

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 7 December 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

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

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 JAMES TO KUN-SUN

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 SIN CHUNG-KAI, J.P.

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 ALBERT CHAN WAI-YIP

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

**MEMBER ABSENT:**

THE HONOURABLE LEUNG YIU-CHUNG

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE RAFAEL HUI SI-YAN, G.B.S., J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.  
THE FINANCIAL SECRETARY

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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): It is a cold day. Members have not yet entered the Chamber. Will the Clerk please ring the bell to summon them to the Chamber? *(Laughter)*

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

**PRESIDENT** (in Cantonese): Right. Meeting shall now start.

### **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>
Registered Designs Ordinance (Amendment of Schedule) Regulation 2005 .....	215/2005
Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2005 .....	216/2005
Patents Ordinance (Amendment of Schedule 1) Order 2005 .....	217/2005
Layout-Design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2005.....	218/2005
Designation of Libraries (No. 2) Order 2005 .....	219/2005
Tax Reserve Certificates (Rate of Interest) (No. 9) Notice 2005 .....	220/2005

## Other Papers

- No. 36 — Emergency Relief Fund Trustee's Report on the Fund and Audited Statement of Accounts and Director of Audit's Report for the year ended 31 March 2005
- No. 37 — Annual Report of The Prince Philip Dental Hospital by its Board of Governors, and Audited Statement of Accounts and Auditor's Report for the Hospital, for the period from 1 April 2004 to 31 March 2005

## ORAL ANSWERS TO QUESTIONS

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

### Sample Tests on Plastic Disposable Tableware

1. **DR JOSEPH LEE** (in Cantonese): *President, it has been reported that in a recent sample test on plastic disposable tableware conducted by the State General Administration of Quality Supervision, Inspection and Quarantine, about half of the samples were found to contain excessive amount of recycled plastic that would release toxic and carcinogenic chemicals when coming into contact with hot, fatty or acidic substances. In this connection, will the Government inform this Council:*

- (a) *of the places of origin of the plastic disposable tableware used in Hong Kong, together with their respective market shares;*
- (b) *of the details and specific results of the chemical tests conducted on the 30 collected samples of plastic disposable food containers by the Food and Environmental Hygiene Department (FEHD) in the past three years, and whether it plans to conduct more sample tests; and*
- (c) *whether it will introduce legislation to stipulate that the package labels of plastic disposable tableware products shall include information about the raw materials used as well as the heat and acid resistance of the products, so that the catering sector and consumers can make informed choices?*

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

- (a) Given that the tableware products in Hong Kong come from different places in the world and as we have an open economy, the Government does not have such data in hand. However, the Customs and Excise Department (C&ED) has enquired with the State General Administration of Quality Supervision, Inspection and Quarantine for specific information about the substandard products, such as their origins and identities of Hong Kong importers, in order to investigate whether such products have entered Hong Kong.
- (b) Over the past three years, the FEHD has taken 30 samples of disposable tableware, including plastic bottles of drinks, cups, bowls, boxes, and so on, for migration of chemical substance tests, in order to study whether the containers would affect food safety. All the test results were satisfactory. The FEHD will continue to take samples of disposable plastic food containers for testing. The Government would continue to monitor the situation closely, in order to determine whether it is necessary to conduct more sample tests.
- (c) The FEHD has already commenced a study on disposable plastic food containers with the Consumer Council. The results are expected to be completed and published by 15 December 2005. The Department would examine the study results, in order to determine whether further regulation is required.

As regards labelling, according to the Consumer Goods Safety Ordinance and the enforcement experience of the C&ED, for any consumer goods that pose potential hazard to consumers and where addition of safety warning would help ensure that the consumer goods are reasonably safe, the suppliers are required to add labels in both Chinese and English to warn consumers on the safe keeping, use, consumption and handling of the consumer goods. For "disposable plastic utensils", the supplier should add suitable labels to warn consumers in cases where the tableware would release toxic impurities when they come in contact with food that is at high temperature, acidic or oily.

**DR JOSEPH LEE** (in Cantonese): *President, in his main reply the Secretary did not specifically tell us the results of the tests, but it does not matter even if we are not provided with the results. I only wish to ask the Secretary this: How many of the disposable products currently available in the market are required to be labelled before they can be offered for sale?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as regards the details of the chemicals tested, in fact, different chemical tests will be conducted on different kinds of raw materials. Generally speaking, we will first ascertain whether a product contains heavy metal and then, whether it contains residual monomers. Besides, we will examine if the container contains additives that can affect the food. With regard to the testing methods, different methods will be employed for different raw materials. As for how many tableware products are required to be labelled, we do not have such data. But if the C&ED or the FEHD found problems with the containers, we will require the suppliers to add labels to their products.

**MR FRED LI** (in Cantonese): *President, in part (b) of the main reply the Secretary said that tests had been conducted on disposable plastic products, but I found that these products did not include chopsticks, plastic forks and plastic knives. Is it that these tableware products do not need to be tested? Were they omitted? If so, will they be tested?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as far as I know, the C&ED, in view of the recent incident, has conducted sample tests on 54 dozens of disposable plastic tableware products including forks, teaspoons, spoons and knives. All were tested by the Government Laboratory and proven to be in compliance with international and state standards. I can read out these standards, but I actually do not quite understand them: GB9688-88, hygiene standard of product of polypropylene for food packaging; GB9689-88, hygiene standard of product of polystyrene for food packaging; and GB13113-91, hygiene standard of product of polyethylene terephthalate or PET for use as food container and for food packaging.

**DR RAYMOND HO** (in Cantonese): *President, in parts (b) and (c) of his main reply the Secretary mentioned that the Government will continue to conduct tests and monitor the situation closely before determining whether it is necessary to conduct more sample tests, rather than conducting more tests. It is mentioned in part (c) that according to the Consumer Goods Safety Ordinance, suppliers are required to add on their products labels in both Chinese and English. The Government has given us the impression that it is passive. Will the Government step up government-led tests in order that it can decide which products should be labelled based on the information and experience of the Mainland on plastic containers and tableware products such as knives and forks, and will the Government enact legislation for the purpose?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as there is no international consensus on regulatory control in this respect, and as food containers and utensils in Hong Kong come from different parts of the world, our decision on what actions to take often depends on the regulation imposed at those places. In this connection, we will decide with reference to the need which place's products shall require more stringent inspections and which products shall require labelling. Hong Kong is a rather special place because these products are very rarely produced locally and so, we do not have in place a complete set of standards.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, lunch boxes are among those disposable plastic containers first appeared in the market. After microwave ovens have become more popular, we notice that there are labels on many products indicating that other containers should be used for heating. Later, there are plastic containers that can be put into microwave ovens for heating. But some containers are still not labelled. Has the Government conducted studies on whether it is primarily because hazardous substances will be released in the course of heating, and whether it is necessary for the Government to issue guidelines or impose requirements, so that the public will know how to handle these containers?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as I mentioned earlier, the FEHD and the Consumer Council have conducted a study in this regard. The results of the study and analysis will

be published next week. I would like to leave it to the Consumer Council and colleagues of the FEHD to explain to the public next week.

**MISS CHOY SO-YUK** (in Cantonese): *President, in the main reply the Secretary pointed out that the containers would be tested to ascertain whether they would release harmful carcinogenic substances. But in fact, we already know very well that some disposable containers, such as styrofoam lunch boxes, will be decomposed in high temperature or when coming into contact with boiling oil or when the food contained is reheated in them. Even if no harmful substances are released, it may still affect public health. The Secretary has given me an undertaking that tests would be conducted on plastic containers. But the main reply only stated that tests would be conducted on the substances released. Even though plastic does not release any particular substances, has the Secretary studied the effects on the health of children when they have taken it for a long time? Will there be any effects on their health?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as I mentioned just now, the FEHD and the Consumer Council have conducted studies and surveys in this regard, and the results will be published next week. On the question of whether food containers will release harmful substances when heated or when coming into contact with oily or acidic substances, I hope that a detailed explanation will be given to the public by the Consumer Council next week. I do not have detailed reports about this on hand.

**MISS CHOY SO-YUK** (in Cantonese): *President, I was not asking whether the containers would release harmful substances. My question is: What effects will there be on their health if they have eaten such plastic material? Has the Government conducted any study?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, is Miss CHOY So-yuk saying that children may eat the plastic of lunch boxes together with the food and so, she asked if it will be harmful? Am I right?

**MISS CHOY SO-YUK** (in Cantonese): *President, I mean when the plastic is decomposed and then taken by children together with the food.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We certainly do not hope that children will do so. I need to consult our medical experts in order to understand whether it will do any harm and how harmful it will be. I think if children have swallowed or eaten this substance which they should not have eaten, they should be taken to the Accident and Emergency Department as soon as possible for examination.

**MISS CHOY SO-YUK** (in Cantonese): *President, I must elucidate my question. The Secretary entirely does not understand what I mean. What I am saying is that plastic lunch boxes will be decomposed in high temperature, and this is a known fact. When oil is added to Chinese food which is then put into the lunch box and covered, some plastic of the lunch box will be decomposed and the raw material of the lunch box will mix with the food. Even though the lunch box itself does not release toxic substances, will such decomposed material mixed with the food have any effect on health when it is consumed by humans? Has the Government conducted any study on this?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, on this supplementary question, I have to examine if this is considered in the study conducted by the Consumer Council this time round. As far as we know, food manufacturers supplying lunch boxes are required to meet an additional licensing condition and that is, the food containers must have a sufficient degree of heat and acid resistance, and they must not be made of materials that may release toxic chemicals. The containers must be disposed of or thoroughly rinsed with water or cleaning agent after every use. So, in this regard, I believe we already have in place relevant regulatory legislation; lunch box suppliers should operate in compliance with the legislation and we can also exercise monitoring in accordance with the legislation.

**MR WONG YUNG-KAN** (in Cantonese): *In reply to this question, the Secretary pointed out in part (c) of his main reply that if necessary, the supplier of "disposable plastic utensils" is required to add labels. The Secretary also*

*said earlier that he would leave it to the Consumer Council to study how this should be handled. Secretary, if the Consumer Council considers it necessary to enact legislation in order to impose regulation, will the Government incorporate this aspect into the scope of its regulation in respect of food safety?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): To put it simply, yes. Madam President, we consider that food safety is an issue of concern to all Hong Kong citizens. If the Food Safety, Inspection and Quarantine Department is established, we hope to transfer all food-related legislation and monitoring work to this Department for enforcement. Certainly, depending on the risk assessment, we will look into which area of work needs to be given priority, and the problems in that area will then be reviewed first. We will also enact legislation if it is considered necessary.

**DR KWOK KA-KI** (in Cantonese): *President, the Secretary's reply seems to have attached great importance to food safety. However, the Government has only conducted 30 sample tests over the past three years. While the Secretary mentioned co-operation with the Consumer Council, can he tell us whether the frequency and extent of tests will be reviewed when the Government formulates policies on this issue of great public concern, so that members of the public will know that the tests conducted are adequate and that the tests can reflect the actual circumstances?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as I said earlier, we make decisions on the Government's work in respect of food safety and the aspects requiring enhanced monitoring based on the risk assessment. I believe that insofar as risk is concerned, the risk of food itself is greater than the risk of food containers. If containers or tableware products in Hong Kong are found to carry potential risks, we will conduct more sample tests and step up control. We will, on the one hand, conduct tests on containers and utensils in the market while at the same time, we will gather information in other places and pay attention to which tableware products or which type of plastic materials may pose risks. In this regard, we will look at the overall supply situation in the Hong Kong in making a decision. If we just conduct more sample tests to the neglect of other food safety issues of

greater importance, I do not think we can achieve very high efficiency in our work. We will certainly look at the overall development in making decisions, especially as the results of tests over the years have shown that the containers are very safe, and there has been no incident of any patient found to suffer toxication as a result of coming into contact with tableware products or food containers. In this connection, we will monitor the situation closely, but Members must understand that public resources must not be expended lightly.

