the sake of participation. However, the fact is that earlier on officials of Guangdong Department of Health explicitly stated that

Chinese medicine would be used as an emergency remedy for the treatment of avian influenza. I wonder why our health care system cannot adopt a more liberal attitude to discuss with Chinese medicine practitioners to work out a division of work among them, or at least liaise with the Guangdong authorities to thoroughly understand using Chinese medicine as emergency remedy so as to improve the effectiveness of our treatment. It is believed that no one will object to this.

Moreover, for the purpose of strengthening the co-operation between Chinese medicine practitioners and Western medicine practitioners, avian influenza can also serve as a very good interface. Chinese medicine practitioners in Hong Kong have had no clinical experience in treating avian influenza, so members of the profession have not got any relevant information for reference. To get them acquainted and to let them develop prescriptions, the Government should therefore share with members of the Chinese medicine profession currently available clinical data in respect of human cases of avian influenza infection. For the purpose of learning from mainland Chinese medicine practitioners' experience in combating the epidemic, the Government should also take the initiative to organize members of the Chinese medicine professions of Hong Kong and China to jointly develop prescriptions for the prevention and treatment of avian influenza as well as other ideas for the proper use of Chinese medicine.

President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, we notice that the whole world is very concerned about the epidemic situation of avian influenza. Although it seems that the situation has calmed down these days, I think it is just because the epidemic has not yet spread to Hong Kong. However, I am of the view that we should not feel complacent as if the bomb had been defused, that it is going to be alright. In fact, the WHO and other places believe, and even the Hong Kong Government thinks that the peak season for avian influenza should be January and February. That is to say, the peak period is around the Spring Festival.

Last year, we witnessed successive outbreaks of avian influenza in Southeast Asia. In December this year, Europe ran into the same problem.

Avian influenza can be described as breaking out with a tremendous force. So far, the epidemic has not hit Hong Kong. But a look at the spread of avian influenza from Southeast Asia to Europe shows that the avian influenza issue has developed into a matter of global dimensions. Equally threatened by it are developing countries or places as well as certain relatively advanced nations or places. This means that avian influenza is posing a threat to all the people in the world.

Hong Kong is part of Southeast Asia. We also have close ties with the Mainland, a country with a population of over 1 billion. There are a lot of people and goods getting in and out of the two places. I do not think we can stay clear and out of trouble in the event that something happens to the Mainland. All incidents are bound to affect Hong Kong.

In 1997, Hong Kong had an outbreak of avian influenza, as a result of which a three-year-old child was infected and killed. At that time, it was the world's first human case of avian influenza infection. The action taken by the Government then was quite resolute. It was the "culling of chickens". At that time, we did mentally harbour many doubts. However, after such a move by the Government, the situation was, to a certain extent, brought under control. Since then, there have been quite a few avian influenza outbreaks in nearby places. Yet Hong Kong still manages to remain unscathed. Such development does, I believe, inspire the Government with considerable confidence.

But everything has two sides. On the one hand, the Government probably believes that the present arrangement is very sound. However, while the Government is very confident and pleased with the handling of the matter, I am worried that the Government might become negligent because of complacency. A while ago, Macao was ahead of us in precaution. Fortunately, the Government soon caught up with some work such as structural reorganization. I, therefore, call upon the Government not to lower its vigilance. Otherwise, there is bound to be serious consequence in the end. SARS already gave us a very heartbreaking experience. We knew not what was going on when others were boiling vinegar. We were just at a loss as to what to do when the epidemic spread to Hong Kong. In the end, it was discovered that the Government was totally unprepared. That experience has all along weighed upon the mind of Hong Kong people. It is, therefore, very much hoped that the Government will not leave things to chance. Instead, it is necessary to

expeditiously draw up preventive measures against avian influenza well in advance.

The Government has recently stepped up such precautions as conducting temperature screening at the border, and making use of screening products. The Government has indeed done something. However, the issue involves two places. It is, therefore, hoped that the Government can put in additional efforts in this connection. Here is an example. Last time we discussed the duck farms at our border. As little attention was paid to this, the ducks were left to dance with the little birds. Had members of the mass media not taken any photographs, the Government probably would have remained unaware of the situation. So, I really hope the Government can realize that, while paying attention to the monitoring of poultry in both places, we must also keep an eye on migratory birds. In addition, I am of the view that it is probably necessary for us to address the matter carefully by keeping a watch on different types of birds. Hong Kong is, after all, a centre of the Asian Pacific Region. It is inevitable for it to experience all sorts of infection and impact. It is my earnest hope that the Government can get ready for that with a multi-pronged approach, have a sense of crisis, and will not wait till there is an epidemic outbreak to address the problem.

I would like to say that years ago, the Government was again and again criticized by two panels of this Council but contingency measures were quickly adopted afterwards — it is now being said that even the Chief Executive will come forward as required to take charge of the overall situation when it becomes most critical. I think this is necessary. The Government has even conducted drills. I also find that necessary.

However, I think that in addition to adopting such measures, the Government must also proceed with great care. For instance, several days ago we raised the issue concerning Tamiflu (already mentioned by Mr WONG Kwok-hing earlier on). In the course of discussion, it was then discovered that there would be an acute shortage of many drugs here in the event of a flu outbreak. At that time, I asked the Secretary if it would then be necessary to hire an army to guard the some 7 million capsules and how the Government would distribute the drug. Those words now sound like jokes. However, when it happens, the reality is going to be like that. The people will naturally sense the fear of a crisis and panic on realizing that there are not enough drugs. When there is such feeling, the Government will not be able to cope unless it is

well prepared. It is likely for the Secretary to say "You are worrying too much, CHAN Yuen-han." I, however, do not think that I am worrying too much. According to the Secretary, Hong Kong needs a stock of 20 million capsules. However, Hong Kong only has 7 million capsules and what is more, this stock level will not be reached until some time later.

Being Members of the Legislative Council, we must rush to the forefront to let the Government know all the problems, and advise the Government to take precautions and not to lower its guard in all matters. The reason is that between January 2004 and 28 October 2005, a total of 120 persons were infected by avian influenza; 62 of them died, giving a fatality rate of 50%. This is a very shocking figure. In view of these figures, I believe that even though there is still no evidence showing that avian influenza can be transmitted among humans, the rate of infection is so high that there is compelling reason for the Government to take steps to effect full precaution in every aspect.

In particular, I would like to point out that the town planning and the height of buildings in Hong Kong have led to poor ventilation. Why was there a problem at Telford Gardens then? We will know the answer when we take a look of the district. The overall problem affecting the district is that it has a ventilation problem. Ngau Tau Kok is right in front of Telford Gardens. On the other side of Ngau Tau Kok are blocks of housing estates. There are rows and rows of streets in between. Therefore, I think that the Government must be careful in dealing with air convection in the city.

Madam President, it is earnestly hoped that the Government can clearly perceive, through this debate, our wish to combat against the epidemic in conjunction with the Government. It is also hoped that, whilst we are all concerned about the avian influenza issue, the Government is even more concerned about it, and thus has all emergency arrangements ready in place. In the event that something goes wrong, there will be appropriate emergency responses. Even if something else goes wrong, there is going to be another set of arrangements to turn to. The Government must not address problems only after people have brought them up. If it is so, then the situation is going to be very miserable for everybody.

Finally, I would like to say a few words on Mr Vincent FANG's amendment, which proposes to "prohibit individuals from rearing poultry".

We do not support such a "sweeping" approach. We know that this form of rearing can still be found in the countryside. But in fact, I believe, there is still much disagreement among members of the agriculture and fisheries sector as to whether or not avian influenza is really transmitted by chickens. This being the case, and that most of our chickens have already been inoculated with vaccine, and Hong Kong is facing other issues, such as that concerning migratory birds, I therefore have reservations about that proposal contained in the amendment.

Madam President, it is my earnest hope that whenever the Government intends to implement any stringent measure, it will first listen to more opinions, and make its decision only after all factors have been considered by the time of implementation. Only by so doing can a plan compatible with the expectation of the majority be made.

Thank you, Madam President.

MS AUDREY EU (in Cantonese): President, for the time being, there is still no outbreak of avian influenza in Hong Kong. However, I would listen to the radio every morning for news on the latest development of the epidemic, such as its spread and how many thousands of chickens have been culled. From all these I gather that the epidemic situation of avian influenza is growing in intensity. On the 28th this month, health authorities on the Mainland confirmed that recently there had been cases on the Mainland in which people had been infected with H5N1 virus of avian influenza. However, the virus was found to be different from that found in Vietnam, which means that the virus has undergone sudden genetic changes. Experts worry that as the virus can mutate rapidly, it is going to deal a heavy blow to the entire human society if it suddenly becomes transmittable among humans.

When discussing avian influenza, we naturally recall the scenario of 2003 when Hong Kong experienced an outbreak of SARS. That year, the epidemic suddenly "attacked" Hong Kong. All sectors were in fact not quite prepared. At that time, hospitals did not even have enough basic items like masks and protective clothing, not to mention vaccine or Tamiflu. Surely, nothing happened in vain. The reason is that, as a result of the epidemic, we realize that it is not possible to rely on the Government in every matter. We did have a group of highly professional top-notch health care staff. There were cleansing

workers too. There were all sorts of forces in the community. They formed their own groups, with money coming from those who could afford it and labour coming from those who could provide it. The media, community organizations and tertiary institutions all took the lead in saluting members of the health care staff and in raising money. Many organizations also offered to help the vulnerable groups, even giving tutorials to students or conducting counselling sessions. Many funds and groups established for the epidemic are still functioning in the aftermath of SARS. So, as a result of SARS, a civil society has grown in size.

With Hong Kong now under the threat posed by avian influenza, what role can a civil society play? We recently saw the Government and the Hospital Authority (HA) conduct two contingency drills for avian influenza. The move is, of course, commendable. However, the drills mainly dealt with co-ordination among government departments and the HA. As for communication and co-ordination among the Government, the HA, private physicians and community organizations, there are still a lot of problems.

Earlier on, quite a few Honourable colleagues mentioned in their speeches Tamiflu and the rush for it. I remember that I was taking a taxi when I first learned of the epidemic. The radio was broadcasting the words of Dr P.Y. LAM, the Director of Health. However, after listening to that, I could not figure out what message he was trying to convey. On the one hand, he appeared to be trying to assure the people by saying that the Government had stocked up drugs. On the other hand, he appeared to be saying that it was all right for private organizations and physicians to stock up drugs if they deemed it necessary. In short, after listening to the message, one got the impression that it was better for the people to buy Tamiflu themselves. I hold that what he said then indirectly influenced or triggered the speculation on Tamiflu. Very often, people do not quite understand the proper use of Tamiflu, and yet rush for it in the belief that it is a panacea. Japan recently had cases in which individuals suffered from side-effects after taking Tamiflu. Very often, accurate information needs to be clearly disseminated by government officials in order to get it across to the public. We have to know that in the combat against epidemic, the key is not the hospitals. It is the community. If the community knows not how to cope, the problem will get out of control when there is really a problem even if the Government and the hospitals do have a lot of resources to respond to emergency.

On this, I have to sing some praises of the Government. Recently we are getting many booklets on avian influenza, which teach the people how to keep themselves healthy and how to distinguish ordinary flu from avian influenza. Such booklets, information and news on the Internet are in fact very useful, but I think it is still not enough. It can be noticed that even though Hong Kong people can hear from the radio or television news about avian influenza every day, many of them have become apathetic because the news is more or less the same day after day. They, therefore, think that the epidemic is not going to affect Hong Kong. We can notice in the streets that the people are not doing too well a job of cleansing. I therefore hope that the Government can frequently and repeatedly convey to the people the most important message, namely, it is necessary to remain healthy. In this respect, I hope that the Secretary can also look after his own health. I often notice that the Secretary looks very tired when he comes to this Council to listen to views. I know he has to deal with other matters. It is often my feeling that the range of duties under his bureau is much too broad. I just wonder how he can possibly handle all his duties.