**PRESIDENT** (in Cantonese): We have spent over 18 minutes on this question. Last supplementary question.

**DR LUI MING-WAH** (in Cantonese): *President, in his reply to part (a) of Dr Joseph LEE's question, the Secretary said that the C&ED has enquired with the State General Administration of Quality Supervision, Inspection and Quarantine for specific information about the substandard products. Can the Government obtain such information from the importers? I am afraid that when we enquire with the State General Administration of Quality Supervision, Inspection and Quarantine, the information given to us will all be positive, as they may tell us that no substandard product may enter Hong Kong. Why does the Government not enquire with local sources about such information?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we certainly can enquire with importers about this information. But from past experience, we believe the State General Administration of Quality Supervision, Inspection and Quarantine will provide us with detailed information on the places of origin and the relevant information, and very often, the information given to us is not positive. The most important principle is that we should look at the problem with emphasis on control at source, and only in this way will we obtain more accurate information. If the problem tableware products are supplied to Hong Kong by the same supplier, we will be able to grasp the crux of the problem more expeditiously.

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

**Maintaining Competitiveness of Local Port Business**

2. **MR CHAN KAM-LAM** (in Cantonese): *President, a local consortium sold part of its interest in the local container terminal business to the Port of Singapore Authority in July this year, and invested more than \$10 billion last month in expanding the container terminals at Yantian port in Shenzhen. In this connection, will the Government inform this Council:*

- (a) *whether it has contacted the consortium to find out the reasons for its divestment of the local container terminal business;*
- (b) *whether it has assessed the impacts of the northerly relocation of business by Hong Kong businessmen on the economic outlook of Hong Kong, if it has, of the outcome of the assessment; and*
- (c) *of the measures to maintain the competitiveness of Hong Kong's port business?*

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

- (a) All the container terminals in Hong Kong are owned and operated by the private sector. As the transfer of company shares by the container terminal operator is purely a commercial decision, the Government would not take any intervention action.
- (b) We completed a strategic planning study on the 20-year development of our port - the "Hong Kong Port - Master Plan 2020 Study" (HKP2020) at the end of 2004. The study took into account a series of factors affecting port development in Hong Kong, including growth in external trade in the South China Region; the development and expansion plans of Hong Kong's neighbouring ports; and the competitiveness of our port, and so on. The study recommended that Hong Kong should enhance its port competitiveness; strengthen the connectivity with the Mainland; and reduce the overall transportation costs in order to maintain our hub port position.

- (c) In the light of the rapid development of our neighbouring ports, Hong Kong needs to grasp the emerging business opportunities in the Pearl River Delta Region, and maintain our position as the leading trading and logistics hub. In this connection, the Government has consulted the industry on the recommendations of the HKP2020 study and has taken forward a number of measures to enhance Hong Kong's port competitiveness. Progress of these measures is summarized below:
- (i) Trucking cost — Following our discussion with the Guangdong provincial authorities, the "four-up-four-down" rule and "one-truck-one-driver" rule have been relaxed, and the validity period of licences for operating cross-boundary trucking business has been extended from three to six years. The Guangdong provincial authorities have also agreed to extend customs operating hours according to the cargo volume and practical needs of different regions. We hope that the above relaxations will enhance the efficiency of the trucking industry and lower the transportation cost.
  - (ii) Port fees and charges — The Government will streamline the port operation procedures, reduce port fees and charges, and increase the mid-stream cargo handling capacity through establishing more service anchorages, with a view to attracting more river and transshipment cargoes to Hong Kong. We have consulted the Panel on Economic Services of the Legislative Council regarding these measures and obtained the Panel's support. We gazetted three pieces of subsidiary legislation for fees reduction and establishment of service anchorages on 18 November. These measures will be implemented in early 2006 on completion of the necessary legislative procedures. When these measures are implemented, a medium sized vessel calling Hong Kong for two days can save 25% anchorage charge, whilst a river trade vessel using the multiple entry permits can save up to 50% of the cost on entry permit.
  - (iii) Terminal handling charge (THC) — We will continue to facilitate dialogues among relevant parties to enhance the transparency of THC and its charging mechanism.

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- (iv) Enhancing port productivity — After consulting the industry and with the support of the Port Development Council, suitable container terminal back-up land will be made available to meet port operational needs. The first two barging facilities will be put up for open tender in early 2006.
- (v) Improvement to transport infrastructure — To facilitate the flow of goods across the boundary, a new bridge connecting Lok Ma Chau and Huanggang dedicated for goods vehicles has been in operation since January 2005, and the Hong Kong-Shenzhen Western Corridor will be opened in mid-2006. In addition, the Stonecutters Bridge connecting Container Terminal 9 with other terminals in Kwai Chung will be completed by 2008.
- (vi) On overall infrastructure planning — We will follow the recommendations of the HKP2020 Study to conduct an ecology study on northwest Lantau to assess its environmental suitability for the development of Container Terminal 10, and a port cargo forecast study to determine the optimal timing for the construction of the terminal. Both studies are scheduled to commence by the end of this year. We will review the port expansion options when more data are available.
- (vii) Strengthening Hong Kong as the prime logistics information centre — The Digital Trade Transportation Network (DTTN) to be launched soon will provide an open, neutral, secure and reasonably priced e-platform to facilitate information flow along the supply chain in an efficient and reliable manner. The DTTN System will:
- improve the overall effectiveness and efficiency of the logistics industry as savings in terms of reduction in paperwork and removal of the need for data re-entry can be realised;
  - promote the adoption of information technology and e-commerce, especially amongst the small and medium sized enterprises (SMEs);

- encourage the logistics industry to provide high quality, reliable and high efficiency services to enhance their competitiveness in the market; and
- facilitate the logistics industry to meet international trade requirements.

Madam President, we believe that the above measures will enhance the efficiency and competitiveness of our port to meet the challenges facing Hong Kong.

**MR CHAN KAM-LAM** (in Cantonese): *President, the Secretary did not give a direct reply to parts (a) and (b) of my main question.*

*The huge volume of export from Hong Kong can be attributed mainly to re-exports. The reply given by the Government points out that by making reference to the HKP2020 strategic planning study, the authorities have already taken a series of measures. However, the measures spelt out in the main reply are those that can be accomplished in the short term, that is, measures that can be introduced early next year, but some of them can be implemented only in 2008. Even the Container Terminal 10 project is still under study and at the stage of undergoing an environmental suitability assessment, and it is not known when the work on many other items will commence. May I know if the Government will consider devising an appropriate strategy according to circumstances? In view of the development of neighbouring ports and the challenges posed by the competition from them, will the Government review if the measures adopted under the present strategy are adequate in coping with the situation and will some strategic adjustments be made?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, as pointed out by Mr CHAN Kam-lam, we certainly understand that if we want to maintain our competitiveness, no matter in the short, medium or long term, we must do everything we can. I believe Mr CHAN Kam-lam must have heard the immediate measures cited just now, such as the reduction in fees and charges, which will be implemented around next

month and some mid-term measures, for example, infrastructural projects such as the Hong Kong-Shenzhen Western Corridor, which will come into operation next year. However, some of the measures can be implemented only in 2008. What I want to say is that some of the measures were in fact launched as early as January this year, in other words, the authorities have been taking medium-term, short-term or long-term measures. However, as Mr CHAN Kam-lam said, everything hinges on the strategic development plan and that explains why we conducted the HKP2020 strategic planning study. Following the recommendations of the study, we are now in fact working on all fronts. I have said just now that insofar as the infrastructure is concerned, some are short-term measures whereas others are long-term ones and regarding the software, I have already mentioned the DTTN, that is, the Digital Trade Transportation Network, which will be conducive to the development of the logistics industry.

We have also taken measures with regard to back-up land, so as to enhance efficiency. As regards fees and charges, I have said that fees and charges will be reduced and procedures will be streamlined to encourage more vessels to use our port. In addition, concerning the "four-up-four-down" and "one-truck-one-driver" requirements, we have all along been holding talks with the Guangdong Province. As regards whether the customs operating hours can be extended, some headway has also been made in this regard. For example, a pilot scheme is being conducted in several cities near Dongguang and in Jiangmen to see how the customs operating hours can be extended.

I only wish to point out that Members can indeed see that be it short-term or long-term measures, we have been making efforts all along, provided that they are within our ability, and they include the long-term measures mentioned by Mr CHAN Kam-lam just now. In fact, after Container Terminal 9 came into operation, Members can see that this terminal still has spare handling capacity. Even so, we will still study when Container Terminal 10 should be constructed. Therefore, Members can see that, in terms of planning, we have been doing everything we can.

**MR CHAN KAM-LAM** (in Cantonese): *President, the Secretary has still not answered parts (a) and (b) of my main question. Can you ask the Secretary to give a reply?*

**PRESIDENT** (in Cantonese): Mr CHAN, please repeat the parts that the Secretary has not answered.

**MR CHAN KAM-LAM** (in Cantonese): *President, part (a) of my main question asked if the consortium concerned had been contacted to find out the reasons for its divestment of the local container terminal business and part (b) asked if the impacts of the northerly relocation of business by Hong Kong businessmen on the economic outlook of Hong Kong had been assessed.*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, in fact, I have already answered them but I will be happy to answer them again. I have asked the consortium concerned and the answer it gave me was very simple, that is, it was purely a commercial decision. I believe this is the answer and of course, we will not interfere with the operation of the consortium concerned.

In fact, what I mean is that whereas the consortium concerned has sold part of its interest in the local container terminal business, others have increased their share of interest because they believe the prospect of the container terminal business in Hong Kong is good. I believe Mr CHAN Kam-lam also knows that the consideration offered by the consortium concerned is quite good. I think this is just like buying shares. Some people will sell their shares whereas others will buy them. Some consortia are investing more in the Yantian port while others are investing in Container Terminal 9 in Hong Kong. We are also carrying out planning on the construction of Container Terminal 10. Therefore, the most important thing for Hong Kong is to do all that it can, be aware of the challenges, have a crisis mentality and enhance our competitiveness.

Madam President, I have already spelt out a lot of work that we are undertaking and I am not going to repeat them.

**MR SIN CHUNG-KAI** (in Cantonese): *President, since a lot of things have been done — or what seems to be a lot but in my opinion, it is actually not much — may I ask if the time it takes drivers of container trucks to clear the customs has been shortened? Is it possible to quantify the amount of time saved?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): I believe that for container truck drivers, the most important thing at present is to take measures that are helpful to them as far as possible, for example, to relax such requirements as the "four-up-four-down" and "one-truck-one-driver" rules. In addition, in respect of infrastructure, a new bridge has been built at Huanggang and other facilities will also be provided in the future. To container truck drivers, these measures are helpful to their operation. As regards how much time is actually saved in clearance, I believe that at the present stage, since the "four-up-four-down" and "one-truck-one-driver" rules have been relaxed for only a short period of time, it is necessary for us to make further observations for some time. Therefore, at the present stage, it would be difficult for drivers to work two orders in a day. However, we believe that no matter what, the most important thing is to take all measures that helpful to them.

**MR SIN CHUNG-KAI** (in Cantonese): *President, what the Secretary has just said is in fact a lot of fiddling but no results. The Secretary did not reply to the part concerning quantification in my supplementary, for example, to say that originally, it took one and a half hours to clear the customs but after the Government has taken a number of measures, the time can now be shortened to 50 minutes, and the like.*

**PRESIDENT** (in Cantonese): Mr SIN, I know what you mean. Secretary, have you ever quantified the relevant information?

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, in fact, I believe I have actually made a reply, only that Mr SIN does not like my reply. I believe it is very difficult to quantify the situation. Actually, it is difficult for us to say how much time can be saved for each vehicle. I only wish to say that after the work done by the Government, drivers can actually enjoy greater flexibility. For example, in the past, if a driver fell ill, it would be difficult for him to arrange for a substitute driver due to the "one-truck-one-driver" requirement, whereas it is now possible. In this way, operational flexibility has been enhanced. In sum, I believe the most important thing is not to quantify anything but to do all that is helpful to the industry.

**MR ANDREW LEUNG** (in Cantonese): *President, the Secretary mentioned THC in his main reply and I think this can surely be considered a long-term measure because we consignors have been lobbying for this for a long time. On enhancing efficiency, nowadays, compared with the ports in southern China, the difference in handling charge is over US\$100 and amounts to nearly US\$200. Since so much has been done, can the Secretary tell me the present situation? When will the fees and charges be reduced?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I wish to thank Mr Andrew LEUNG for this question. Just like Mr Andrew LEUNG, I also hope that the THC can be reduced. As far as I know, and I believe Mr Andrew LEUNG is also keenly aware of it, the difference in THC between Hong Kong and Shenzhen is in fact narrowing all the time. Even so, I understand certainly that we all hope that one day, the THC can be reduced.

We have been making efforts to convey our hope to the relevant organizations. The most important thing is how a transparent system can be devised for increases in THC, if necessary. What factors are included in such consideration? How should it be determined? I think that after discussions among various parties, progress is being made in this regard all the time. At least, the THC has not been increased in recent years and transparency has also been enhanced. We will continue to exert efforts and I think we will also invite Mr Andrew LEUNG to join us in discussing this matter with them again. I hope that transparency can continue to be enhanced by holding more dialogues and that eventually, the fees and charges will be reduced one day.

**MR WONG TING-KWONG** (in Cantonese): *President, whether the local container terminal business can survive depends largely on exploring the sources of goods to be transported. At present, the Pearl River Delta Region is the major source of the goods loaded onto ships at the container terminals in Hong Kong. The key is connectivity for the transportation of goods across the boundary. To this end, the Government has continually made improvements to road facilities and put in place port facilities, moreover, the customs procedures have been streamlined and the rules on vehicles and drivers have been relaxed. May I ask if the SAR Government will consider conducting joint studies with the Government of Guangdong Province, so that goods can be transported by rail to the container terminals direct?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, we will be happy to consider any measure that can upgrade our competitiveness, or as I said just now, any measure that can improve the transport infrastructure and reduce costs. We have of course considered the proposal of building a railway linked to the container terminals directly, as Mr WONG Ting-kwong has suggested. The most important thing is that if the data in various aspects indicate that this will be helpful to the sector, we will of course think about it. We will bear in mind this suggestion made by Mr WONG Ting-kwong and see if it will really help the sector.

**PRESIDENT** (in Cantonese): Mr WONG Ting-kwong, has your supplementary not been answered?

**MR WONG TING-KWONG** (in Cantonese): *No, President. I just want to follow up. Sorry about that. (Laughter)*

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

**MR TAM YIU-CHUNG** (in Cantonese): *President, the Panel on Transport of the Legislative Council went to the Yantian Port in Shenzhen to make a site visit yesterday. We found that the development there was very rapid and the rate of growth was over 20%. Moreover, we also found that such works as the hill cutting and tunnel construction were being carried out to link the terminal and the transport infrastructure direct. In view of these developments, when the results of the study on whether Container Terminal 10 should be constructed are available, there will perhaps no longer be any need to build any more container terminals. What are the Government's considerations?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I think Mr TAM Yiu-chung has pointed out that

in the case of the Yantian port, its development is quite rapid. Of course, we cannot say that since the development of container terminals is very important to Hong Kong, Yantian port should not be allowed to develop. In fact, we hope that both the Yantian port and the container terminals in Hong Kong can continue to develop and their competitiveness can be enhanced. Precisely for this reason, even though Container Terminal 9 has come into operation only for a short period of time and it still has spare handling capacity, we have to be forward-looking and cannot stay put at Container Terminal 9. We have to consider whether more terminals should be built. In this regard, of course we have to carry out planning in advance and collect data on the sources of goods, as Members have mentioned.

It is necessary for the sources of goods to continue to increase and we have to know the volume of goods that will be sent to Yantian port and the volume that will be sent to Hong Kong. We also have to know by how much the storage capacity has to be increased and when a new terminal should be built. We cannot just do things by guessing and we have to collect the data in earnest. As Members said, the circumstances are changing all the time and we will conduct a study in this regard in a few weeks' time. At present, the most important thing is to get hold of more data and then look at our development. However, we hope that the Yantian port and the port in Hong Kong can both continue to grow. Certainly, if we review past figures, we will find that the Yantian port has seen continuous growth in the last 10 months and in the same period, the container terminals in Hong Kong have also recorded slight growth.

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

### **Services Provided by Public Hospitals**

3. **DR KWOK KA-KI** (in Cantonese): *President, some front-line doctors of the Hospital Authority (HA) have reflected to me that the HA is considering restructuring the services of public hospitals in Hong Kong. This has upset its staff and affected their morale. Regarding the services provided by public hospitals, will the Government inform this Council:*

- (a) *whether the HA is restructuring the various services of public hospitals, including accident and emergency services; if so, of the reasons for the restructuring; the services that need to be restructured due to under- or over-utilization; and the arrangements being made at present, findings of the reviews conducted and the relevant data in relation to the restructuring of services;*
- (b) *of the utilization rate of the main services of various public hospitals in Hong Kong over the past three years, broken down by disease; and*
- (c) *of the resources that had been cut by the HA during the past three years for Ruttonjee Hospital (RH), Alice Ho Miu Ling Nethersole Hospital (AHMLNH) and other hospitals in relation to hospital services, staffing and funding, and so on; and whether the HA has assessed the impact of the reductions on clinical services?*

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

Madam President,

- (a) At present, the HA has no plan to restructure the services of public hospitals in Hong Kong. I understand that the HA did engage in a review and a discussion on the future direction of public hospital services recently in response to the recommendations of the Health and Medical Development Advisory Committee as set out in the Discussion Paper entitled "Building a Healthy Tomorrow". However, the HA has not carried out any assessment or conducted any study in respect of any proposal to restructure hospital services, including the services of Accident and Emergency Departments.
- (b) The HA does not have a breakdown of the statistical data on the utilization rate of hospital services by disease. The usual practice at the HA is to monitor the utilization of its in-patient service through the bed occupancy rates. Over the past three years (that is, 2002-03, 2003-03 and 2004-05), the overall bed occupancy rate at

public hospitals was 83.2%, 74.4% and 82.5% respectively. The lower rate in 2003-04 was due to the effect of the outbreak of the Severe Acute Respiratory Syndrome (SARS) that year.

A detailed breakdown of the bed occupancy rate at public hospitals by specialty is at Annex A.

- (c) The Government's financial provision for the HA in the past three years was \$29.5 billion, \$28.2 billion and \$27.3 billion respectively. The HA determines how the Government's financial provision and the HA's own income revenue are to be allocated to the hospital clusters, taking into account the medical services provided by each cluster, the population within the catchment area of the cluster and the characteristics of that population. As for the funding allocation to individual hospitals, it is a decision to be made at the cluster level. Over the past three years, the HA's funding allocation to RH was \$617 million, \$594 million and \$573 million respectively, which was in line with the drop in the Government's overall financial provision to the HA. The funding allocation to AHMLNH over the same period was \$810 million, \$771 million and \$778 million, the drop rate of which was less than that of the Government's overall financial provision.

The manpower in clinical and other staff of the two hospitals has remained largely stable over the past three years, although there was a more notable change in the number of doctors at AHMLNH. The main reason for that change was the reorganization of some specialized services within the New Territories East (NTE) Cluster. The Surgery and Obstetrics and Gynaecology Departments of AHMLNH was transferred to North District Hospital and Prince of Wales Hospital respectively, while specialized services in Ear, Nose and Throat, Eye, and Paediatrics were added. The above reorganization has made no impact on the overall level of specialized service within the NTE cluster. In fact, the total number of doctors within the cluster has increased over the past three years from 813 to 858. A breakdown of the number of staff at RN and AHMLNH for the past three years is at Annex B.

## Annex A

## Bed Occupancy Rate at HA Hospitals by Specialty

Specialty	Year	In-patient bed occupancy rate (%)							
		HKE	HKW	KE	KC	KW	NTE	NTW	Overall
Medicine	2002-03	86.3	81.0	95.6	97.9	88.0	97.6	114.9	92.3
	2003-04	75.7	82.5	85.3	88.6	73.4	88.7	87.8	81.5
	2004-05	87.8	85.5	91.9	86.5	94.1	93.1	99.0	91.4
Surgery	2002-03	82.1	84.0	71.7	64.3	74.3	78.2	76.4	75.9
	2003-04	66.5	74.7	68.1	62.7	62.1	72.1	78.5	68.3
	2004-05	78.7	79.3	79.1	75.0	79.9	81.5	95.1	80.4
Obstetrics	2002-03	66.5	61.8	76.8	72.4	82.0	69.5	73.8	73.5
	2003-04	70.6	46.4	84.4	53.6	59.2	59.5	62.3	60.1
	2004-05	74.9	52.5	93.1	57.2	69.2	84.0	73.6	70.1
Gynaecology	2002-03	94.1	67.1	59.8	68.4	80.9	71.3	84.7	73.2
	2003-04	74.0	51.1	51.6	72.4	57.6	62.8	94.2	61.4
	2004-05	79.4	57.8	73.4	73.0	72.6	70.8	91.3	72.0
Paediatrics and Adolescent Medicine	2002-03	74.4	63.6	62.7	65.0	58.0	66.0	77.4	64.3
	2003-04	44.4	57.7	47.3	62.6	47.2	54.4	53.3	52.1
	2004-05	60.2	64.5	68.2	66.0	58.1	81.8	73.5	66.2
Orthopaedics and Traumatology	2002-03	85.5	77.4	86.1	84.0	77.0	80.8	87.9	81.5
	2003-04	69.6	71.1	78.8	76.8	67.5	79.8	77.7	74.0
	2004-05	89.5	78.5	91.8	79.3	90.7	89.1	90.9	87.0
Psychiatric	2002-03	88.0	75.7	96.1	66.7	81.3	73.6	85.1	81.9
	2003-04	85.0	71.3	88.8	54.9	77.9	67.3	84.1	78.0
	2004-05	89.1	61.7	76.9	49.6	73.0	73.9	89.6	79.1
Clinical Oncology	2002-03	84.2	84.4	N/A	76.1	N/A	86.6	106.3	86.4
	2003-04	75.9	81.6	N/A	64.8	N/A	73.6	112.5	77.2
	2004-05	85.9	93.3	N/A	82.8	N/A	86.8	111.8	90.0
Overall (for all specialties)	2002-03	86.1	76.7	86.4	81.3	81.3	83.5	89.1	83.2
	2003-04	77.9	71.1	77.0	74.5	69.2	74.9	81.8	74.4
	2004-05	86.5	75.7	86.2	77.0	80.9	83.3	89.3	82.5