President, I would like to comment on the amendments too. I have repeatedly told the President that most Members are prepared to support the amendments unless matters of principles are involved. However, the biggest problem with Mr WONG Yung-kan's amendment is that it seeks to delete a very important part, which reads "to expeditiously introduce a trial scheme on regional slaughtering after putting in place proper arrangements for compensating the live poultry trade and assisting affected trade operators to switch their business or jobs, and to further improve....." I consider this part very important, but he seeks to delete it. So, it is difficult for me to support his amendment. In addition, Miss CHAN Yuen-han commented that Mr Vincent FANG's amendment contains words seeking to prohibit individuals from rearing poultry. On the contrary, I do not find a big problem here because we may approach it with more flexibility. He is not going after a total ban. Licensing is a feasible option. For this reason, my view is that Mr Vincent FANG's amendment is worth supporting.

President, I so submit.

MR FREDERICK FUNG (in Cantonese): President, according to history, in the previous century, there were three influenza pandemics caused by new

strains of virus. There were numerous cases of infection and a lot of deaths. The economic losses caused were immeasurable. Of these, the flu virus H1N1 that surfaced in Spain between 1918 and 1919 was most terrible, killing 25 million to 50 million people. We definitely should not take these facts lightly and resign ourselves to a death wait. On the basis of the definition made by the World Health Organization, two of the three major conditions that lead to an influenza pandemic, namely, the general lack of immunity to the new virus among humans, and the new virus having the ability to multiply in human bodies and cause serious illness, have already been met; and the only outstanding condition is that the virus of avian influenza has yet to undergo major genetic reassortment and be effectively transmittable among humans. President, by paying a little attention to news reports, we can know that Thailand, Indonesia, Vietnam and a few places on the Mainland all have had human cases of avian influenza infection and that the fatality rate has been as high as 60%. Avian influenza outbreaks affecting poultry and birds have been found in nine provinces on the Mainland. Similar situations have emerged in other places, such as Canada, Russia, Romania, Thailand, Indonesia and Vietnam. President, it is evident that there is indeed great urgency to take measures to combat the epidemic.

In the case of the United States, it has been declared that there is a plan to spend US\$7.1 billion to wage the fight against influenza. The preparedness plan against influenza has three main components, namely, monitoring the channels through which the virus may make its way in, curbing the ways through which the virus may infect humans, and stepping up efforts on the research, production and stocking up of drugs and vaccine intended for human use. Premier WEN Jiabao has also decided to set aside a sum of RMB 2 billion yuan to set up a fund for the prevention and control of avian influenza. I think Hong Kong should follow suit by, first of all, addressing the issue of resources. To ensure that in the event of a pandemic outbreak the Government and executive departments concerned can expeditiously make corresponding deployment of resources, the Government should apply to this Council for an allocation to set up a fund to prevent and control avian influenza, or to have sufficient funds set aside. I think that this is essential to a contingency plan to respond to emergency. Besides, it is also very important to curb the spread of the virus to humans. This is especially so with reference to speeding up the implementation of the regional slaughtering scheme to reduce the chances of humans coming into

contact with poultry while also not forgetting the need to compensate members of the poultry trade and help trade operators switch to new jobs.

President, on this occasion, the Hong Kong Association for Democracy and People's Livelihood (ADPL) is pleased that the Government has drawn up contingency plan well in advance. However, I still have some doubts. It is hoped that the Secretary can answer my questions one by one when he speaks in reply. As a matter of fact, though the Government already has a comprehensive contingency plan in place, can the public match up to that? If the answer is in the negative, then the matter is only half done with twice the efforts. Can the public match up the preparedness? I am of the view that messages on epidemic prevention and emergency response must be clearly made known to the people and disseminated extensively in order that they know how to dovetail with the whole contingency plan. The Government should, therefore, step up publicity efforts. In addition to putting publicity messages on TV and the mass media, guidelines should be issued to public-sector as well as commercial organizations to enlist their help in drawing up contingency measures. At the same time, home visits should be made. There should also be visits to old districts, especially places where many elderly live to get into touch with the residents. This will ensure that messages on the need to take precautions also reach less well-off residents. Apart from inter-departmental contingency drills, is it in fact also necessary for commercial establishments, public transport operators, schools, residential care homes for the elderly and the community to conduct similar drills?

In addition, is it going to be possible for the general public and commercial establishments to cope with the situation once the emergency response level is activated? The Government's contingency plan does not say much on this. For instance, should commercial establishments exercise discretion in dealing with employees who are pregnant so as to make arrangements for them to be on leave or work at home? Under what circumstances should schools and commercial establishments close? How will suspension of schools and work sessions be arranged? Should there be a total ban on activities drawing large crowds? How are the people to make proper use of hospital services? These are matters with which the general public must fall in line according to the emergency response level. It is hoped that the Secretary can state in detail whether or not there will be clear guidance and publicity in due course.

President, it can be recalled that during the SARS outbreak in 2003, Hong Kong people brought into play the spirit of a united stand to combat the epidemic. All observed personal hygiene closely. For instance, 1:99 diluted bleach was used for cleansing and disinfection, and all put on face masks when going out. However, with the SARS epidemic fading away, people's vigilance against epidemic has gradually diminished. According to a survey conducted by the Boys' and Girls' Clubs of Hong Kong in the middle of this month, most parents are not too aware of the need to take precautions against the spread of infectious diseases, especially when their children develop flu symptoms. According to many parents, they will still let their children attend classes without even putting on face masks. As a result, there is a possibility for people to get infected en masse in schools. I therefore call upon the people to bring into play again the spirit of a united stand against epidemic by starting with minor daily habits and keeping oneself clean and healthy as well as always paying attention to all information on epidemic prevention. The ADPL demands that there should be additional allocation in next year's budget, and that avian influenza prevention and efforts to educate people in the districts should be stepped up. On top of these, the ADPL and our members in the districts, especially our members on District Councils, will work side by side with the Government to step up efforts on education at the district level and help to promote awareness against epidemic as they did during the time of SARS.

President, I have been reading a report by the Director of Audit just released in the middle of this month. The report cites a few departments, namely, the Food and Environmental Hygiene Department, the Housing Department, and the Home Affairs Department, for criticism for not working hard enough in implementing the territory-wide cleaning programmes as proposed by Team Clean set up at the time of SARS. All of the initiatives have slackened after a good start. It is apparent that the Government really must conduct a serious review so as to reinforce the implementation of the mission of Team Clean. What is more, it is necessary to build up the people's confidence in the Government, and place in view the Government's determination and capability to put into effect the contingency plan formulated.

With these remarks, President, I support Mr Fred LI's original motion and Mr Vincent FANG's amendment.

MR LEUNG KWOK-HUNG (in Cantonese): President, Mr TSANG is going to speak at half past seven later tonight. If he then said that he were suffering from avian influenza, how would the people react? Let me tell you, his popularity rating would definitely rise by 20 points. The reason is that it is not easy for a person claiming to be, or said to be respectable to frankly admit that he is sick. This is, therefore, also an important point.

The story that I am going to tell is a recollection of the situation two years ago when Hong Kong came under the attack of SARS. I know that at that time, some people on the Mainland bought vinegar at the price of RMB 99 yuan per bottle, and then boiled it. At that time, we noticed all that, but did not dare to probe into the matter. We did not dare to ask them direct why they were boiling vinegar. Nor did we dare to question those who said so whether or not they were, so to speak, "boiling up news". The Government at that time said that there was no epidemic (then merely referred to as atypical pneumonia) in Hong Kong. But was the Government telling the truth then?

We are in a peculiar position. We often say that this place upholds things like "one country, two systems". To a certain extent, we have freedom of the press. We have a council which, though not totally returned by universal suffrage, can regularly keep a watch on the Government. Being watched over, our government officials dare not be too lazy for fear of criticism or even impeachment (unless they can dodge criticism or impeachment by finding a way out through judicial review.)

Long ago, I already said that the Secretary's post should not be like that — I am not saying that he should not be the Secretary. Only that his post should not look after so many matters. Never have I seen a bureau entrusted with so many tasks. This was, of course, bestowed upon us by "Uncle TUNG". He, for the purpose of implementing the new initiative of accountability system, created this post. This amply reflects that the governance of a government has much to do with the fact that it is being monitored or not. Any parliament on noticing an agency under it being burdened with too many tasks, as in the case of the Secretary's bureau, will definitely split it up. We now have a scenario like this: Today the Secretary has to come here to deal with the motion on avian influenza, but last week he was required to come here to speak on "dai pai dong". What can he do? All being said, I just want to make one point. Natural disasters are inevitable, and migratory birds cannot be totally

exterminated, but human calamities are in fact avoidable. Let me put it bluntly. As the Secretary has to take charge of so many things and from time to time has to take part in social activities or crack jokes, how can he possibly have so much time?

I am of the view that, instead of making excessive demands on the Secretary here today, we had better advise the Government to give the old man a hand by setting up a special body to take charge of the matter and simply ask the Secretary just to keep an eye on it. The present situation is very clear, that things not likely to happen in a company or even in my office have actually happened in the Government. This is so lamentable! Today we again ask the Secretary if there is work to be done. In fact he is perhaps wondering how much can be done as there is so much to do. This is my first point. Now, the second point. I know that the Secretary has opportunities to get in touch with mainland officials. It is earnestly hoped that he will adhere to the spirit of "approving the approvable, and disapproving the disapprovable", and ask mainland officials if there are any avian influenza outbreaks on the Mainland. He should also ask the same question again and again.

I did not make this up. It can be recalled that in March 2003, the whole world said there was no avian influenza. What is more, when Mr LONG Yongtu came to Hong Kong, he even asked why Hong Kong people only liked to talk about negative things, not positive things. Although Mr LONG Yongtu often went abroad to attend WTO meetings, he forgot one thing. If government policies are good, who would care about commendation from the people? A government often praises itself. If the government has 100 good deeds to its credit, it will claim the figure to be 101.

Being legislators, we surely should approve the approvable and disapprove the disapprovable. However, it is most important that we should keep watch before the Government takes forward its work. So, I am of the view that in addition to the fact that it is necessary for the Government to set up an ad hoc group under the watch of the omnipotent Secretary Dr York CHOW, this Council should, in fact, also set up a corresponding body to correspondingly monitor the Secretary or his staff.

Surely, I know nothing about avian influenza. I only speak on political and administrative issues. I also want to tell Members some news. The present discussion about avian influenza brings to my mind ZHANG Wenkang

and MENG Xuelong, two persons removed from office. They are now back to work. It is hoped that they are not doing their old jobs. If it is really so, then to the Secretary it should matter because it may not be possible for the Secretary to get any information from them. I recall that the elderly Mr JIANG Yanyong faced serious consequences after he had disclosed that many individuals in a military hospital were in fact suffering from avian influenza. He almost vanished into thin air.

It is, therefore, hoped that we can learn this lesson: A government not subject to monitoring, that is, a government not returned by democratic election, can definitely convert natural disasters into human calamities even though it has not got the power to create natural disasters. It is again my hope that this Council can set up an ad hoc committee to keep an interest in the matter. It is also hoped that Secretary Dr York CHOW (*the buzzer sounded*) I have finished. (*Laughter*)

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

MR LEUNG YIU-CHUNG (in Cantonese): President, we can perhaps still recall that in recent years the first human case of H5N1 infection occurred in Hong Kong in 1997. At that time, 18 persons were infected. Six of them unfortunately passed away. The alarm of the threat from avian influenza to humans was in fact then sounded.