HKE - Hong Kong East Cluster  
 HKW - Hong Kong West Cluster  
 KE - Kowloon East Cluster  
 KC - Kowloon Central Cluster  
 KW - Kowloon West Cluster  
 NTE - New Territories East Cluster  
 NTW - New Territories West Cluster

## A breakdown of the number of staff in AHMLNH and RH

		<i>Doctors</i>	<i>Nurses</i>	<i>Allied health professionals</i>	<i>Others</i>	<i>Total</i>
AHMLNH	2002-03	139.5	506	140.5	524	1 310
	2003-04	143.4	414	151	523	1 231.4
	2004-05	123	458	147	520	1 248
RH	2002-03	90	416	158.5	653.5	1 318
	2003-04	98.5	403.85	158.5	634.5	1 295.35
	2004-05	90	403	153.3	607.6	1 253.9

**DR KWOK KA-KI** (in Cantonese): *President, although the Secretary stated that neither the HA nor the Government is prepared to restructure the services of public hospitals, we actually are aware of the recent moves of possible restructuring or reorganization of hospital clusters. For instance, the doctors of RH have been advised by some senior administrative staff of the HA of possible restructuring of services, which has caused great annoyance to the health care staff of RH enormously.*

*Although the Secretary pointed out that the drop in funding allocation to RH was in line with the drop in the Government's overall financial provision to the HA, he has not mentioned the fact that the funding allocated to certain services of RH, including pathological and diagnostic radiology services, has been slashed to such an extent that the health care staff or patients have been affected. Can the Secretary clearly point out, in regard to the two hospitals mentioned in my main question, what services have been slashed in addition to reducing funding allocation and the extent of the impact?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, being a member of the HA, Dr KWOK Ka-ki should actually know very well the answer to his supplementary question.

I believe Dr KWOK also knows it very well that, in principle, the clusters under the HA will decide on their own how to allocate their resources. Moreover, each Cluster Chief Executive is responsible for properly allocating

public funds to ensure the high cost-effectiveness of their services. For these reasons, a hospital may transfer certain services to another hospital for enhanced effectiveness. At the same time, some professionals may be pooled in certain hospitals to ensure mutual assistance and enhanced professional development. In this respect, I believe there will be slight changes in individual hospitals.

However, it is most important that, generally speaking, the overall efficiency of the services provided in a certain cluster and the number of patients that can be taken care of will not be affected. In this respect, it is imperative for various clusters under the HA to co-operate. As regards the problem with RH particularly raised by Dr KWOK earlier, my understanding is that the changes were attributed to the reorganization of the whole HKE Cluster. However, the overall services provided by the HKE Cluster have not been affected significantly.

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

**DR KWOK KA-KI** (in Cantonese): *Yes. The Secretary has merely stated that some services have been affected without indicating what services. President, I am really sorry because I do not have any information clearer than that of the Secretary. If the Secretary cannot give us an immediate reply, can he give us a reply in writing instead?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I think I can request the HA to list out in detail the reorganization of services within its clusters in the past three years for Members' reference. (Appendix I)

**MR LI KWOK-YING** (in Cantonese): *President, the Secretary admitted in part (c) of the main reply that there had been a more notable change in the number of doctors at AHMLNH. With reference to the reorganization of the specialized services within the NTE Cluster, he stressed that the reorganization had made no impact on the quality of the medical services provided. However, I have at hand a case involving a prostate tumour patient who has waited two and a half*

*years for treatment. May I ask the Secretary whether he has studied the impact of the reorganization of services on waiting time?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we are greatly concerned about the waiting time of all the specialty diseases treated in hospitals. In particular, there will be substantial impact on the health of certain patients if the waiting time is too long. For this reason, we often remind the HA of the need to pay particular attention to cases involving a very long period of waiting time and urge it to handle the cases expeditiously. Which hospital or specialty was Mr LI Kwok-ying referring to earlier? I do not have such information at hand.

**MR LI KWOK-YING** (in Cantonese): *President, with regard to the name of the hospital asked by the Secretary just now, I can tell him that I was referring to the prostatic oncology specialty of North District Hospital. A patient of the specialty has waited two and a half years.*

**PRESIDENT** (in Cantonese): You may tell the Secretary after the meeting. I thought you had wished to raise a supplementary question.

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, regarding the bed occupancy rates of various clusters set out in Annex A, I would like to ask the Secretary a question about some of the figures. I note that the bed occupancy rates of the NTW Cluster have almost peaked, with those of the Medicine specialty reaching 100% or 114%. The bed occupancy rates of the Clinical Oncology specialty of the NTW Cluster have exceeded 100% too.*

*May I ask the authorities whether they will consider giving the NTW Cluster an equal share of resources or additional beds to ensure that sufficient beds are available to the residents in need?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, two issues are involved here. They are, first, the adequacy of beds and, second, the utilization rates. As it is evident to Members, the

overall bed occupancy rates of the NTW Cluster reached 89%, 81% and 89% in the past three years respectively. It proves that the bed occupancy rates of the specialties in the NTW Cluster were quite uneven. I believe we have to rely on the management of the Cluster to make its own adjustments.

However, we can also see that, generally speaking, patients will not be rejected in the event of a sudden surge in certain diseases. This explains why the bed occupancy rates of the Medicine specialty or severe seasonal diseases have very often exceeded 100%. Certainly, the simplest solution is to provide extra beds. However, according to our understanding, the HA has adopted a flexible approach on various fronts to tackle these problems. If there is a prolonged shortage of beds, the management must act to adjust the demands for beds.

**DR KWOK KA-KI** (in Cantonese): *President, the Secretary pointed out in part (a) of the main reply that the consultation document entitled "Building a Healthy Tomorrow" stated the need to discuss the future direction of the restructuring of public hospitals services, but he has just advised us that no work has been carried out yet.*

*Can the Secretary tell us honestly when he hopes the restructuring can be carried out and when he will let us know the findings of the restructuring reviews?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): First of all, Madam President, I have actually told Members very honestly that we have no such plans for the time being. Nonetheless, the positioning of public health care announced by the Government has been generally accepted by the public and the HA. What we mean by positioning is to propose four major targets. It does not mean that we will only deal with work related to these targets without doing anything else. Even if restructuring is carried out, a relatively slow and gradual approach will be adopted without making substantial changes in a dramatic manner.

I believe neither the health care staff nor the public would wish to see the HA introducing a drastic change, particularly as many are relying on public health care to take care of their health. For one thing, we thus hope the public

can have a good understanding of any changes, particularly notable ones, and enable their involvement. And for another, regarding the future direction of health care reform, we hope a more detailed plan can be drawn up after the Government has submitted the relevant documents and the community has reached a consensus so that the public will know how our services will be changed. In general, we are not prepared to introduce the so-called "big movement" changes. Instead, we only hope to introduce changes step by step.

**MR ALBERT CHAN** (in Cantonese): *President, the Secretary stated in part (c) of the main reply that the Government's financial provision for the HA in the past three years was \$29.5 billion, \$28.2 billion and \$27.3 billion respectively.*

*As far as I can recall, the Government once stated in this Chamber in its reply to a question about the funding received by the HA that, if projected on the amount of medical expenses for the overall population or each patient, the funding received by the NTW Cluster (particularly Tuen Mun and Yuen Long) is the lowest of all clusters. Regarding the inadequate or unfair allocation of medical funding to the NTW Cluster, particularly in relation to the less funding received by residents of NTW, Tuen Mun and Yuen Mun, has the Secretary contemplated any plans or institutional changes to ensure that funding can be allocated to the local residents in a fairer and more impartial manner?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I understand that, over the past three years, the internal funding of the HA has been allocated according to the local population as far as possible and determined on the basis of the characteristics of the services provided by each hospital. For instance, it is imperative for hospitals offering tertiary or quaternary high technology treatment to be allocated more resources. As for the districts where there is a larger elderly population or a higher admission rate, adjustments will also be made by the HA accordingly.

We certainly note that the people do not necessarily seek medical consultation in the districts where they live. Some new districts, particularly new hospitals, do not see a massive increase in the number of patients at the beginning because the patients often return to the hospitals in the districts where they used to live for consultation or follow-up consultation. Therefore, we have

to determine how to allocate resources according to the needs and flow of the patients. In the years to come, we will discuss with the HA the setting up of a new internal funding allocation mechanism so that each hospital will have a clear idea of the anticipated number of patients and the level of service required to be attained as its benchmark. The HA is studying how to proceed with this plan.

**MR ALBERT CHAN** (in Cantonese): *The question I raised earlier was how the Secretary could ensure the fair and impartial allocation of funding. Can the benchmark mentioned by the Secretary earlier ensure a fairer and more impartial funding allocation mechanism?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, with regard to the public money allocated to the hospital clusters and hospitals in different areas, we will ensure that patient costs are broadly the same for the sake of fairness.

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

**DR FERNANDO CHEUNG** (in Cantonese): *President, although the Secretary indicated earlier that there had been no restructuring plan, we can still see that the accident and emergency departments of RH and Tang Siu Kin Hospital are in the face of closure. May I ask the Secretary whether the established consultation procedures should be adopted and impact assessments be carried out before such important services cease to be provided?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I must first clarify that, as far as I understand it, the HA has no plan to close down the accident and emergency departments mentioned by the Member. However, I would like to cite RH as an example to illustrate my point. I know that there is a small difference between the standard of the accident and emergency department of RH and that of the two other hospitals on Hong Kong Island, mainly because RH does not provide other emergency specialized services for certain cases. As a result, some patients suffering from severe

trauma or requiring brain surgery have to be promptly referred from its accident and emergency department to other hospitals.

For this reason, guidelines must be drawn up to let the public know which hospitals will provide the services they need. On the other hand, ambulances carrying acute patients will then be able to decide the most suitable accident and emergency department for the patients. If we really consider closing these accident and emergency departments in the future, we must formulate a whole package, including how to deal with the acute patients of a certain district, and discuss with the District Council or representatives of the district concerned. The decision to be made must not be hasty.

**DR FERNANDO CHEUNG** (in Cantonese): *Will the Secretary carry out consultations and impact assessments?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we will certainly complete these tasks before discussing with various District Councils.

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

### **Contingency Measures of Public Hospitals During the Sixth WTO Ministerial Conference**

4. **MR LI KWOK-YING** (in Cantonese): *President, the Sixth Ministerial Conference of the World Trade Organization (MC6) will be held in Hong Kong next week. In the light of the fact that when the conference was held in various places in the world previously, demonstrations, violence, or even terrorist attacks occurred, resulting in hundreds of people being injured, will the Government inform this Council:*

- (a) *of the contingency measures to be taken by various public hospitals, together with details of the special arrangements for accident and emergency, specialty, surgery and in-patient services;*

- (b) *of the likely impact on the surgery and in-patient services at various public hospitals, and the measures to minimize such impact; and*
- (c) *whether it will co-operate with various paramedic organizations, private hospitals and international rescue organizations to cope with a possible situation where a large number of injured people need medical treatment; if so, of the details?*

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

- (a) The workload of acute hospitals is expected to increase, if there is any incident during the MC6. In order that public hospitals will have a sufficient surge capacity to handle potential casualties which may arise, the Hospital Authority (HA) has already made plans to adjust the non-emergency services of all acute hospitals on Hong Kong Island and those of the major acute hospitals in Kowloon and the New Territories during the MC6. This is to ensure that public hospitals will be able to make available the necessary hospital beds and operation theatres at short notice, when necessary.