However, President, SARS of 2003 taught us to provide for the worst so as to get the best preparation in dealing with a new epidemic. With regard to the current work of prevention against avian influenza, I have the feeling that we are facing woes both externally and internally.

First, let me speak on the external woes. It can probably be recalled that towards the end of 2002, Guangdong Province was abuzz with news about the outbreak of a mysterious type of pneumonia. People there all scrambled for white vinegar and the herb banlangen. However, at that time, Hong Kong, not able to know anything early enough, did not realize that we would also be affected. That experience proved to us the importance of a notification mechanism between the Mainland and Hong Kong. Whether or not events can be brought to our notice speedily, accurately and truthfully is the crux of the

matter. However, in the recent case regarding the contamination of the water source of Songhua Jiang, initially cadres on the Mainland still tried to cover up the matter. As a matter of fact, not only the local people, we also worry if cadres on the Mainland can deal with these matters honestly.

This week, there is a report saying that the World Health Organization had shown to the Supervisor of Japan's Avian Influenza Co-operation Centre an unofficial report from the Mainland, according to which, 300 persons have died from avian influenza in China, and some 3 000 persons have been segregated; of these, seven cases probably involve human-to-human transmission. I am wondering whether the report is telling the truth or not. There is really a big question.

Anyway, these incidents have given rise to many complicated and confusing problems. President, how are we going to solve these problems? Members of the public inevitably feel anxious about these problems. Why is there the anxiety? It is the question as to whether or not we can be assured of the speediness, accuracy and truthfulness of the mechanism — the so-called notification mechanism. That is to say, "speedily, accurately and truthfully" as mentioned earlier on. Moreover, there has got to be protection for our right to know in order that we can learn of the developments in connection with avian influenza. This is what I mean by external woes.

President, how about internal woes? We all know that this year the Hospital Authority (HA) has again had an unusual experience. More than 300 doctors have quitted, resulting in a wastage rate exceeding those of previous years by three folds. Such a situation is attributable to many factors, including excessively long working hours, excessive workload, poor prospects for job transfer, and even a lot of problems or dissatisfaction in the existing HA system. As a result, there is a drain of talents. With this drain of talents emerges the problem of succession gap. So my main concern is whether or not there is enough manpower to cope with the current demand.

When we met with the Financial Secretary this year, we asked the Financial Secretary to allocate more resources in due course to help the HA hire more front-line health care staff so as to solve the problems. Also, additional facilities and equipment should be acquired so as to counter any sudden outbreak of epidemic. It is also hoped that the HA can really conduct another review to look into the existing overall operation so as to identify areas requiring changes,

or deserving preservation, or calling for improvement in order that there can be a more comprehensive review.

President, on top of all these, there is still, in my opinion, a lot of work for the Government. This includes teaching the people not to blindly scramble for drugs or take Tamiflu, such that no one will be denied the drug when the time comes and the development of drug resistance forestalled. Otherwise it will not be good to the public. So, there is urgency with the publicity work. And it must be put into effect broadly and thoroughly. In addition, two days ago the Secretary said that there would be control over the importation of eggs. I hope that he can work on this as soon as possible so as to per-empt further problems. It is hoped that the Government can put that into effect sooner.

Lastly, President, on account of the measure of compulsory segregation at the time of SARS, our attention has also been drawn to the fact that this might give rise to a lot of disputes and arguments between employees and employers. It is hoped that precautions can now be taken early so that the two sides can have more exchange of views in this respect or come to a greater consensus in order that they can understand each other. When the unfortunate happens, we will then know how to deal with issues between employers and employees. This will avoid unnecessary disputes or delays when the time comes. With regard to all these, we have got to get ready now so as not to be caught unprepared in confusion when the time comes.

It is my hope that today's topic can get the Government to put in more efforts in every aspect so that we will not be thrown into confusion when the time comes. President, I so submit.

DR FERNANDO CHEUNG (in Cantonese): President, according to the assessment of the World Health Organization, the conditions for an outbreak of a pandemic of avian influenza have now been met, and, what is more, there is the fear that, as time goes by, the virus might undergo genetic mutation and become transmittable among humans. The death rate of humans infected by avian influenza is as high as 50%. According to estimate, the outbreak of a pandemic might wipe out 7 million of the world's population. With several provinces on the Mainland and several Southeast Asian countries, such as Vietnam, Thailand and Indonesia, already experiencing avian influenza outbreaks and cases of human infection, it can be said that Hong Kong is being encircled circle upon

circle by the threat of avian influenza. Having gone through the terrifying epidemic of SARS, members of the general public find the current threat particularly worrying. So, to counter a calamity expected to come at any time, the Government must make sufficient preparations.

We are very pleased to see that the Government has already formulated some contingency plans. For instance, upon the detection by the Government of avian influenza cases showing human-to-human transmission, the Chief Executive will personally take charge of the combat against the epidemic. Also to be involved are 35 departments and organizations. By then, public hospitals will be playing the leading role in admitting avian influenza patients while a portion of non-emergency services will be provided by private hospitals. However, at the present stage, the task of combating the epidemic is solely under the co-ordination of the Health, Welfare and Food Bureau.

According to some experts, the biggest difference between avian influenza and SARS is that once avian influenza becomes transmittable among humans, the virus is in fact communicable even before the patient develops clear symptoms, such as fever. In other words, if there in the community is an outbreak of avian influenza cases transmittable among humans, it is going to be difficult to bring the situation under control. So, the Government should immediately set up a steering group headed by the Chief Executive to co-ordinate among the departments the combat against the epidemic. It will be, I am afraid, too late if it is set up only after the outbreak of avian influenza cases transmittable among humans.

On the other hand, though the Government has drawn up emergency preparedness plan, financial arrangements have not yet been made for the relevant measures. If the Government seeks to apply for allocation from this Council when there is already an outbreak, then there will be delays in the efforts to curb the pandemic. Earlier on, Japan, our neighbour, announced the allocation of US\$100 million for the combat against avian influenza. The Government should therefore set up a fund as soon as possible to finance a similar combat.

With regard to all the measures for the combat against avian influenza, I am particularly concerned about the situation of the elderly. At present, the Government is giving free flu inoculation to elderly living in homes for the aged, chronically ill elderly aged 65 or above and receiving out-patient treatment at

public hospitals, and elderly CSSA recipients aged 65 or above. We know that many elderly are not on CSSA even though they are poor, or they are not chronically ill. Then they are not qualified for free inoculation.

We understand that elderly are highly vulnerable to flu. Even if they are not chronically ill and need not go to government hospitals for treatment, their resistance is weaker than that of young people. So, they are definitely highly vulnerable. Take the scenario of SARS in 2003 as an example. At that time, Hong Kong saw 299 deaths, 60% of them were elderly aged 65 or above. It is, therefore, very much hoped that the Government can give all elderly aged 65 or above free flu inoculation so that all elderly can get basic protection.

Furthermore, I also notice the criticism made against the Department of Health (DH) by members of the medical profession for the lack of co-ordination and control over flu vaccine. This year, the DH bought 250 000 doses of vaccine for the vaccination of some members of the high-risk groups. The quantity is larger than those of past years. At the same time, private physicians are also advised to vaccinate those belonging to other high-risk groups in the community. However, according to some doctors, the DH did not meet with drug companies and private physicians at the beginning of this year to assess this year's situation and advise them to place larger orders for the vaccine. As a result, the supply of vaccine in the private market could not catch up with the development of the epidemic and was thus short. When the whole world came under the threat posed by avian influenza in October, the DH launched a publicity campaign advocating the vaccination of high-risk groups, which triggered among the public a scramble for vaccine. Eventually those who are healthy have managed to snatch the vaccine for themselves first. According to the estimate of those in the medical profession, by the time the flu season comes to the peak this spring, tens of thousands of those belonging to the high-risk groups may not be able to get the vaccination.

Given the acute shortage of flu vaccine, the Government must see to it that vaccine is being distributed properly so as to let those highly vulnerable have priority in getting the vaccination. The Government may consider creating a three-tier prioritization scheme on vaccination as recommended by the health care profession. Under this scheme, top priority for vaccination should go to seniors, persons chronically ill, expectant women, babies and health care staff. Next should come healthy persons aged 54 to 64. Non-high risk persons aged two to 49 should be the last group. Furthermore, in a lot of local institutions

live many elderly and disabled persons. These institutions are in fact very crowded. This is especially true of private homes for the aged. Because of tight budgets and cuts in funding in the past, even subvented institutions have to increase bed spaces, making the places quite jam-packed. It is almost impossible to ask them to arrange segregation when the epidemic hits. To ensure the safety of the aged and the disabled, I advise the Government to immediately set up some working groups or ad hoc groups to follow up the question as to how to make practical arrangements in the event of outbreaks of epidemic in the institutions.

The combat against the epidemic involves many aspects. It is very much hoped that the Government can assume an active role. It is because only the Government can make large-scale mobilization. It is hoped that the Government will listen to Members' views. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr Fred LI, you may now speak on the amendments. You have up to five minutes to speak.

MR FRED LI (in Cantonese): President, there are two amendments to today's motion as well as an amendment to one of the amendment. On comparing the two amendments, the Democratic Party is more inclined to accept Mr Vincent FANG's. In fact this is an outcome of rather careful consideration. Mr Vincent FANG's amendment deletes our proposal to "set up a fund". However, for the front portion of Mr Vincent FANG's amendment, Mr Andrew CHENG adopts the wording used by Mr WONG Yung-kan in his amendment, combining them to form the wording "to set aside sufficient funds on condition that a proper monitoring mechanism has been put in place." This, in fact, has pooled together the wisdom of all of us.

With regard to the amendment proposed by Mr WONG Yung-kan, point (a) to point (f) are acceptable to us. The greatest pity is that, as stated by Mr Vincent FANG, who shares the view with Members like Ms Audrey EU, the

amendment seeks to delete from my original motion one major point, which Mr Vincent FANG has not sought to delete. Mr WONG seeks to delete the words "to expeditiously introduce a trial scheme on regional slaughtering after putting in place proper arrangements for compensating the live poultry trade and assisting affected trade operators to switch their business or jobs". As Mr WONG seeks to delete these words, I am not prepared to support his amendment even though I do accept his first few proposals. The reason is that avian influenza is already a major crisis confronting us, one that is more serious than those in the past. On making further analysis, we notice that the threat posed by avian influenza is greater than the crisis of 2003 and that of 1997. We really have to make a choice, that is, choosing between the safety of the general public and the preservation of the existing live poultry trade, and also to make proper arrangements. At present, market poultry stalls only separate poultry with PVC boards. It is not a proper measure for the real segregation of poultry from humans. It is believed that the live poultry trade will run into difficulty. However, this, being the general trend of events, is inevitable. So, after further consideration, we have Mr Andrew CHENG making a further amendment to Mr Vincent FANG's amendment. Of the two amendments, I support that of Mr Vincent FANG's.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I wish to thank Mr Fred LI for proposing this motion on preventing avian influenza. I also thank Mr WONG Yung-kan, Mr Vincent FANG and Mr Andrew CHENG for their concern about this issue and for proposing their amendments.

Perhaps let me explain the issues of concern to Members in several paragraphs. Our discussion on avian influenza now is the fourth of its kind held in the Legislative Council in this legislative year. I believe Members must have already listened to my explanation for many times. In spite of this, some Members still said that they are not very clear about the details of our explanation, or we have not put across the message to the public clearly enough. In this connection, we will continue to make improvement.

To begin with, I wish to talk about setting up a steering group led by the Chief Executive as proposed by Members. Avian influenza is an issue of the gravest concern to Hong Kong people and to the Government of the Hong Kong Special Administrative Region (SAR). The Chief Executive has also been very

concerned about the successive occurrence of avian influenza cases in places outside Hong Kong. As the Secretary for Health, Welfare and Food, I have reported to the Chief Executive the latest development in relation to the epidemic from time to time. We meet at least five times a week and so, more often than not, we report to him on any new development in respect of the epidemic almost every morning, and the Chief Executive is also well informed of the risk assessment in terms of the threats posed by avian influenza to Hong Kong. Besides, the Chief Executive often holds in-depth discussion with the Secretaries of Department and Directors of Bureau concerned on the work carried out by government departments in preventing avian influenza and the arrangements to be made to combat avian influenza in the event of an outbreak.

Hong Kong is currently at the alert response level. According to established contingency plans, the Permanent Secretary for Health, Welfare and Food is tasked to co-ordinate the work of various departments through the inter-departmental working group which comprises more than 30 main departments and units that are closely involved in the prevention of infectious diseases. At present, the working group holds a meeting once weekly or bi-weekly and at the meetings, the departments concerned will report on their work progress and plans. The Permanent Secretary will play the role of a co-ordinator to ensure that the work carried out by various departments is complementary with one another to achieve optimal results. This mechanism has been operating very well.

Let me stress again that the risks of avian influenza will not be reduced over time. Any new type of infectious disease, be it avian influenza or other communicable disease or even SARS, carries the risk of recurrence and so, ongoing efforts must be made in preparation and prevention work. We cannot expect the Chief Executive to be highly alert to this issue every day, and the decision as to when the Chief Executive should specifically concentrate on this issue should rest with me. The Chief Executive has more important work to do now. As we all know, he is concentrating on the work to take Hong Kong forward in the direction of universal suffrage. I hope Members will understand the division of responsibilities among us.

Secondly, strengthening influenza vaccination. As Members may know, the Government has implemented the influenza vaccination programme since 1998 for the purpose of preventing influenza among high risk groups in need. Over the past seven years, on the suggestion of the advisory committee on

influenza and immunization of the Department of Health (DH), the DH has gradually extended the programme to benefit more social groups. During the past few years, about 90 000 to 100 000 people were vaccinated, which is by no means a large number. This year, we particularly increased the number to 200 000 to 250 000, but we still considered it inadequate and so, we made haste to buy 40 000 vaccines more from overseas, and the vaccines should arrive in December. On the question raised by Members as to whether vaccines should be provided to private medical practitioners, I remember that during the influenza season last year, I asked the representatives of private medical practitioners whether they would like the Government to purchase vaccines for them. Their response at the time was that government assistance was unnecessary. So, I must make it clear that it is not the case that we do not wish to take up this area of work. Co-ordination and co-operation from the profession are also required.

When determining the high risk groups, the main consideration of the Scientific Committee on Vaccine Preventable Diseases is which groups of people are most in need of vaccination in the event of an outbreak of influenza in Hong Kong. We have, therefore, determined that eight groups of people will particularly need vaccination this year.

We understand that public education is very important. So, apart from vaccination, effective public education will enable members of the public to clearly understand the difference among influenza, avian influenza and influenza pandemic, and how they can fight these diseases individually. This will play an extremely important role in gathering strength in society for the prevention and control of avian influenza. In view of the outbreak of avian influenza in other places and wide public concern over the epidemic, we have promoted public education through various channels as follows:

- Publishing fact sheets on avian influenza in both complex and simplified forms of Chinese characters as well as in English for distribution to the public at various places and through various channels;
- Publishing the leaflet on "What You Should Know about Avian Flu", which has been translated into 17 languages. The leaflet briefly introduces the symptoms of avian influenza, its mode of transmission and the most important preventive measures, so as to

provide ethnic groups and visitors coming to Hong Kong with information on the prevention of avian influenza;

- The Information Services Department has recently published a new advertisement jointly with the DH to put across messages of preventing avian influenza through the electronic media;
- The Information Services Department has recently updated the contents of the avian influenza website and included in it more information on the virus and preventive measures, with a view to raising public vigilance about avian influenza;
- In respect of visitors, the DH has made arrangements with airlines to distribute pamphlets providing health information to visitors travelling to countries with incidents of avian influenza and to broadcast health information on flights coming from countries with occurrences of avian influenza;

The Centre for Health Protection (CHP) has held seminars with various industries and sectors to introduce to them the Government's contingency plan and advice them on how they should formulate their own contingencies. The CHP has already contacted the financial services industry and the tourism industry.

- To meet the needs of individual social groups, the DH organized in August similar activities for 21 organizations/associations including community organizations, and industrial and business organizations, such as the Kowloon Federation of Associations, The Law Society of Hong Kong and the Hong Kong Jockey Club, to facilitate exchange.
- The DH has since October actively co-operated with District Councils (DCs) and community organizations to organize many health talks on the prevention of influenza and avian influenza in various districts of the territory. The objective is to enable locals to further understand influenza pandemic and how they can prevent influenza pandemic in daily life. Health talks have also been held for individual organizations, including the Parent-Teacher Associations Federation, World Wide Fund for Nature Hong Kong,

and Hong Kong Association of Property Management Companies; 23 talks have been held so far with participation from over 2 000 locals. In the next few months, the DH will continuously hold similar health talks in districts to enhance the understanding of influenza in districts.

These measures will greatly enhance the awareness and ability of the public and visitors in the prevention of avian influenza. Prevention of avian influenza is not only the responsibility of the Government. Public vigilance and preparation are indispensable too. Maintaining good health and a balanced diet, doing physical exercises as appropriate, taking enough rest, keeping the environment clean and washing hands frequently are effective preventive measures. I am grateful to Members for their concern about my health. I am physically in a very good shape indeed. *(Laughter)*

Next, I will talk about the proposal of setting up a fund to combat avian influenza. The SAR Government has spent over \$4.5 billion on the prevention of avian influenza. The expenditure covers a wide range of areas, including facilities for preventing infectious diseases, acquisition of personal protective gear, scientific research, training, and so on. The objective is to ensure that we are well-prepared in all aspects for an outbreak of avian influenza or other infectious diseases. After the outbreak of SARS in 2003, the Government has gradually injected more resources in this regard and so, we have, in fact, moved forward two years earlier than countries which have a fund set up only now. Resources are channelled for:

- providing an infectious disease block in Princess Margaret Hospital (over \$500 million);
- providing 1 415 isolation beds under the Hospital Authority (HA) in wards with negative pressure facilities and special ventilators;
- setting up the CHP (over \$400 million);
- antiviral drugs stockpiling (over \$300 million);
- stepping up infectious diseases control in the HA (\$550 million was spent on medical and health care manpower, personal protective gear, and so on);

- formulating various voluntary licence surrender schemes to reduce the number of chickens in Hong Kong (about \$700 million); and
- purchasing personal protective materials and medical equipment (over \$300 million).

The Health, Welfare and Food Bureau will continuously enhance measures on the prevention and control of infectious diseases to ensure adequate emergency preparedness. We have earmarked sufficient provisions to cope with the situation in case of a surge in the risks of avian influenza, and the provisions will cover the cost of enhancing port health measures as mentioned by Members.

With regard to the resources for the prevention of avian influenza, the Government has made lots of provisions and commitments covering a wide range of areas. We must understand that at this stage, we have already made provisions for the preventive measures that must be taken and hence, it is unnecessary to set up another fund for the purpose. However, we will continue to monitor the development of the epidemic closely, and we will seek approval from the Legislative Council for additional resources where necessary and when we are clear about the amount of additional funding required.

I very much thank the Democratic Party for putting forward a very detailed proposal to me. I have read it once and a part of it is already covered in our expenditure. We think that some of the ideas are not necessarily useful, especially the purchase of vaccines against human-to-human transmission of avian influenza. I think it is impossible to acquire vaccines of the number proposed by the Democratic Party, and we may not necessarily be able to purchase the suitable kind of vaccines. I think this can be considered only at an appropriate time. That said, there are a number of good proposals, and we will follow them up. I hope the Democratic Party will understand that we will listen to more opinions on the proposals in various aspects, so that we can be more sufficiently prepared.

Segregation of live poultry from humans is an issue of the utmost concern to Members; it is also what I consider as Hong Kong's weakest link in the prevention of avian influenza. Insofar as the strategy in preventing avian influenza is concerned, I think this is the only area in which we still face problems, compared with other advanced countries in the world.

Firstly, to reduce the risk of human infection of avian influenza, we have repeatedly stressed the need of regional poultry slaughtering, and we are prepared to use part of the Western Wholesale Food Market for setting up the first regional poultry slaughtering hub.

A few months ago, we commissioned a consultancy study on the feasibility of involving the private sector in this project, and the study is nearly completed. The consultancy report pointed out that it is financially viable for the project to be developed by the private sector. In view of this, we plan to first invite the private sector to submit their expressions of interest in tendering for the project, so as to understand the intention of prospective bidders and to grasp more information on the market. In the meantime, we will consult the Legislative Council, the Central and Western DC and the relevant organizations and people on the development proposal.

We plan to invite the private sector to submit proposals on this development early next year. The tendering process is expected to be completed within next year, and the slaughterhouse is expected to come into operation in the latter half of 2007 the earliest if no unforeseeable problems emerge in the process. As this project involves many procedures including tendering, tender assessment, contractual negotiation, environmental assessment, construction, and so on, we believe there is little room for the construction of the slaughterhouse to be further expedited. Yet, we hope that businessmen interested in private operation can shorten the work programme as far as possible.

We will bring the slaughterhouse under suitable regulatory control to ensure that its operation will not adversely affect the surrounding environment and that the freshly slaughtered chickens from the slaughterhouse can meet food safety standards.

Moreover, it is necessary to enhance the measures taken at farms and in wholesale and retail markets to guard against avian influenza. We will continue to strictly implement the existing precautions, particularly targeting the virus at source and its potential carriers, namely, live poultry and wild birds, and put in place a public health surveillance system.

With regard to the regulation of local farms, we have adopted more stringent bio-security measures, including measures preventing farm workers from going in and out of poultry markets, requiring disinfection of vehicles entering farms, restricting the movement of chickens and materials between farms, requiring the use of cleansed and disinfected plastic cages for transportation, prohibiting the direct sales of chickens in retail outlets, and so on. Given that avian influenza may be transmitted from wild birds and migratory birds, stipulations are made to require the installation of bird proof facilities at poultry farms. All vaccinated chickens must be subject to inspection and sampling tests prior to sale to ensure that their antibodies can reach the prescribed level.

As waterfowls (ducks and geese) are natural carriers of avian influenza viruses, all waterfowls in Hong Kong must be centrally slaughtered and no live waterfowls are allowed to be sold in retail outlets. In addition, we require that water bird offal be separately and individually packed to prevent cross-contamination. To prevent the mixing of different types of avian influenza viruses that may result in reassortment into deadly viruses, a segregation policy based on risk assessment has been implemented. All live quails must be segregated from live chickens from farms to retail outlets. No live quails are allowed to be sold in retail outlets.

To reduce the amount of viruses that may exist in wholesale markets and retail outlets as far as possible, market rest days are implemented at wholesale and retail levels, and I am not going to explain the details again here. I think that in Hong Kong, chickens have all along been safe for consumption, and this is primarily attributed to vaccination. If the vaccines are proven to be ineffective in other places, we would have to implement more stringent measures to prohibit import or breeding of chickens. In this respect, I must solemnly state that the Government will continuously watch the development of the virus in different places to ensure that measures are implemented effectively.

Since the virus can be transmitted from wild birds, we have included wild birds in the comprehensive avian influenza surveillance programme. The surveillance programme has been implemented since 1998, targeting at farms, imports, and wholesale and retail outlets. The programme has also been gradually extended to cover wild birds, waterfowls in parks and pet birds offered for sale in the market.