In the event of an incident, the ambulance crew of the Fire Services Department (FSD) will be responsible for providing pre-hospital treatment to the injured. If necessary, medical teams will be dispatched to the incident site. The ambulance crew and medical team(s) on site will perform triage on the injured. Those with more severe injuries would be given priority in the transfer to a hospital, while those with more minor injuries would be treated at the site. If necessary, the HA will dispatch additional medical teams from Accident and Emergency Departments (A&EDs) to the site, taking into account the situation there and in response to the request of FSD. These arrangements should help alleviate the pressure and workload of acute hospitals.

Public acute hospitals will render support to each other, so as to ensure that the injured would be appropriately distributed and avoid the concentration of all of the injured at any one A&ED. The

non-acute hospitals will also make appropriate prior preparation for opening additional hospital beds to receive patients from acute hospitals, if and when necessary. The HA has designated a number of general out-patient clinics to support acute hospitals, if necessary, by providing treatment to patients with minor injuries in the event of a serious incident.

The HA will maintain a high level of alert between 10 and 20 December 2005 and will activate its Major Incident Control Centre to co-ordinate the collection and dissemination of information. During that period, the HA will maintain close liaison with the police, FSD, and the Department of Health so as to ensure prompt deployment of the necessary medical manpower and other resources.

- (b) We are committed to minimizing the potential impact on the patients of public hospitals. In this regard, the HA has already identified the key service areas for all acute hospitals and will maintain as far as possible all emergency and necessary medical services at the normal level. In addition, in order to ensure that public hospitals will have sufficient manpower during the MC6 to meet daily operational needs and handle the emergencies that may arise, the HA has already requested the medical and support staff at various major acute hospitals on Hong Kong Island and in Kowloon, as well as the medical staff responsible for key services at all hospitals, to refrain from taking leave during the alert period, except for exceptional circumstances. All non-acute hospitals within the territory have also imposed restrictions on the taking of leave of absence.
- (c) The HA and the Auxiliary Medical Service (AMS) have already made appropriate arrangements for their collaboration in providing emergency medical services on site in the event of an incident. In addition, to facilitate staff's participation in their volunteer work with the AMS, the HA has already instructed all public hospitals to allow hospital staff who are members of the AMS to take leave of absence, if they are required to report for AMS duty during the MC6.

The HA has approached private hospitals in the territory a few months ago and advised them to consider promulgating a contingency plan for the MC6 and beefing up their services during the Conference. We have also incorporated information on Hong Kong's private hospitals into the information manual prepared by the Hong Kong Ministerial Conference Coordination Office for conference delegates, who have been encouraged to utilize the services of private hospitals for non-emergency medical needs.

**MR LI KWOK-YING** (in Cantonese): *President, the Secretary in part (a) of the main reply mentions that the HA will maintain a high level of alert during the WTO conference period. As far as I know, the authorities would arrange to have some hospitals specifically tasked with the reception of the so-called VIPs from various countries. May I ask the Secretary if "a high level of alert" implies tightened security to prevent the occurrence of terrorist attacks in the hospitals?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we have gained rich experience from past events. In particular when VIPs stop over in Hong Kong, we would make some special preparations in the hospitals. On this occasion, quite a number of VIPs of a ministerial rank would be coming to Hong Kong, therefore, we would make more preparations. As for security in the hospitals, this would of course dovetail with other security facilities in place. For example, the Security Bureau has made special arrangements to have security personnel for ministers from various countries and if necessary, the security personnel can stay on guard in the hospitals. In addition, the hospitals will also have some other preparatory measures to prevent the occurrence of contingencies in the hospitals. Therefore, we think that the preparations we have made are quite sufficient.

**MR MA LIK** (in Cantonese): *President, actually, many people are worried about the traffic problem during the WTO conference period. May I ask the Secretary, if some traffic incident of a very serious nature has occurred during the conference period and roads to the hospitals are obstructed, what good solutions the Government has to address the problem of emergency rescue?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we have held meetings with the head of the Hong Kong Ministerial Conference Coordinating Office and the Traffic Division of the police on many occasions and a number of routes have been prepared for use as when necessary for access to various hospitals. However, I am afraid I cannot disclose the details here.

**MISS TAM HEUNG-MAN** (in Cantonese): *President, during the WTO conference period, do the authorities have any arrangements in emergency vehicle service, in particular with respect to that on Hong Kong Island, to ensure that the relevant arrangements will not affect routine emergency vehicle service, if so, what are the details?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as far as I know, the Security Bureau will discuss the matter with the ambulance fleets to ensure that there will be sufficient ambulances standing by in the vicinity of the conference venue. If there is any contingency or any special need or if many people are wounded, the authorities concerned will call other ambulances to the scene for support. Of course, there is a limit to every service provided, but we are convinced that if it is the kind of problems we would normally envisage, we would be capable of tackling them.

**DR KWOK KA-KI** (in Cantonese): *President, the Secretary mentions in the main reply that the authorities have approached private hospitals in the territory and advised them to consider promulgating a contingency plan for MC6 and conference delegates are encouraged to utilize the services of private hospitals when necessary. We know that the conference venue is situated in Wan Chai and as we have said, Ruttonjee Hospital will be heavily burdened while there are two other private hospitals in the vicinity. May I ask, in the Secretary's assessment, what kind of role they can take up? Could the Secretary convey this message through the Secretariat of the WTO?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we will set up a medical centre within the WTO conference venue and should any conference delegate feel unwell, we can provide treatment

on the spot in the first place. If they decide to go to a hospital, we will decide which hospital they should be admitted, depending on their needs. Actually, we have listed information about private hospitals in Hong Kong and various kinds of specialist services available in the information handbook, but of course it will have to depend on the kind of service needed by the delegate who is feeling unwell before a decision is made to choose a hospital for the delegate. Then we will offer our assistance to send the delegate to the hospital concerned. In addition, we have especially notified private hospitals on Hong Kong Island that this might happen and we have asked them to arrange for specialist doctors to attend to these patients in the hospitals at any time.

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

### **Public Consultations and Opinion Polls**

5. **MR FREDERICK FUNG** (in Cantonese): *President, regarding public consultations and opinion polls, will the Government inform this Council:*

- (a) *whether Policy Bureaux and departments are required to follow uniform guidelines and standards which specify the circumstances where public consultations and opinion polls are to be conducted, and how to ensure the independence and impartiality of the processes and conclusions of these consultations and polls; if so, of the details of the guidelines and standards; if not; the reasons for that; and the mechanism in place to ensure that the contents of the questionnaires designed by Policy Bureaux and departments are impartial and non-leading;*
- (b) *of the circumstances in which the authorities will consider commissioning non-governmental organizations to conduct opinion polls; how the responsibilities for opinion polls are divided between the authorities and the organizations concerned, including whether the contents of the questionnaires are designed by these organizations, and whether conclusions of the polls are drawn by them independently; if so, how the authorities ensure that the organizations concerned will not have a bias in favour of the*

*Government's intention when designing the questionnaires, or draw conclusions of the polls in favour of the Government's wish, in an attempt to win future awards from the Government to conduct opinion polls; if not, how the authorities ensure the independence and impartiality of the polls; and*

- (c) *whether the authorities will, in their future publication of the results of the opinion polls conducted by the Government itself or non-governmental organizations commissioned by the Government, ensure no selective release of those parts which are to their advantage and, at the same time, make public all relevant information about the polls including the methodology used for the polls, names of the organizations commissioned, full text of the questionnaires and their designers, the dates at which the polls are conducted, sampling methods, sample sizes, response rates and error ranges, and so on, to facilitate monitoring by the public; if not, the reasons for that?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the Government subscribes to the principle of being open, transparent and accountable to the public in the policy-making process. In formulating public policies and measures, we aim to keep abreast of community aspirations in a timely and accurate manner, fully consider the views of Hong Kong people and respond effectively to their demands. The decision of when and how to consult the public on specific public policies or proposals rests with individual responsible bureaux and departments.

According to the existing internal guidelines on public consultation, every Policy Bureau and department should take into account a set of principles in conducting public consultation. The following are the key principles:

- (i) The public should be consulted on a subject at as early a stage as possible, so as to give them a reasonable period of time to air their views;
- (ii) The purpose of consultation, the options available and the Government's preferred option (if any) should be set out clearly;

- (iii) Depending on the nature of the subject, the scope and coverage of consultation should be as wide as possible. Special efforts should also be made to ensure that those parties directly affected by a proposal are consulted as far as possible;
- (iv) The public should be presented with comprehensive information relating to the subject, including the background and all relevant factors considered in drawing up the proposal;
- (v) Sufficient time should be allowed for the public and interested parties to study the consultation document and prepare their submissions;
- (vi) Adequate publicity should be given to the consultation exercise, including the scope and the deadline of consultation; and
- (vii) The public should be informed of the results of the consultation exercise. In cases where certain opinion cannot be fully adopted, a clear explanation should be given of the reasons for this.

The actual means to gauge public views by individual bureaux and departments vary with respect to the nature of the subject. Conducting opinion surveys is one option.

Generally speaking, Policy Bureaux and departments commission opinion surveys to ascertain public views on controversial issues, to keep track of public reaction to existing and planned government policies or work, and to detect changes, if any, in public opinions on long-standing issues. The results of an opinion survey, if properly conducted, can help reflect public views on specific issues.

The Government generally adopts a range of measures to ensure the independence and impartiality of any opinion survey. The major measures are set out as follows:

- (i) Select an appropriate contractor to conduct the survey through a tendering procedure. Before tendering, relevant Policy Bureaux or departments would first draw up a set of services requirements, including the background of the survey, the professional standards

required of the contractor and the scope of services to be delivered. The selection criteria would also be included in the services requirement. If necessary, relevant Policy Bureaux or departments would consult other government bodies, relevant organizations or advisory committees on the content of the services requirement;

- (ii) Policy Bureaux or departments would invite contractors to bid for the tender and submit their proposals;
- (iii) With reference to services requirements, Policy Bureaux or departments would form an assessment panel to select an appropriate contractor to conduct the opinion survey; and
- (iv) The contractor commissioned as a result of the selection process must conform with established professional standards. These standards include the requirement that questionnaires should be designed in ways which would ensure clarity of the questions and to avoid leading questions. Another related requirement is to have the survey conducted by experienced enumerators.

Questionnaire design is an important part of the survey process. Depending on the nature of the survey, some questionnaires would be compiled by the relevant Policy Bureaux or departments. Nonetheless, there are instances where the contractors are responsible for designing the questionnaire and providing professional comments on the questionnaire. The questionnaire would be finalized after pre-test and consultation with the relevant bureaux or departments, and the relevant organizations or advisory bodies as and when appropriate.

Contractors are required to complete each step of the survey in an independent and professional manner, on the basis of their submitted proposals. During the survey process, they are required to consult the relevant Policy Bureaux or departments as necessary. The main role of the Government is to monitor the quality and progress of work of the contractor to ensure the successful completion of the survey without any undue intervention.

Policy Bureaux or departments would give prior consideration to the objectives and content of a survey in deciding whether or not to publish the

results. If the survey is intended for internal reference only, or if it involves market-sensitive information, the usual practice is not to disclose the survey results or information relevant to the survey. Otherwise, the Government would release all information related to the survey in publishing the survey results, including the research methodology, the name of the contractor, the full text and design of the questionnaire, the enumeration period, the sampling method and sample size, the response rate and the marginal error.

**MR FREDERICK FUNG** (in Cantonese): *President, as far as my understanding goes, the Home Affairs Bureau will conduct opinion surveys on some major government policies. May I ask the Secretary whether these opinion surveys will still be conducted in accordance with the principles he has mentioned, even if the relevant policies may not necessarily come from the Home Affairs Bureau? If yes, will the Home Affairs Bureau conduct a scientific and independent opinion survey on the constitutional reform package put forward by the Government?*

**PRESIDENT** (in Cantonese): Mr FUNG, are you asking whether there is any such opinion survey?

**MR FREDERICK FUNG** (in Cantonese): *Sorry?*

**PRESIDENT** (in Cantonese): Is your supplementary question about whether or not the Secretary for Home Affairs has conducted such an opinion survey?

**MR FREDERICK FUNG** (in Cantonese): *Yes.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, every study and opinion survey of the Home Affairs Bureau will be conducted in accordance with the scope and guidelines mentioned in my main reply. In the case of constitutional development, the conduct of any opinion survey should fall within the portfolio of the Constitutional Affairs Bureau.

**MR FREDERICK FUNG** (in Cantonese): *President, the Secretary has not answered whether he will conduct such an opinion survey.*

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

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): No.

**MR JAMES TIEN** (in Cantonese): *President, it is mentioned in the Secretary's main reply that before the Government commissions any independent institution to conduct an opinion survey, a set of services requirements will first be drawn up, and that other government bodies, relevant organizations or advisory committees will be consulted on the content of the services requirements. Many people have queried whether the Government will, in the process of commissioning an independent institution, design questionnaires in such a way as to lead them to make the conclusions it desires. This is a very important point. May I ask the Government whether it will always consult "relevant organizations or advisory committees" in respect of all independent surveys? Or, is it true that in many cases, the relevant organizations are simply not consulted on the many consultation documents? President, I am questioning how we should interpret that very sentence in line 3 of page 4 in the main reply.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, whether or not other government departments, advisory committees and non-governmental organizations will be consulted on questionnaire design depends on the purpose of the questionnaire and the theme of the opinion survey concerned. On the part of the Home Affairs Bureau, if the survey is on the latest conditions of young people, we will certainly consult the Commission on Youth. If the survey is on the people's opinions about a certain form of discrimination, we will consult the relevant organizations, statutory bodies and advisory committees, inviting them to submit their comments and take part in the vetting of the screening and tendering conditions.

**MR JAMES TIEN** (in Cantonese): *President, the Secretary has not answered whether political parties are regarded as relevant organizations.*

**PRESIDENT** (in Cantonese): Secretary, the term "political parties" was not mentioned in Mr James TIEN's supplementary question just now. Consequently, you may decide on your own how to give an answer.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, as I have just mentioned, all will have to depend on actual needs and the scope of the issues involved.

**MS EMILY LAU** (in Cantonese): *President, it is mentioned in page 4 of the Secretary's main reply that if a survey is intended for internal reference only, the usual practice is not to disclose the survey results or information relevant to the survey. But I hope that he can still disclose the number of such surveys, the contractors involved and the purposes. I am especially interested in knowing the number of such internal surveys before or since the announcement of the Government's constitutional reform package — I know that the Government has commissioned The Hong Kong Polytechnic University to conduct a survey. And, what are the contents of these surveys? Can the contents be disclosed to us?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Internal surveys are generally intended for internal consultation and information gathering purposes. If Ms Emily LAU is interested in the relevant details, I shall provide the information concerned in the form of a written reply later on. (Appendix II)

**DR FERNANDO CHEUNG** (in Cantonese): *President, concerning all these independent opinion surveys conducted by the Government, I think "independence" should involve two principles. And, I first learnt of these two principles from Dr Robert CHUNG of the University of Hong Kong. First, the independent institution should have the final say in questionnaire design. Second, the contents of the survey must be fully disclosed. May I ask the Secretary why the Government has failed to fulfil these two principles in the conduct of independent opinion surveys?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, our understanding is that the professional integrity of an opinion survey should have

little to do with whether it is the client or the contractor who is going to design the questionnaire. Rather, what counts should be the four standards of logical sense, objectivity, accuracy and clarity. We believe that as long as these four standards can be fulfilled, there will not be any problems, whether it is the client or the contractor who designs the questionnaire. Very often, the design of an opinion survey questionnaire is monitored throughout by a task force in the government department concerned or even by the Central Policy Unit. Every attempt will be made to ensure objectivity and compliance with the standards and professional integrity of questionnaire design.

**DR FERNANDO CHEUNG** (in Cantonese): *Regarding the professional integrity of opinion surveys, Dr Robert CHUNG has in fact .....*

**PRESIDENT** (in Cantonese): Dr CHEUNG, please state your follow-up.

**DR FERNANDO CHEUNG** (in Cantonese): *Yes.*

**PRESIDENT** (in Cantonese): You need only to state the part which the Secretary has not answered.

**DR FERNANDO CHEUNG** (in Cantonese): *The Secretary has not answered why it is impossible to explain clearly and announce all the survey results and whether he agrees that the independent institution should have the final say in questionnaire design.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, as I have already mentioned, we are of the view that the independence and impartiality of an opinion survey depends is actually not on who the designer of the questionnaire is. Rather, we think that all will depend on whether the four standards of logical sense, objectivity, accuracy and clarity are fulfilled.

**MISS CHOY SO-YUK** (in Cantonese): *President, in his reply on consultation guidelines, the Secretary has not mentioned anything about the manner of consultation. Past experience tells us that consultation is often conducted in community halls. In other words, people must personally go to the venues concerned to be consulted. May I ask the Secretary whether he will add one more principle to the guidelines, that is, the principle of reaching out to the masses in places like housing estates and residential settlements, instead of requiring people to visit the venues designated by the Government to be consulted?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, guidelines are just meant to give some kind of reminders and general standards, so that we can really hear the wide spectrum of public opinions in the course of gauging people's opinions. When it comes to the actual conduct, individual Policy Bureaux and departments will have to decide on the forms they will adopt. Or, they will have to explore what sorts of combinations can best suit the relevant purposes and contents and targets of consultation. The practice mentioned by Miss CHOY So-yuk is already set out in the guidelines.

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

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, the Secretary has talked about the conduct of various consultations and opinion surveys. May I ask the Secretary whether any past opinion surveys have ever produced any specific impacts on the policies actually implemented in Hong Kong? Can any concrete examples be provided for the past one year?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the ultimate aim of opinion surveys is to gauge the extensive view of the public to assist the authorities in policy formulation. If Miss TAM Heung-man is interested, I can tell her that we do have lots of examples. Please allow me to provide a reply in writing later on for the reference of Miss TAM Heung-man. (Appendix III)

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

**Enhancing Safety of Public Light Bus Operations**

6. **MR LAU KONG-WAH** (in Cantonese): *President, regarding the enhancement of the safety of public light bus (PLB) operations, will the Government inform this Council:*

- (a) *given that some liquefied petroleum gas (LPG) PLBs are not provided with the relevant type approval certificates from the car manufacturers, resulting in the PLB owners concerned not being able to install specifications-compliant seat belts on their vehicles, of the percentage of such PLBs in all LPG PLBs in Hong Kong;*
- (b) *whether it will explore the ways to help the owners concerned to obtain the required information from the car manufacturers, so that they can install the seat belts on their PLBs as soon as possible; and*
- (c) *whether it will consider assisting the owners of all PLBs in Hong Kong in installing seat belts on their PLBs, and enhancing publicity and education on the requirement that passengers on PLBs must wear seat belts?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, the legislation that requires passengers to wear seat belts on PLBs came into effect on 1 August 2004. It stipulates that PLBs registered on or after that date should be equipped with high back seats and retractable seat belts that comply with the standards specified in the legislation. To ensure safety, the seat belts and anchorage points as well as passenger seats and anchorage points should all comply with the standards specified in the legislation, and cannot be altered. Currently, among the 2 330 LPG PLBs, 1 280 (55%) have been equipped with seat belts that meet the specified standards. The remaining 1 050 (45%) were registered before the legislation took effect. Hence, most of them are not equipped with the specified high back seats or seat belts, or have altered those facilities, making them unable to meet the current requirements.

We are actively examining with the trade and vehicle manufacturers the details relating to the retrofitting of seat belts, and will continue to provide information and assistance to the PLB owners.

We will endeavour to assist all PLB owners to install seat belts on their PLBs. We will also continue to strengthen publicity and educate the public to wear seat belts on PLBs to enhance road safety. We have provided PLB operators relevant stickers to be posted at the back of the seats. We have also urged PLB operators to instruct drivers to remind passengers to wear seat belts through in-vehicle broadcast or distribution of leaflets.

**MR LAU KONG-WAH** (in Cantonese): *President, after the recent spate of accidents involving PLBs, we have contacted some PLB trade associations and come to know that among the 1 000-odd PLBs that have not been installed with seat belts, some are old vehicles, others are new ones registered before the legislation took effect. So they could not be installed with seat belts. These PLB owners also like to have seat belts installed on their vehicles. However, the difficulty lies in the fact that the manufacturers (vehicle plants) have not provided them with the approval standards, thus making it difficult for them to install seat belts on their PLBs. Therefore, may I ask the Secretary whether she would shortly hold meetings with the manufacturers and the PLB trade associations to discuss ways of enhancing the safety of PLBs as soon as possible as well as facilitating the installation of seat belts on PLBs?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, I very much agree with what Mr LAU has said. Insofar as road safety is concerned, wearing seat belts or otherwise makes great differences. Therefore, we are taking a highly proactive attitude in this regard. In particular, the Transport Department (TD) has already held many meetings with the trade and the manufacturers to discuss the details of seat belts, so as to ensure that the seat belts installed on the relevant models of vehicles comply with the safety requirements. According to the experience of the TD in handling other types of vehicles, the certificates issued by the vehicle manufacturers can best testify whether the retrofitted installations can meet the required safety standards. However, if PLB owners cannot obtain the certificates from the original manufacturers, we hope that arrangements can be made for other certification organizations to conduct the tests. The TD is making detailed arrangements to contact the local authorized distributors of the original vehicle manufacturers to discuss issues related to certification.

**MS MIRIAM LAU** (in Cantonese): *Just as Mr LAU Kong-wah said just now, the problem faced by the trade now is basically its inability to obtain the relevant information from the manufacturers. According to our many previous encounters with them, we also found that the vehicle manufacturers were quite unwilling to release the information.*

*However, the issue of seat belts is in fact most technical. According to some experts, if just an ordinary nylon belt is retrofitted, the seat belt could become unsafe. Therefore, they must be retrofitted by the original manufacturers. In this connection, may I ask the Secretary whether she would negotiate with the relevant vehicle manufacturers, so as to ask them to provide technical arrangements for installing seat belts on all of the 1 000-odd PLBs which are currently not equipped with seat belts?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): President, all along, we have hoped to do the work mentioned by Ms Miriam LAU. We know these high back seats and retractable seat belts that comply with the safety standards are installed as complete sets. In other words, these units cannot be installed separately; otherwise, it could lead to even more tragic consequences if they cannot perform their expected functions when the genuine needs call for them. So, we have all along requested the original manufacturers to retrofit the seat belts because they are the only people who really know whether the functions and devices of the relevant vehicles are reliable. However, in certain aspects, not all the vehicle manufacturers are willing to do this because the retrofitting works would interrupt their day-to-day operations. However, the TD is still negotiating with them. Therefore, we hope to address the issue from another perspective, that is, to arrange an authorized certification agency to conduct some tests. This is the second best option. I also agree that, it would be the best option if we could have the original vehicle manufacturers to undertake the retrofitting works and to issue the approval certificates. However, we would proceed with these two aspects of work concurrently.