In view of the continuous outbreak of avian influenza in Asia since early 2004, the Government has implemented the following temporary surveillance measures to minimize the risk of avian influenza infections in Hong Kong:

- enhancing surveillance of wild birds and birds at parks, and increasing collection of faeces from wild birds for laboratory testing and stepping up inspections of pet bird shops;
- enhancing laboratory surveillance by increasing the number of tests on chickens; and
- collecting dead chickens from local farms and dead birds from various places for further tests.

Ex gratia payment packages were introduced in 2004 and 2005 to encourage poultry farmers, wholesalers, retailers and transporters to surrender their licences or tenancies and cease operation permanently. As at the end of this month, 61 farms and 274 retailers have applied for permanent cessation of operation, and the farming capacity of local poultry farms will hence be reduced by about 530 000.

Now, I wish to talk about private poultry keeping. Mr Vincent FANG proposed to impose a total ban on the rearing of poultry by individuals. Days ago, I already stated that consideration would be given to amending the legislation to impose regulation. Under Cap. 139 and Cap. 354 of the Laws of Hong Kong, any person who owns or keeps poultry of more than 20 in number on his premises in any livestock waste control area is required to obtain from the Director of Agriculture, Fisheries and Conservation a Livestock Keeping Licence before he can engage in poultry keeping activities. The Government hopes that the relevant legislation can be amended to impose a total ban on private poultry keeping.

Before the policy and legislation on a full, mandatory ban on private poultry keeping are introduced, the Agriculture, Fisheries and Conservation Department (AFCD) has since 3 November provided free vaccination for backyard chickens raised for private consumption. From the commencement of this service to 26 November, vaccination was provided to backyard chickens in over 110 farms with more than 1 200 chickens having been vaccinated. The

AFCD has also distributed to villagers in the New Territories educational printed materials on the prevention of avian influenza in backyard farms.

Mr FANG mentioned the import and supply of local live poultry. The supply of live chickens is basically market-led. The Government has set a ceiling for imported live chickens in order to reduce the number of chickens stocking up in the market which would otherwise increase the risk of avian influenza. But during the past year, imported chickens had a share of about 45% of the market, which means that the live poultry market was basically shared equally between local chickens and imported chickens. The Food and Environmental Hygiene Department (FEHD) will step up liaison with the relevant authorities in the exporting regions to ensure that no poultry meat is imported into Hong Kong from areas with avian influenza infections. The FEHD will work with the Customs and Excise Department to combat illegal import of poultry by all means.

In respect of infectious diseases, we must step up the monitoring of the development of epidemics in the territory. The CHP has developed a sensitive influenza surveillance network to monitor local and global influenza situations. In December 2004, Influenza A(H7) and Influenza A(H9) were added to the list of infectious diseases in the First Schedule (which already included Influenza A(H5) at the time) to the Quarantine and Prevention of Disease Ordinance, making them statutorily notifiable diseases in Hong Kong. The CHP has issued reporting criteria to all registered medical practitioners in Hong Kong and provided laboratory support for confirmation/exclusion of the diagnosis. Surveillance systems for febrile respiratory illness have been expanded to cover elderly homes and child care centres. To facilitate reporting, online reporting has been launched since 1 March 2005. Upon receipt of notification of a suspected case, the Surveillance and Epidemiology Branch of the CHP will conduct case investigation, contact tracing, health education, medical surveillance and other public health measures. Quarantine and antiviral prophylaxis may also be implemented for contacts of avian influenza patients.

The CHP also maintains close monitoring of the influenza situation locally through collaboration with the HA, private hospitals and General Practitioners on sentinel surveillance, laboratory surveillance, investigation of influenza-like illness outbreaks and monitoring of hospital admissions data. Results of influenza surveillance are uploaded weekly onto the CHP website for public browsing.

An effective surveillance system has to be supported by a strong information system. The DH is developing a Communicable Disease Information System which will enhance and integrate the functional and analysis capabilities of computer systems for disease surveillance.

Many Members are concerned about the exchange of information with overseas countries. The DH has all along closely monitored the development of the epidemic locally and in places outside Hong Kong. For example, in relation to outbreaks of infectious disease in countries within the region such as Indonesia and Thailand, the DH has maintained close liaison with the World Health Organization, consulates general and the relevant health authorities. Hong Kong's public health experts have visited Thailand and Vietnam where avian influenza outbreaks have occurred to better understand the situation in these places. Both official and unofficial information on outbreaks of infectious diseases is collected and collated every day, and the Health, Welfare and Food Bureau is also notified of such information. I can also learn the latest news from the Internet every day. For instance, the figures cited by some Members are not accurate. In the past two years, that is, from 2004 to the present, a total of 133 people were infected by avian influenza with 68 deaths. Over the past six weeks, 16 people were infected with eight deaths; two of these cases occurred in Vietnam, seven in Indonesia, four in Thailand and three in China. We keep a close watch on these figures every day and we know that the risks are still around. Will January next year be the influenza peak? According to past experience, the risks of influenza are definitely higher in winter. As to whether avian influenza will be transmitted from human to human, I think nobody can say that the risks will particularly increase. But in any case, we will continue to monitor the situation closely.

Some Members asked whether we have adequate communication with the Mainland. I must emphasize that during the past year, especially in recent months, we have communicated with them very frequently and appropriately after liaising with the Central Authorities, particularly the Ministry of Health, and reaching an agreement with them. So, I can say that we will know very quickly what the Ministry of Health knows. Certainly, we will not publish news on behalf of the Ministry of Health, but we have already told them that Hong Kong people are very concerned about this issue and so, they will publish the news as soon as possible. We hope that Hong Kong and the Mainland can join hands in the fight against the epidemic. When there are difficult and

complicated cases, our experts are often invited to participate in the studies. So, I have great confidence in this regard. On the contrary, it is necessary to foster co-operation with some Southeast Asian countries, since our co-operation with them is not that close.

As for emergency exercise and drills, we consider that they must be conducted regularly, in order to enhance the emergency preparedness of government departments. As Members may know, one or two drills were conducted in the past few weeks, but I still consider it inadequate. We plan to conduct a drill of a larger scale and with greater complexity early next year to further test and try out our systems. I hope to invite operation-wise participation from the community and hospitals in the drills, so that the public will know what contingencies to take if human-to-human transmission of avian influenza has really taken place.

I would like to turn to co-operation in respect of clinical treatment. The HA is in the course of discussion with private medical groups, including private medical practitioners, private hospitals, Hong Kong Medical Association, Hong Kong Doctors Union and Medical Council of Hong Kong on how medical organizations and personnel in the public and private sectors should work together, in order to prepare well for avian influenza, and how they can co-operate in handling a large number of patients in the event of an outbreak of avian influenza in Hong Kong. Measures that have been implemented include the following:

- adopting standardized guidelines on the use of antivirals for medical organizations and personnel in the public and private sectors;
- the HA issuing guidelines to all private hospitals and medical practitioners clearly explaining the mechanism for referrals of patients confirmed or suspected to be infected by avian influenza and also the rules requiring their compliance in the process, given that public hospitals can provide better facilities, particularly isolation facilities;
- enhancing the mechanism for communication between the public and private medical sectors to facilitate the flow of information on patients infected by avian influenza. For example, when a patient is confirmed to be infected by avian influenza through rapid testing

in a public hospital, the private medical practitioner who referred the patient to the public hospital will be notified immediately, so that the medical practitioner can make relevant preparations; and

- recruiting private medical practitioners to take up voluntary work during an avian influenza pandemic. Apart from doctors, other medical personnel can also take up voluntary work in other areas.

Furthermore, we also plan to transfer patients not infected by influenza in public hospitals to the private sector for treatment in the event of an outbreak of avian influenza, and conduct studies on the relevant arrangements, so that public hospitals can concentrate on combating the epidemic. We hope that a consensus can be reached on these issues as soon as possible.

Members are concerned about the role of Chinese medicine in the prevention and control of avian influenza. We have had many exchanges and co-operation with the Chinese medicine profession, in order to make concerted arrangements in various aspects.

The CHP has also written to Chinese medicine practitioners from time to time to provide them with information on the latest situation and preventive measures on influenza and also introduce to them the infectious disease surveillance system of the CHP as well as the channels for obtaining the latest information on influenza.

In March 2005, the DH compiled a document on the common methods of prevention and treatment of influenza with Chinese medicine for public education purposes and held a seminar attended by representatives of universities and the HA on the prevention and treatment of influenza in the Chinese medicine profession. The Schools of Chinese Medicine in universities and Chinese medicine experts from the HA were invited to discuss matters relating to the prevention and treatment of influenza, and to give advice on the drafting of the reference document entitled "Common methods for prevention and treatment of influenza with Chinese medicine". The paper was distributed to all Chinese medicine practitioners in Hong Kong in May. In April, the DH also held a forum on the prevention and treatment of influenza in the Chinese medicine profession, where representatives of Chinese medicine groups, universities and the HA were invited to share their experience and views on the prevention and treatment of influenza.

Some Members mentioned earlier that with the co-operation of these experts, a booklet on "Chinese herbal tea and soups for the prevention of influenza" has been compiled for public education, in which five Chinese medicine prescriptions and recipes are provided for public reference. The DH introduced this booklet in the press conference on 7 November 2005.

To provide Chinese medicine practitioners with information on educating patients and patient referral, the DH wrote to all Chinese medicine practitioners in November and issued a reference document on "Guidelines on Infection Control Practice in Chinese Medicine during Influenza Pandemic – Important Steps".

Any infectious disease is closely related to environmental hygiene. To ensure that the medical system is better equipped and prepared, we also attach importance to maintaining a clean environment and making continuous improvement to environmental hygiene facilities and services.

- We have all along endeavoured to provide quality environmental hygiene facilities and services. The FEHD will continue to step up this area of work. For example, pest control will be stepped up, public toilet attendants will be provided at public toilets with a higher rate of utilization, and so on.
- To combat public cleanliness offences, the FEHD will continue to adopt the "zero tolerance" attitude in law enforcement. In the first 10 months of the year, the FEHD issued more than 18 000 fixed penalty notices of \$1,500.
- Moreover, efforts will be made to enhance public awareness of maintaining environmental hygiene through public education activities. In early October, the FEHD launched new television and radio Announcements of Public Interests, and also put up advertisements, posters and placards on modes of public transport to promote the message of keeping Hong Kong clean.
- The objective of Community Cleanliness Day is to raise public awareness of keeping the environment clean and observing good habits of personal hygiene. Take the Community Cleanliness Day

on 20 November this year as an example. The series of environmental hygiene and health education activities will continue until early next year. The theme of this campaign is "Raise hygiene awareness, guard against influenza", and over 230 diversified community cleansing and hygiene programmes, including health seminars, roving exhibitions, bus parades, home cleaning for the elderly, cleaning slogan and poster contests, will be organized in the 18 districts in the coming three months. More than 80 000 people are expected to take part in these activities.

I believe when the preparedness of the community is gradually raised and through the policies and various enhanced measures taken forward by the Government, Hong Kong can successfully prevent avian influenza and hence protect public health.

Finally, I wish to thank Members for the many views they have expressed in their speeches today, and also for their criticisms on us. We will make continuous efforts to step up preparedness for Hong Kong people. Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr WONG Yung-kan to move his amendment to the motion.

MR WONG YUNG-KAN (in Cantonese): President, I move that Mr Fred LI's motion be amended.