**MR JEFFREY LAM** (in Cantonese): *President, the Secretary said in her main reply that they had also urged PLB operators to instruct drivers to remind passengers of wearing seat belts through in-vehicle broadcast. May I ask the Secretary whether the Government would provide some training to PLB owners,*

*so that they can do better in instructing the drivers, thereby making passengers safer on their PLB rides.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): President, after the recent spate of traffic accidents involving PLBs, we have in fact conducted many educational and publicity activities on driving safety with the targets being the owners and the drivers. The Road Safety Council has also launched the "When Driving Be Smart" campaign with a series of promotional and educational activities. Besides, the TD has also directly asked PLB operators to take the following measures to enhance PLB safety: First, strengthening the control and training of their drivers, including the provision of assistance to them in formulating and revising the guidelines for drivers; second, encouraging drivers to sign the Safety Charter for PLB Drivers voluntarily and to participate in road safety workshops and some related driving enhancement courses; and lastly, or thirdly, the operators must display the telephone hotline of the Transport Complaints Unit inside the PLBs, thus enabling the passengers to monitor the performance of drivers.

**MR JEFFREY LAM** (in Cantonese): *Regarding the seat belt training, the Secretary has not responded. As regards the wearing of seat belts.....*

**PRESIDENT** (in Cantonese): You are now asking how the training is provided, so you hope the Secretary can reply on what will be done in the training aspect, right?

**MR JEFFREY LAM** (in Cantonese): *On the guidelines and the wearing of seat belts.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): President, we have made use of posters, in-vehicle publicity and broadcast to remind people of wearing seat belts. I believe there are great differences between the training on wearing seat belts and the training on safe driving. Regarding the former, all we have to do is just to remind the people of doing it, but as for the latter, it is really necessary for drivers to attend courses and workshops before they can drive more safely.

**MR ANDREW CHENG** (in Cantonese): *President, it is pointed out in the main reply that nearly half of the PLBs may not have seat belts installed on them in the short term. May I ask the Secretary, with regard to the operational safety of PLBs, if she would consider imposing a speed limit of 80 km per hour like the regular buses, as well as installing black boxes to check the speed of PLBs?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, first of all, I would like to discuss the numbers. Our safety legislation took effect on 1 August 2004. PLBs registered before this date are not installed with seat belts. However, in view of the fact that PLB owners would generally replace their vehicles in eight to 10 years, and PLBs with a history longer than eight years account for 22% of all the PLBs, so such vehicles will be replaced in the near future. After all such vehicles are replaced, the number of PLBs installed with high back seats and seat belts that comply with the standards will increase by 22%. When this percentage is added to the existing 55%, we estimate that by then more than half of the PLBs will have been installed with seat belts, and it will actually be over 70%. (Appendix 1)

Of course, this is inadequate. Last year, we implemented a pilot scheme in which a vehicle monitoring system was installed on PLBs. This system is commonly known as the black box. It is a complete record. It records the driving record of the PLB, the average speed per minute, the highest speed of the day, the mileage, the route, the number of hours running on the roads, the numbers of times the driver has braked and opened the door, whether the lamps have been turned on for illumination and whether the indicator lights have been switched on, and so on. This device monitors the performance of the drivers, supervises the fleets of vehicles and provides convenience in investigations into traffic accidents. The monitoring system had been tried out on four green minibuses since early 2004. However, as we had encountered certain technical problems, this scheme was suspended at the end of 2005. We are now studying how we can make technical improvements to it. We have not abandoned the plan of installing black boxes. However, since it is still necessary for us to conduct further studies and make improvements in the technical aspects, so the scheme still cannot be implemented on an extensive scale.

**MR ANDREW CHENG** (in Cantonese): *President, there is still a part of my question that the Secretary has not answered. Will the practice of the franchised buses in capping the speed limit at 80 km per hour be adopted?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): The speed restriction system limits the speed of vehicles at a certain value by controlling the amount of fuel fed to the engines. This has been used on public franchised buses. We also hope that we can lock the speed of PLBs at a predetermined level. However, some technical problems have emerged in installing such speed limitation systems on LPG PLBs. This is because LPG and diesel are two different types of fuels and the engines are different too. Therefore, we are also studying this problem.

**MR WONG KWOK-HING** (in Cantonese): *President, I hope to ask the Secretary through the President whether the Department would conduct sample inspections on PLBs already installed with seat belts on a periodic basis, so as to ensure that the seat belts are effective. I have raised this supplementary question because when I was wearing a seat belt on board a PLB, I found that they were all loose and absolutely could not be fastened to hold the bodies of passengers tight enough. Under such circumstances, if an accident occurs, it may lead to disastrous consequences. I hope the Secretary can respond to this question.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, we also know that the safety issue of the various means of public transports is very significant. At the moment, we check all the facilities of PLBs, including their seat belts during their annual inspections. A complaint telephone number is displayed inside every bus. Should any passenger, including Mr WONG, discover something like that, he should tell us through this mechanism, so as to enable us to take follow-up actions.

**MISS CHOY SO-YUK** (in Cantonese): *President, may I ask the Secretary whether, after this legislation has taken effect, she has made any assessment of its impact on passenger safety, especially in the form of a comparison between the situations before and after the installation of seat belts on PLBs.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, regarding the supplementary question raised by Miss CHOY So-yuk, we are in the process of collecting the relevant data, in the hope that we can consolidate some statistics in future. As it has only been one year since the legislation has taken effect, the amount of data available is relatively scarce. As such, we have not been able to see any marked difference between the two situations. However, during the past year, we can observe at some locations of severe accidents that some difference did exist in the casualties between passengers who had worn seat belts and those who had not. Passengers who had worn seat belts would usually suffer from less severe injuries. Although we still have not been able to quantify the relevant data, the seat belts are effective from such casual observation. However, we will continue studying these statistics.

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

**MR LAU KONG-WAH** (in Cantonese): *President, the legislation on seat belts has basically been implemented for 15 months. All along, insofar as the people are concerned, they do not feel that anyone has taken any enforcement actions. After the occurrence of a spate of accidents, can the Secretary provide us with some figures to show that the Government has stepped up its enforcement actions?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, regarding the supplementary question raised by Mr LAU Kong-wah just now, we do have a figure in relation to our enforcement effort. Of course, many people might find that they had not been prosecuted even though they had not worn the seat belts. I would like to offer the people my advice: Since it is impossible for us to ask the police to check each and every PLB, so for their own safety, they should take the initiative of wearing seat belts. However, during the period from the effective date of the legislation on 1 August 2004 to 18 November 2005, the police have altogether taken prosecution actions against 781 PLB passengers and given 1 224 verbal warnings. For PLB passengers not wearing seat belts, the maximum penalty is \$5,000 and

imprisonment for three months. The punishments are quite severe. Therefore, I hope the people will not only wear the seat belts when they are being pursued by the police under a "cat and mouse" situation. Instead, they should do this in the interest of their own personal benefits.

**MR LAU KONG-WAH** (in Cantonese): *The Secretary has not answered whether the enforcement work has been stepped up. She has just provided an aggregate figure for a period of 15 months. However, has the work been stepped up recently? I cannot see that.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): My colleagues told me that enforcement actions have been stepped up recently.

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

## WRITTEN ANSWERS TO QUESTIONS

### Opening up Citizen Band

7. **MR SIN CHUNG-KAI** (in Chinese): *President, the United States, Canada, Australia and some European countries have opened up the frequency band between 26.96 MHz to 27.41 MHz (hereafter referred to as "Citizen Band" (CB)) for short-range two-way radio communications of the general public. Their respective spectrum management authorities have designated Channel 9 for emergency communications and deploy staff to constantly monitor the contents of the communications to ensure that rescue agencies can provide immediate rescue services. As the Administration is planning to open up CB and designate Channel 9 solely for emergency communications, such as those of the picnickers in distress, will the Government inform this Council:*

- (a) *whether it will, by drawing reference from the practices of the above countries, deploy staff to monitor Channel 9 constantly; if it will, of the details, including the department responsible for the monitoring; if not, the reasons for that;*

- (b) *whether it will install antennae in remote areas and along popular hiking trails to ensure that the monitoring staff will have clear reception of distress signals; if it will, of the locations where antennae will be installed, as well as the scheduled completion dates of the installation works; and*
- (c) *how it will impart to the public, especially the picnickers, that Channel 9 is solely for emergency communications and the proper use of the channel, such as whether it will collaborate with non-governmental organizations, and of the timeframe of such efforts?*

**SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY** (in Chinese): President,

- (a) According to our understanding, the United Kingdom, the United States and Australia have opened Channel 9 of CB as an emergency channel for seeking assistance during emergency situations. However, among these countries, there is only one official body of the United States (US Coast Guard) that monitors Channel 9 for such calls, and for marine search and rescue purposes only. In Australia, the United Kingdom, and over the inland areas of the United States, Channel 9 of CB is monitored by non-governmental organizations on a voluntary basis.

Our thinking for Hong Kong is that when CB is open, we would recommend the public to reserve Channel 9 for emergency communications only, and encourage users of CB walkie-talkies to tune in to Channel 9 from time to time to look out for distress calls so as to render assistance to those in need, and notify relevant rescue agencies whenever necessary.

- (b) Most CB walkie-talkies available in the market are equipped with "dual channel monitoring" function, which allows users to listen to communications on Channel 9 at all times without retuning. The effective communications range of these CB walkie-talkies generally exceeds 5 km to 6 km. Given the small size of Hong Kong, should

someone in distress use a CB walkie-talkie to seek assistance, it is highly likely that such calls would be picked up by other users of CB walkie-talkies. As such, we do not consider it necessary to install additional antennae in remote areas or at popular hiking areas.

- (c) The Office of the Telecommunications Authority (OFTA) has conducted a consultation on the opening of CB. During the consultation, the OFTA approached several amateur radio associations and hiking organizations, and proposed to collaborate with them in promoting the use of Channel 9 of CB for emergency communications, and providing the public with information on the proper use of Channel 9. The responses from these organizations have been encouraging and positive. Besides, after a decision is made on the details of the opening of CB, the Telecommunications Authority will publish and distribute publicity leaflets to enhance public awareness of the use of Channel 9. We aim to launch such public education within the first quarter of 2006.