Mr WONG Yung-kan moved the following amendment: (Translation)

"To delete "consider establishing, as early as possible," after "this Council urges the Government to" and substitute with ": (a) closely monitor the avian influenza developments in and outside Hong Kong, including the routes of migratory birds and the means of virus transmission by such birds, and to assess the risks of a pandemic outbreak and conduct drills on contingency measures, so as to ensure that"; to delete ", to" after "combat the pandemic" and substitute with "can be set up immediately in the event of a drastic change in the pandemic situation; (b)"; to add "with

a proper monitoring mechanism" after "set up a fund"; to delete ", to" after "in this regard" and substitute with "; (c)"; to delete ", to expeditiously introduce a trial scheme on regional slaughtering after putting in place proper arrangements for compensating the live poultry trade and assisting affected trade operators to switch their business or jobs, and to further improve" after "influenza prevention, etc" and substitute with "; (d) vigorously bring into play the strength of the whole medical and health care sector, including the Chinese medicine sector, to make co-operative efforts on all fronts from the prevention of a pandemic outbreak to clinical treatment, so as to achieve better preventive and curative effects; (e) further improve the environmental hygiene in Hong Kong and organize territory-wide cleansing days on a regular basis; (f) enhance the efforts in intercepting smuggled food products, so as to prevent the smuggling of poultry and bird products into Hong Kong from infected areas and the resultant risks of pandemic transmission; and (g) actively cooperate with the live poultry trade in further improving"; and to add ", and to strengthen quarantine and disease prevention of live poultry as well as the work of segregating humans from live poultry" after "retail outlets".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Yung-kan to Mr Fred LI'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 Fred LI rose to claim a division.

PRESIDENT (in Cantonese): Mr Fred LI has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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:

Dr Philip WONG, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Mr WONG Ting-kwong and Mr KWONG Chi-kin voted for the amendment.

Dr David LI, Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr Abraham SHEK, Dr Fernando CHEUNG and Mr Patrick LAU voted against the amendment.

Mrs Sophie LEUNG, Mr Howard YOUNG, Ms Miriam LAU, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG and Dr KWOK Ka-ki abstained.

Geographical Constituencies:

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Ms Audrey EU, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Andrew CHENG, Mr Frederick FUNG, Mr LEE Wing-tat and Mr Albert CHENG voted against the amendment.

Mr James TIEN, Mrs Selina CHOW and Mr LEUNG Kwok-hung abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, seven were in favour of the amendment, seven against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, seven were in favour of the amendment, nine against it and three abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Preventing avian influenza" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members 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 "Preventing avian influenza" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr Vincent FANG, you may move your amendment.

MR VINCENT FANG (in Cantonese): President, I move that Mr Fred LI's motion be amended.

Mr Vincent FANG moved the following amendment: (Translation)

"To delete "set up a fund" after "combat the pandemic, to" and substitute with "set aside sufficient funds"; to add "and procure health care equipment" after "in this regard"; to delete "and to further improve" after "their business or jobs," and substitute with "prohibit individuals from rearing poultry and strictly implement the policy of a fifty-fifty supply of imported and local live poultry, with a view to further improving"; and to add "; the Government should also step up efforts in monitoring the movements of migratory birds in the territory" after "retail outlets"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Vincent FANG to Mr Fred LI's motion, be passed.

PRESIDENT (in Cantonese): I now call upon Mr Andrew CHENG to move his amendment to Mr Vincent FANG's amendment.

MR ANDREW CHENG (in Cantonese): President, I move that Mr Vincent FANG's amendment be amended.

Mr Andrew CHENG moved the following amendment to Mr Vincent FANG's amendment: (Translation)

"To add ", on condition that a proper monitoring mechanism has been put in place," after "set aside sufficient funds"; to add ", ensure that the government officials responsible for coordinating the work of combating the pandemic can flexibly deploy the resources" after "in this regard"; and to add "according to the exigencies of the work" after "health care equipment". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr Vincent FANG's amendment, 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 Andrew CHENG rose to claim a division.

PRESIDENT (in Cantonese): Mr Andrew CHENG has claimed a division. The division bell will ring for one minute, after which the division will begin.

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:

Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Ms Miriam LAU, Mr Abraham SHEK, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr Patrick LAU voted for the amendment.

Mr WONG Yung-kan and Mr WONG Ting-kwong voted against the amendment.

Dr Philip WONG, Ms LI Fung-ying, Mr WONG Kwok-hing and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr James TIEN, Mr Albert HO, Mr Fred LI, Mrs Selina CHOW, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat and Mr LEUNG Kwok-hung voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr LI Kwok-ying, Mr CHEUNG Hok-ming and Mr Albert CHENG voted against the amendment.

Miss CHAN Yuen-han abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 14 were in favour of the amendment, two against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 11 were in favour of the amendment, six against it and one abstained. Since the question

was agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): I now put the question to you and that is: That Mr Vincent FANG's amendment, as amended by Mr Andrew CHENG, to Mr Fred LI's motion, 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)

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 amendment passed.

PRESIDENT (in Cantonese): Mr Fred LI, you may now reply and you have six minutes 11 seconds.

MR FRED LI (in Cantonese): President, Mr Abraham SHEK has suggested me not to speak any further (*laughter*). Actually, I will not exhaust my six minutes. I would like to thank the 15 Members who have spoken on this question. I believe the health of the Secretary is a concern to all of us. He is respected by all of us too. So, he ought to lobby colleagues in passing to support his proposal of creating an additional D8 post for a Permanent Secretary, but he has failed to follow up the matter. I hope the Government can really listen to our comments. I have listened attentively to the detailed response, lasting exactly 40 minutes, given by the Government earlier. I believe the Secretary has heard the speeches delivered by the 15 Honourable colleagues too.

Besides thanking Members for their support, I would also like to thank a couple of colleagues who have proposed amendments. Actually, I support most of Mr WONG Yung-kan's proposal. I hope we can continue our joint efforts in this area to achieve even better results.

I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Fred LI, as amended by Mr Vincent FANG and Mr Andrew CHENG, 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.

(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 as amended passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 7 December 2005.

Adjourned accordingly at twenty-five minutes past Seven o'clock.

Annex

MERCHANT SHIPPING (LOCAL VESSELS AND
MISCELLANEOUS AMENDMENTS) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for Economic
Development and Labour

<u>Clause</u>	<u>Amendment proposed</u>
2	<p>(a) By adding before paragraph (a) -</p> <p>“(aa) in the definition of “lifting gear”, by repealing “chain sling” and substituting “chain”;”.</p> <p>(b) In paragraph (c) -</p> <p>(i) in the proposed definition of “保障及 彌償組織”, in the Chinese text, by deleting “成立” and substituting “成 立、”;</p> <p>(ii) in the proposed definition of “起重 機”, in the Chinese text, by deleting everything after “備有” and before “裝置；亦” and substituting “機 械設備用以提升和降下負荷物與用以運輸懸吊中 的負荷物的任何”.</p>
4	<p>(a) By adding before paragraph (a) -</p>

"(aa) by adding -

"(1A) In considering the conditions (if any) to be imposed under subsection (1), the Director shall have regard to all relevant considerations, including but not limited to the experience and the competency of the person in carrying out the work of a surveyor for the purposes of this Ordinance.";

(b) By deleting paragraph (b) and substituting -

"(b) by repealing subsection (6).".

5 In the proposed section 7A -

(a) in subsection (1), in the English text,
by adding "of" before "this Ordinance";

(b) by adding -

"(1A) In considering the conditions (if any) to be imposed under subsection (1), the Director shall have regard to all relevant considerations, including but not limited to the experience and the competency of the government authority in carrying out the surveys and approving the plans of the local vessel."

- 9
- (a) In the proposed section 23F(4), by deleting "(3)" and substituting "(1)".
 - (b) In the proposed section 23G(2) (b) (i), by deleting "person in whose favour the policy was issued" and substituting "policy holder".
 - (c) In the proposed section 23G(2) (b) (ii), by deleting "person in whose favour the policy was issued" and substituting "policy holder".
 - (d) In the proposed section 23I(2) (e), in the Chinese text, by deleting "數" and substituting "價".

- (e) By deleting the proposed section 23K and substituting -

"23K. Requirements as to production of policy of insurance

(1) This section applies to a local vessel to which this Part applies which is being used in the waters of Hong Kong.

(2) Upon a requirement made by an authorized officer, the owner, charterer or coxswain of a vessel shall -

(a) produce for inspection a policy of insurance that complies with this Part;
or

(b) within 5 days after the date on which the requirement was made, produce in person at a place specified by the officer -

(i) the relevant policy of insurance; or

(ii) satisfactory
evidence that
such policy of
insurance had
been in effect
on that date,
to an authorized officer
for inspection.

(3) If the owner, charterer or
coxswain contravenes subsection (2), he
commits an offence and is liable to a
fine at level 2 and to imprisonment for 3
months.”.

12 By deleting the proposed section 63A(2).

17 (a) In paragraph (a), in the proposed section
89(1)(i), by adding “specifying the” before
“general”.

(b) In paragraph (b), in the proposed section
89(2), by adding “, renewal or revocation”
after “grant”.

New By adding after clause 25 -

**"25A. Conditions and restrictions
attached to full licence**

Section 18(1)(b) is amended by repealing
"of the waters of Hong Kong".

**25B. Conditions and restrictions
attached to temporary
licence**

Section 20(1)(b) is amended by repealing
"of the waters of Hong Kong".

New By adding after clause 27 -

**"27A. Suspension of full licence
or temporary licence after
damage of vessel**

Section 33 is amended -

- (a) in subsection (4), by
repealing "and on payment of
the prescribed fee";
- (b) in subsection (5), by adding
", on payment of the
prescribed fee," before
"terminate".

31 In the proposed section 94(1)(k), by adding
"specifying the" before "general".

- 37 (b) (a) In the proposed definition of "lifting gear", by deleting "chain sling" and substituting "chain".
- (b) In the proposed definition of "起重機", in the Chinese text, by deleting everything after "備有" and before "裝置；亦" and substituting "機械設備用以提升和降下負荷物與用以運輸懸吊中的負荷物的任何".

New By adding after clause 38 -

**"38A. Powers of Directors
and inspectors**

Section 39(1) is amended -

- (a) in paragraph (f), by
repealing "this Part" and
substituting "regulations
made under section 80";
- (b) in paragraph (g), by
repealing "this Part" and
substituting "regulations
made under section 80".

- Schedule (a) In section 3(a), in the proposed paragraph (b), by adding "and any regulation made under section 89 of the Ordinance" after "(Cap. 548)".
- (b) In section 3(b), in the proposed item C, by adding "*and any regulation made under section 89 of the Ordinance*" after "(Cap. 548)".

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Constitutional Affairs to Ms Audrey EU's supplementary question to Question 4

As regards the percentage and number of voters in the functional constituencies (FCs) who were members of the middle class, as pointed out by the Secretary for Constitutional Affairs at the meeting, the Government does not have a specific definition for the middle class in Hong Kong. However, as the existing 28 FCs are made up of chambers of commerce, business, professional, academic and other sectors, we believe that a sizable portion of the FC voters are members of the middle class.

A list of the 28 FCs with the registered number of voters appears in the Annex.

Annex

2005 Final Register of Electors for FCs

	<i>Name of FCs</i>	<i>No. of Registered Electors</i>
1	Heung Yee Kuk	149
2	Agriculture and Fisheries	162
3	Insurance	154
4	Transport	181
5	Education	77 464
6	Legal	5 061
7	Accountancy	17 681
8	Medical	9 358
9	Health Services	35 443
10	Engineering	7 262
11	Architectural, Surveying and Planning	5 134
12	Labour	515
13	Social Welfare	10 433
14	Real Estate and Construction	740

WRITTEN ANSWER — Continued

<i>Name of FCs</i>		<i>No. of Registered Electors</i>
15	Tourism	956
16	Commercial (First)	1 079
17	Commercial (Second)	1 780
18	Industrial (First)	804
19	Industrial (Second)	497
20	Finance	147
21	Financial Services	624
22	Sports, Performing Arts, Culture and Publication	1 620
23	Import and Export	1 359
24	Textiles and Garment	3 887
25	Wholesale and Retail	3 875
26	Information Technology	4 574
27	Catering	7 760
28	District Council	457
	TOTAL	199 156

Appendix II

WRITTEN ANSWER

Written answer by the Director of Leisure and Cultural Services to Dr KWOK Ka-ki's supplementary question to Question 5

As regards information on the status of the 139 outstanding ex-Municipal Council leisure and cultural services (LCS) projects, we provide as per attached the following lists:

- (a) 12 deleted items (Annex 1);
- (b) 16 completed items (Annex 2);
- (c) 18 items with implementation programme (Annex 3);
- (d) 21 items (among the 25 priority projects) under active pre-construction planning work (Annex 4);
- (e) two items listed as "Private Sector Finance" pilot projects (Annex 5); and
- (f) 74 remaining items under further review (Annex 6).

Members may wish to note that the above information was presented to the Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils vide LC Paper No. CB(2)1436/04-05(01), LC Paper No. CB(2)185/05-06(01) and LC Paper No. CB(2)2107/02-03(02).

Annex 1

12 Projects Deferred/Deleted and Reasons

<i>Project</i>		<i>Reasons for Deferral/Deletion</i>
(1)	Chai Wan Vehicle Depot, Eastern District	The proposed LCS facilities are office and storage requirements. The Leisure and Cultural Services Department (LCSD) has asked the Government Property Agency to incorporate the requirement in the project at Chong Fu Road in Chai Wan Industrial Area.

WRITTEN ANSWER — Continued

<i>Project</i>		<i>Reasons for Deferral/Deletion</i>
(2)	Chung Hau Street Garden, Kowloon City	The project site is densely wooded. Development of the project involves extensive slope stabilization works and felling of trees and plants. It will be more environmentally friendly to preserve the natural habitat and the primary plants on the site.
(3)	Temporary Recreational Development at Ma Yau Tong West Landfill	Of the ex-Provisional Municipal Council capital works projects involving the LCS facilities, eight are located in restored landfill sites. As the development of recreational facilities on restored landfill sites is still on trial, the LCSD is of the view that the development of other landfill sites will be carried out later after the Environmental Protection Department (EPD) has obtained more relevant experience. In the meantime, the LCSD and EPD are studying other alternatives, such as inviting non-profit-making bodies or national sports associations to develop the remaining sites with a view to maximizing the land use. In fact, there are Lam Tin Park, Lam Tin Service Reservoir Playground and Lam Tin Bus Terminus Sitting-out Area in the vicinity of Ma Yau Tong West Landfill for the use of the residents in the neighbourhood.
(4)	Recreational Development at Wong Chuk Hang	The site is being occupied by many village houses. Massive land resumption is needed for implementation of the project. The Planning Department is conducting the Planning and Development Study on Hong Kong Island South and the project site may be affected.

WRITTEN ANSWER — Continued

<i>Project</i>		<i>Reasons for Deferral/Deletion</i>
		There are Wong Chuk Hang Road Garden and the amenity plot at Wong Chuk Hang Interchange in the vicinity for the use of the residents.
(5)	Sports Ground Package 6 at Mui Wo, Lantau	The site is not available for development as site formation has yet to be carried out. Owing to small population in Mui Wo, the project will not be pursued.
(6)	Indoor Recreation Centre Area 10B Kwai Chung	<p>The nearby Osman Ramju Sadick Memorial Sports Centre and North Kwai Chung Tang Shiu Kin Sports Centre provide a wide variety of indoor sports facilities. In 2003-04, the average usage rate of Osman Ramju Sadick Memorial Sports Centre was 77%, while that of North Kwai Chung Tang Shiu Kin Sports Centre was 68%. Both of them have spare capacity to respond to new demands. At present, there are four sports centres in Kwai Chung District and they can basically meet the needs of the residents.</p> <p>The Education and Manpower Bureau has requested to release the project site for school development. The Kwai Tsing District Council has no strong view on this request. Hence, the project can be deleted.</p>
(7)	Regional Indoor Stadium Area 11A Fanling/Sheung Shui	The North District Council has agreed not to pursue this project, whereas 007CE Civic Centre for the North District would be retained for further planning.

WRITTEN ANSWER — Continued

<i>Project</i>		<i>Reasons for Deferral/Deletion</i>
(8)	District Open Space Area 30 Tai Po	The site is situated on a densely vegetated slope. Development works will involve extensive slope stabilization and the felling of trees and primary plants. The project is not in line with the conservation policy. For the above reason, the District Council has agreed not to pursue this project.
(9)	District Open Space Area 52 Tung Chung Lantau	Part of the site has been developed by the former Territory Development Department and its remaining part is situated at the reclamation area. As the development schedule of the reclamation works at the site is not yet available, the open space area project will be deferred.
(10)	District Open Space Tsuen Wan Bay Further Reclamation	These two projects are situated at the proposed Tsuen Wan site for further reclamation. The Housing, Planning and Lands Bureau announced on 1 October 2003 that no reclamation works would be carried out in the district while the Town Planning Board also agreed on 5 December 2003 that the reclamation area would be deleted from the Tsuen Wan Outline Zoning Plan. Therefore the two projects will be deferred.
(11)	Waterfront Promenade Tsuen Wan Bay Further Reclamation	
(12)	District Open Space Lo Wai Area 39 Tsuen Wan	In the course of considering implementation of the project as minor works, local residents have formally expressed that they were satisfied with the present situation. We have been granted approval by the District Council to have the project deferred.

WRITTEN ANSWER — Continued**Annex 2**

34 Outstanding Ex-Municipal Councils Projects
16 Completed Projects

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
1	-	Sha Tin	312LS District Open Space Between Hang Hong Street and Heng On Estate Area 92, Ma On Shan (Implemented as minor works item)	11.24	07/2002	02/2004
2	3044RG	Sha Tin	Renovation of the Wu Kwai Sha Youth Village of YMCA, Ma On Shan	23.70	09/2003	03/2004
3	-	Sai Kung	305LS Improvement to the Jockey Club Wong Shek Water Sports Centre (Implemented as minor works item)	6.28	06/2003	06/2004
4	3240RS	Sha Tin	301LS Ma On Shan Sports Ground - Phase 2	105.20	10/2002	07/2004
5	3375RO	Kwai Tsing	114LS District Open Space in Areas 3 and 8, Tsing Yi	66.60	10/2002	07/2004
6	3371RO	Tuen Mun	308LS Local Open Space in Area 14 (Mouse Island), Tuen Mun	31.40	10/2002	07/2004

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
7	3381RO	Yuen Long	177LS Local Open Space in Ping Shan, Yuen Long	31.80	02/2003	08/2004
8	3377RO	Yuen Long	183LS Local Open Space in Area 15, Tin Shui Wai	44.00	12/2002	09/2004
9	-	Sha Tin	234LS Local Open Space Area 75, Ma On Shan (Territory Development Department Greening Project)	3.18	04/2003	11/2004
10	-	Island	224LS Tong Fuk Beach Building Lantau (Implemented as minor works item)	1.97	01/2004	11/2004
11	3384RO	Kwun Tong	397CR Improvement to Lok Wah Playground, Kwun Tong	44.90	02/2003	12/2004
12	3382RO	Tai Po	294LS District Open Space in Area 5, Tai Po	34.30	12/2002	05/2005
13	3241RS	Tai Po	030LS Football Pitch in Area 5, Tai Po	43.00	04/2003	06/2005
14	3373RO	Islands	283LS District Open Space in Area 7, Tung Chung	58.70	02/2003	04/2005

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
15	3386RO	Tuen Mun	154LS District Open Space Area 18, Tuen Mun	35.20	05/2003	08/2005
16	-	Tuen Mun	315LS Improvements to Butterfly Beach Area 44 (Ferry Pier) Tuen Mun (To be implemented as minor works item)	7.00	11/2004	07/2005

Annex 3

**34 Outstanding Ex-Municipal Councils Projects
18 Projects with Implementaion Programme**

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
1	3374RO	North	076LS Local Open Space in Areas 18 and 21 Fanling	33.60	07/2002	12/2005
2	-	Islands	271LS Tung Wan Beach Building, Cheung Chau (To be implemented as minor works item)	13.00	01/2003	10/2005
3	3379RO	Yau Tsim Mong	121CR Cherry Street Park, Tai Kok Tsui	91.10	12/2003	10/2006

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
4	-	Tuen Mun	132LS District Open Space Area 16 (Yau Oi South) Tuen Mun (Funded by CLP)	4.00	07/2004	12/2005
5(i)	3052RE	Territory -wide	Renovation of libraries - Phase 1 works	125.20	02/2005	01/2007
5(ii)	3049RE	Territory -wide	Renovation of libraries - Phase 2 works	120.54	02/2007	11/2008
6	3244RS	Sha Tin	211LS Hin Tin Swimming Pool - Phase 2	173.80	03/2005	05/2007
7	-	Kowloon City	458CR Sheung Lok Street Rest Garden (Site B), Kowloon City (To be implemented as minor works item)	13.90	04/2005	08/2006
8	3390RO	Yuen Long	320LS Local Open Space in Areas 25, 25A and 25B, Tin Shui Wai, Yuen Long	67.60	11/2005	08/2007
9	3396RO	Islands	282LS District Open Space Area 2, Tung Chung, Lantau	37.80	11/2005	08/2007
10	3394RO	North	137LS District Open Space in Area 39, Fan Ling/Sheung Shui	34.70	11/2005	08/2007

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>PWP No.</i>	<i>District</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Actual/ Anticipated Works Start Date</i>	<i>Actual/ Anticipated Works Completion Date</i>
11	3399RO	Tuen Wan	300LS District Open Space in Area 35, Tsuen Wan - Phase 2	49.50	11/2005	11/2007
12	3242RS	Sai Kung	298LS Tseung Kwan O Sports Ground	293.10	12/2005	12/2008
13	-	Tuen Mun	326LS Local Open Space Area 52 (Ching Chung) Tuen Mun (Implemented as minor works item)	14.50	12/2006	12/2007
14	3388RO	Sham Shui Po	204CR Sham Shui Po Park (Stage II)	48.20	12/2006	11/2008
15	3-52RO	Sai Kung	311LS District Open Space Area 40A, Tseung Kwan O	51.03	12/2006	12/2008
16	3--1RS	Islands	22MF Indoor Recreation Centre (Type C) cum Library in Area 17, Tung Chung, Lantau	305.00	12/2006	10/2009
17	3-54RO	Tuen Mun	260LS Local Open Space Area 16 (Yau Oi South) Tuen Mun	64.09	02/2007	01/2009
18	3-31RO	Eastern	365CR Improvement to Victoria Park - Swimming Pool Complex	320.00	07/2008	05/2013

WRITTEN ANSWER — Continued**Annex 4**

25 Priority Projects
(as at 30 September 2005)

<i>Item No.</i>	<i>District</i>	<i>PWP No.</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Anticipated Works Start Date</i>	<i>Anticipated Completion Date</i>
<i>Construction to commence in 2007</i>						
1	Yau Tsim Mong	-	405CR Open Space at Tai Kok Tsui Temporary Market (To be implemented as minor works item)	14.50	Late 2006 (Late 2006)	Early 2008 (Mid-2008)
2	Eastern	247RS	Improvement works to Victoria Park Tennis Centre	55.50	Mid-2007* (2006)	Mid-2009 (Early 2009)
3	Tsuen Wan	404RO	299LS Local Open Space Sham Tseng Area 50 Tsuen Wan	17.50	Mid-2007 (Late 2008)	Mid-2008 (Late 2010)
4	North	403RO	071LS Local Open Space in Area 28 Fan Ling/Sheung Shui	31.30	Mid-2007 (Early 2009)	Late 2008 (Mid-2011)
5	Sha Tin	395RO	313LS Ma On Shan Waterfront Promenade	176.40	Mid-2007 (Early 2008)	Late 2010 (Late 2011)
6	Southern	3-47RO	307CR Recreational Development of the "LO" site at North Ap Lei Chau Reclamation	99.00	Late 2007 (Early 2009)	Early 2009 (Early 2011)

* Implementation programme affected as venue needs to be partially opened to the public during construction.

() Tentative implementation schedule as at 9 May 2005.

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>District</i>	<i>PWP No.</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Anticipated Works Start Date</i>	<i>Anticipated Completion Date</i>
7	Kwai Tsing	401RO	District Open Space in Shek Yam Estate (Phases I and IV), Kwai Chung	43.80	Late 2007 (Early 2009)	Mid-2009 (Late 2011)
8	Yuen Long	405RO	316LS District Open Space in Area 107 Tin Shui Wai	83.86	Late 2007 (Early 2008)	Mid-2009 (Mid-2010)
9	Kwai Tsing	402RO	293LS District Open Space in Area 9 Tsing Yi	170.20	Late 2007 (Early 2009)	Late 2009 (Late 2011)
<i>Construction to commence in 2008</i>						
10	Kwun Tong	5238RS	218CR Provision of Recreational Facilities on Jordan Valley former Landfill, Kwun Tong	172.80	Early 2008 (Early 2008)	Mid-2010 (Early 2011)
11	Wong Tai Sin	-	116CR Ngau Chi Wan Recreation Ground	196.00	Early 2008 (Early 2010)	Mid-2010 (Late 2012)
12	Islands	3-35RO	284LS District Open Space in Area 18 Tung Chung Lantau	158.00	Mid-2008 (Early 2009)	Late 2010 (Late 2011)
13	Wong Tai Sin	3-63RO	319CR "DO" Development at Po Kong Village Road	400.00	Mid-2008 (Early 2009)	Early 2011 (Early 2012)
14	Eastern	3--1RG	050CX Siu Sai Wan Complex	217.30	Mid-2008 (Mid-2009)	Early 2011 (Early 2012)
15	Tai Po	-	Development of a Bathing Beach at Lung Mei, Tai Po	72.40	Late 2008 (2008)	Late 2010 (Late 2010)

() Tentative implementation schedule as at 9 May 2005.

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>District</i>	<i>PWP No.</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Anticipated Works Start Date</i>	<i>Anticipated Completion Date</i>
<i>Construction to commence in 2009</i>						
16	Kowloon City	-	Construction of an Annex Building for the Ko Shan Theatre	110.00	Early 2009 (2009)	Mid-2011 (Late 2011)
17	Islands	3--2RS	292LS Swimming Pool Complex in Area 2, Tung Chung, Lantau	200.00	Early 2009 (Mid-2011)	Late 2011 (Early 2014)
18	Yuen Long	3-17RS	69LS Tin Shui Wai Public Library cum Indoor Recreation Centre	540.00	Early 2009 (Mid-2009)	Late 2011 (Late 2011)
19	Central and Western	3-30RO	388CR Sun Yat Sen Memorial Park (Phase II)	369.00	Early 2009 (Mid-2009)	Early 2012 (Mid-2012)
20	Tuen Mun	3-13RS	040LS Swimming Pool Complex in Area 1 (San Wai Court) Tuen Mun	261.00	Early 2009 (Mid-2010)	Early 2012 (Late 2012)
21	Tai Po	-	051LS Leisure Centre Area 33, Tai Po	122.20	Late 2009 (2011)	Late 2011 (Late 2013)
<i>Construction to commence in 2010</i>						
22	Yuen Long	3-16RS	096LS Public Library and Indoor Recreation Centre, Area 3, Yuen Long	288.00	Early 2010 (Mid-2012)	Late 2012 (Late 2014)
23	Sai Kung	3--3RM	027MF Tseung Kwan O Complex, Area 44, Tseung Kwan O	370.00	Early 2010 (Mid-2011)	Early 2013 (Late 2013)

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>District</i>	<i>PWP No.</i>	<i>Project No./ Project Title</i>	<i>Estimated Project Cost (\$ million)</i>	<i>Anticipated Works Start Date</i>	<i>Anticipated Completion Date</i>
24	North	-	171LS Indoor Recreation Centre Area 28A, Fan Ling/ Sheung Shui	167.45	Mid-2010 (Mid-2012)	Late 2012 (Late 2014)
25	Tsuen Wan	-	276LS Ecological Park (Tso Kung Tam Valley, Tsuen Wan)	274.27	Mid-2010 (2011)	Late 2012 (Late 2013)

Annex 5

Two Projects to be tried out through Private Sector Finance

<i>Item No.</i>	<i>District</i>	<i>Project Title</i>
1	Kwun Tong	Leisure and Cultural Centre in Kwun Tong
2	Sai Kung	Ice Sports Centre in Tseung Kwan O

Annex 6

70+ 4* Outstanding Ex-Municipal Council Projects put under further review
(as at October 2005)

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
<i>Eastern</i>		
1	Quarry Bay Park Phase II (Stages 2 and 3)	82.80
2	338CR Improvement of camping facilities in Lei Yue Mun Park and Holiday Village	119.95
3	Proposed Park in Aldrich Bay	82.50

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
<i>Southern</i>		
4	313CR Replenishment of the Stanley Main Beach	48.39
5	126CR Leisure Centre at Wah Fu	499.65
<i>Central and Western</i>		
6	381CR Proposed Education Centre cum Office Accommodation at Hong Kong Zoological and Botanical Gardens	7.00
<i>Kowloon City</i>		
7	454CR "LO" site at Chung Yee Street	36.75
8	155CR Lo Lung Hang Garden	110.25
<i>Yau Tsim Mong</i>		
9	421CR Open Space Development in West Kowloon Reclamation at Road D10	14.20
10	330CR Regional Park at West Kowloon Reclamation	Nil
<i>Sham Shui Po</i>		
11	399CR Improvement to Cheung Sha Wan Playground	6.20
12	456CR Lai Chi Kok Park Stage III (IGC-Phase IB)	199.50
13	045CX Tung Chau Street Complex	441.00
<i>Kwun Tong</i>		
14	092CR Kai Tak Park	93.24
15	424CR Lam Tin Park (Phase II) (that is, Ma Yau Tong Central Landfill)	43.47

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
16	120CR Lam Tin North Family Leisure Centre	519.75
<i>Wan Chai</i>		
17	368CR New Tennis Centre cum Carpark at Moreton Terrace	232.42
<i>Tai Po</i>		
18	065LS Local Open Space Area 6, Tai Po	24.00
19	020LS Recreation Ground Area 33, Tai Po	40.00
20	094LS Indoor Recreation Centre Area 6, Tai Po	113.15
21	214LS Tai Mei Tuk Water Sports Centre Extension, Area 74, Tai Po	84.63
22	025LS Ha Hang Village Playground Area 31, Tai Po	22.63
23	213LS Local Open Space Area 32, Tai Po	16.75
24	324LS Golf Course in Shuen Wan Landfill, Tai Po	133.28
25	009CE Tai Po New Civic Centre	769.40
<i>Yuen Long</i>		
26	178LS Local Open Space Hung Shui Kiu Phase I	15.00
27	179LS Hung Shui Kiu Town Square	15.00
28	005LS Sports Complex and District Open Space Area 12 Yuen Long	176.51

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
29	159LS Indoor Recreation Centre Area 12, Yuen Long	167.45
30	319LS Leisure Centre Area 101, Tin Shui Wai	190.08
31	318LS Local Open Space Kau Hui Yuen Long	32.00
32	187LS Swimming Pool Complex Kam Tin	123.10
33	188LS Indoor Recreation Centre Kam Tin	167.45
34	259LS Local Open Space Hung Shui Kiu Phase II	28.97
35	001MF Hung Shui Kiu Complex	374.05
36	012CE District Square Areas 33A and 29, Tin Shui Wai	23.40
<i>Tuen Mun</i>		
37	042LS Recreation Ground Area 17 (Industrial City) Tuen Mun	33.50
38	135LS Recreational Facilities in Green Belt Area, Tuen Mun Phases I and II (Ching Chung)	24.62
39	307LS District Open Space in Area 27 (San Shing) Tuen Mun	58.11
40	158LS Recreational Facilities Western Extension Area (Tap Shek Kok) Tuen Mun	51.23
41	003MF Local Open Space in Area 40 (Tsing Shan) Tuen Mun	17.20
42	107LS Indoor Recreation Centre Area 14 (Siu Lun) Tuen Mun	130.00

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
43	302LS Hung Lau Park (former Castle Peak Farm)	85.81
<i>North</i>		
44	085LS Local Open Space Area 20, Fan Ling/Sheung Shui	23.00
45	089LS District Open Space Area 17, Fan Ling/Sheung Shui	32.58
46	201LS District Open Space Areas 47 and 48, Fan Ling/Sheung Shui	35.30
47	202LS District Open Space Area 27D, Fan Ling/Sheung Shui	22.63
48	086LS Local Open Space Area 25, Fan Ling/Sheung Shui	21.72
49	204LS District Open Space Area 4 (Remainder) Fan Ling/Sheung Shui	28.06
50	District Open Space Area 37, Fan Ling/Sheung Shui	66.00
51	007CE Civic Centre for North District	633.62
<i>Sha Tin</i>		
52	212LS District Open Space Area 90, Ma On Shan	39.30
53	024MF Indoor Recreation Centre-cum-Library Area 14B, Sha Tin	335.00
54	036LS District Open Space Area 11, Sha Tin	107.53
55	013LS Indoor Recreation Centre Area 24D, Sha Tin	152.07

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
56	092LS Indoor Recreation Centre Area 103, Ma On Shan	141.66
57	046LS Local Open Space Area 4C, Sha Tin	20.18
58	025MF Redevelopment of Fo Tan Cooked Food Market, Sha Tin	157.59
59	011CE Expansion of Sha Tin Central Library	177.41
<i>Kwai Tsing</i>		
60	081LS Indoor Recreation Centre Area 4, Tsing Yi	159.00
61	227LS Indoor Recreation Centre Area 9H, Kwai Chung	142.11
<i>Islands</i>		
62	223LS Kwun Yam Wan Beach Building Cheung Chau	34.40
63	006CE Civic Centre for Islands District	633.62
<i>Sai Kung</i>		
64	306LS Indoor Recreation Centre in Area 4, Sai Kung	169.27
65	008CE Civic Centre for Sai Kung District Area 66, Tseung Kwan O	633.62
66	233LS District Open Space in Area 37, Tseung Kwan O	34.03
<i>Tsuen Wan</i>		
67	245LS District Open Space Area 3, Tsuen Wan	54.00
68	252LS District Open Space and Indoor Recreation Centre Area between Tsuen Wan Park and Tsuen Wan Road	235.35

WRITTEN ANSWER — Continued

<i>Item No.</i>	<i>Project No./Project Title</i>	<i>Estimated Project Cost (\$ million)</i>
69	243LS District Open Space Area 2, Tsuen Wan	135.78
70	314LS Improvement to the Facilities in Approach Beach	126.72

* Four other projects reactivated at DCs' request, also put under further review

71	Conversion of the Secondary Pool of the Lai Chi Kok Park Swimming Pool into an Indoor Heated Pool	35.40
72	632XY Redevelopment of Cheung Sha Wan Road/ Cheung Shun Street Playground	6.21
73	160CR Temporary Recreational Development at Ma Yau Tong West Landfill	59.96
74	265LS Kwai Chung Park	400.00