### **Institutions Being Named as University**

8. **MR CHEUNG MAN-KWONG** (in Chinese): *President, regarding the issue of the naming of local institutions of higher education (institutions) as university, in particular The Hong Kong Institute of Education (HKIEd), will the Government inform this Council:*

- (a) *of the conditions, procedures and laws that the institutions must comply with before they are granted self-accreditation for the degree programmes they offer (self-accreditation) and can be named as university;*
- (b) *of the organization which deals with applications from institutions for being named as university and the membership of the organization; whether institutions, which do not accept the decision on their applications or dispute their applications with the organization, have the opportunity to express their grievances; if so, of the procedure involved; if not, how it ensures that their applications are dealt with fairly and equitably;*

- (c) *whether the institutions that have been granted self-accreditation have to take the initiative to apply or have to be invited by the Government or the University Grants Committee (UGC) for being named as university, and the details of the process involved;*
- (d) *whether HKIEd, which has been granted self-accreditation, meets the requirements to be named as university; if so, of the timetable and procedures for it to be so named; if not, the conditions, procedures and laws that HKIEd has to comply with before being named as university, and whether the relevant conditions are different from those required of other universities in their naming processes;*
- (e) *of the time gaps between granting self-accreditation to local universities and their being named as university; whether there are any institutions which have not been named as university after being granted self-accreditation; if so, of the names of such institutions and the reasons for their not being named as university, and whether they know the reasons to enable them to conduct reviews; and*
- (f) *regarding universities and other institutions, which have been granted self-accreditation, whether there are legal requirements governing the provision of courses, award of degrees, academic status, remunerations for their staff and application for government funds; if so, whether the requirements applicable to these universities are different from those applicable to these institutions; if they are different, of the details; and whether the authorities will need to allocate additional funds to HKIEd as a result of its being named as university?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Chinese):  
President,

- (a) and (d)

In general, to be granted self-accrediting status, a higher education institution must have an enduring commitment to quality, and the capability to do so with sound internal quality assurance mechanisms and improvement processes to ensure the quality and

standards of its programmes and graduates. When considering whether an institution can be granted self-accrediting status, the UGC or the Hong Kong Council for Academic Accreditation (HKCAA) will conduct an institutional review to assess the institution's readiness to take responsibility for the quality and standards of its own programmes. Taking into account the result of the institutional review, the Administration will submit its recommendation to the Chief Executive in Council for consideration.

Self-accreditation and university title are two separate issues. An institution awarded self-accrediting status is not automatically granted the title of a university. At present, the Government will consider the merits of each case and take into account other relevant factors in processing each and every application. In general, the Government will consider a number of factors including the objective of establishing the university; the quality and standard of its academic programmes; the effectiveness of teaching and learning at the institution; its academic research and development; the institution's internal governance and the leadership of its management; the financial situation of the institution; its sustainability; and the public interest, and so on. Taking into account the views of the UGC or the HKCAA, the Administration will submit its recommendation to the Chief Executive in Council for consideration. In addition, where the change of an institution's title involves legislative amendments to its governing ordinance, such legislative amendments will be subject to the approval of the Legislative Council.

The prevailing trend internationally is for the development of comprehensive universities. There are quite a number of outstanding higher education institutions around the world which have the power to confer degrees and higher qualifications, but are not titled "university".

(b) and (c)

As explained above, the Administration will take into account a number of factors in considering whether the university title should be granted to an institution, including the institution's internal

governance structure and governing ordinance; and whether the programmes being offered by the institution have the attributes of a university under Hong Kong's education system, and the public interest, and so on. In the past, applications for titular change were submitted by institutions. The Education and Manpower Bureau, the UGC, the HKCAA and the institutions maintain close contact with each other and will discuss the necessary administrative and legislative procedures involved in handling applications for titular change, if so required.

- (e) Self-accrediting status and university title are two separate issues; and depending on the circumstances, the time gap between the two awards varies. HKIED is a tertiary institution with self-accreditation status but not university title. HKIED obtained self-accrediting status in respect of its teacher education programmes in 2004, and since then the Government has not received the institution's application for university title.
- (f) A self-accrediting institution may offer programmes, award degrees and draw up remuneration packages for its staff in accordance with its governing legislation; and may apply for government funding in accordance with the Government's funding mechanism, irrespective of whether it carries a university title or not.

HKIED is one of the eight UGC-funded institutions. The UGC has a rigorous process to examine the Academic Development Proposals submitted by the UGC-funded institutions for assessing their funding requirements. This funding mechanism is applicable to all UGC-funded institutions, including HKIED.

### **Operating Certain Types of Machines on Construction Sites**

9. **MR WONG KWOK-HING** (in Chinese): *President, under the existing legislation, certain types of machines (such as bulldozers and loaders) used on construction sites may be operated only by persons who have attended a relevant recognized training course and have been awarded a valid certificate by the course provider. I have received a number of complaints that the relevant courses and tests for construction workers are only conducted in the daytime,*

which affects their livelihood. In this connection, will the Government inform this Council:

- (a) of the current number of holders of the qualifying certificates, together with the names of the recognized course providers, for each type of machines;
- (b) of the respective numbers of qualifying certificates for each type of machines which will expire in the current year and each of the next two years;
- (c) of the criteria adopted for accrediting the course providers; and
- (d) whether it will review the current certification system, including shortening the duration of the courses, increasing the number of course providers and reducing the course fees?

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

- (a) Under the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation, certain types of machines used on construction sites, including bulldozers, loaders and excavators, are required to be operated by persons holding valid certificates issued by training organizations recognized by the Commissioner for Labour. As at the end of September 2005, the numbers of certificate-holders of these machines were as follows:

<i>Machine type</i>	<i>No. of certificate-holders</i>
Bulldozers	873
Loaders	3 202
Excavators	6 338
Total	10 413

The following organizations have been recognized by the Commissioner for Labour for running training courses on the operation of the relevant machines:

<i>Organization</i>	<i>Types of machines covered by the courses</i>
Construction Industry Training Authority (CITA)	Bulldozers, Loaders and Excavators
Construction Machinery Technical Training Centre	Loaders and Excavators
Green Island Cement (Holdings) Limited	Loaders
Origin Production Limited	Loaders

- (b) The numbers of certificates for the various types of machines due to expire in 2005, 2006 and 2007 are shown below:

	2005	2006	2007
Bulldozers	54	297	202
Loaders	60	774	708
Excavators	131	3 437	1 151
Total	245	4 508	2 061

- (c) The criteria adopted by the Labour Department for recognizing training organizations are stipulated in a set of Guidance Notes issued by the Department. These criteria cover the qualifications of trainers, course structure, course content, training facilities and course administration arrangements.
- (d) The system is kept under regular review. The duration of courses depends on a number of factors, including the experience of trainees, the complexity of the operation of the machines, their hazards, and the nature of the courses concerned. According to the Guidance Notes issued by the Labour Department, the duration of courses ranges from one day (in the case of revalidation courses in general) to 50 days (in the case of the full courses for excavators). Courses must at least have the duration as stipulated in the Guidance Notes in order to cover all the essential elements to ensure that trainees are adequately trained and competent to operate such high-risk machines safely.

As for the need to increase the number of training organizations, it should be noted that the existing training capacity available for full courses can fully meet demand. As regards revalidation courses, the CITA is currently running its revalidation courses which can adequately satisfy demand. The CITA has been encouraged to conduct classes during holidays or outside normal working hours to facilitate attendance by machine operators. We will continue to monitor the situation to ensure that sufficient training courses are available to meet training demand.

Course fees are determined by the training organizations themselves. We will encourage them to consider reducing their course fees, where possible, to alleviate the financial burden of trainees.

### **Medical Services Provided by Hospital Authority Through Hospital Clusters**

10. **MR ALBERT HO** (in Chinese): *President, regarding the medical services provided by the Hospital Authority (HA) through the various hospital clusters, will the Government inform this Council:*

- (a) *of the current populations served by individual hospital clusters, their respective numbers of general beds, doctors and nurses per 1 000 persons, as well as the amount of provisions for each cluster;*
- (b) *of the reasons for the cluster, which currently has the smallest numbers of beds and medical and nursing staff per 1 000 persons as well as the smallest amount of provisions, being given fewer resources than other clusters, and the number of additional medical and nursing staff and the amount of additional resources required for upgrading the services provided by this cluster to the average standard of individual clusters; and*
- (c) *whether it plans to improve the services provided by the hospital cluster which is most short of resources and to extend the hospitals in that cluster; if so, of the details of the plan; if not, the reasons for that?*

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

- (a) The population within the geographical boundary of each hospital cluster of the HA, the number of general beds, doctors and nurses per 1 000 population in each cluster, and the funding allocation for each cluster are given in the table.

<i>Cluster<sup>#</sup></i>	<i>Population</i>	<i>General Bed per 1 000 population ratio</i>	<i>Doctors per 1 000 population ratio</i>	<i>Qualified Nurses per 1 000 population ratio</i>	<i>Budget Allocation in 2005-06 (\$M)</i>
HKE	839 152	2.38	0.65	2.34	2,995.7
HKW	536 044	5.73	1.14*	4.48	3,208.1
KC	509 832	5.88	1.22	4.91	3,679.5
KE	954 979	2.11	0.59	1.96	2,637.3
KW	1 896 631	2.74	0.59	2.47	6,142.5
NTE	1 346 588	2.55	0.64*	2.32	4,431.5
NTW	1 082 003	1.63	0.52	2.14	3,255.6
Overall	7 165 228	2.86	0.68	2.63	26,350.2

Note :

- # HKE = Hong Kong East  
HKW = Hong Kong West  
KC = Kowloon Central  
KE = Kowloon East  
KW = Kowloon West  
NTE = New Territories East  
NTW = New Territories West

\* Includes academic staff of the two teaching hospitals at 0.55 full-time equivalents.

- (b) The variances in the ratios of beds and clinical staff to population among different hospital clusters can be attributed to two main factors. First, the provision of certain specialized services is currently centralized in only one or a few centres for better clinical outcomes and more effective deployment of expertise. Examples of these specialized services include prenatal diagnosis, cardiothoracic surgery and organ transplant. While the resources

for these specialized centres are allocated to the cluster where they are geographically located, their services cater for the entire population of Hong Kong. Secondly, patients are allowed to seek medical attention in any hospital other than those in their own residential districts. There is a considerable amount of cross-cluster utilization of hospital services due to various reasons. For instance, hospitals with a longer history tend to have a larger pool of patients from another cluster, who are reluctant to switch to a hospital closer to home. Some patients may also prefer to receive treatment in a hospital close to their workplace or near the home of a next-of-kin for greater convenience. For the reasons above, the HA does not determine the allocation of resources to hospital clusters on the basis of specific bed or staff to population ratios.

- (c) When determining the amount of funding that should be allocated to each cluster, the HA will need to take into account a whole range of factors. Apart from the population within the catchment area of the cluster, the HA considers also factors such as the medical services and specialized services that are being provided in that cluster as well as the characteristics of the population in the cluster.

Considering the increasing service demand in the NTW Cluster, the HA has increased resources for the cluster in the past few years. Amidst reduction in resources allocated to all other clusters over the same period, the NTW Cluster received additional funding allocation from \$3.195 billion for 2002-03 to \$3.255 billion for 2005-06. Furthermore, an additional 262 and 512 beds will be provided to the Pok Oi Hospital and Tuen Mun Hospital when the relevant redevelopment and construction works will be completed by end 2006 and early 2008 respectively.

### **Traffic Accidents Involving Public Light Buses**

11. **DR RAYMOND HO** (in Chinese): *President, it has been reported that recently a series of traffic accidents were caused allegedly by the dangerous driving of public light bus (PLB) drivers and some PLB passengers not wearing*

*the seat belt as required by the law were killed. In this connection, will the Government inform this Council of:*

- (a) the number of prosecutions instituted against PLB passengers not complying with the legal requirement to wear seat belts since the law came into operation in August last year;*
- (b) the total number of traffic accidents involving PLBs (including both green minibuses and red minibuses) and the casualties in the past three years, and whether there is an upward trend; and*
- (c) the total number of traffic accidents in the past three years involving PLBs crossing double white lines, speeding and jumping red lights?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): President,

- (a) The legislation concerning seat belt on PLB came into effect on 1 August 2004. As at 18 November 2005, 781 prosecutions were instituted against PLB passengers who failed to wear seat belts.
- (b) The numbers of traffic accidents involving PLBs that result in casualties in the past three years are 1 048 (2002), 958 (2003) and 1 090 (2004). The figures do not show an upward trend.
- (c) In the past three years, the numbers of traffic accidents involving PLBs crossing double white lines, speeding and disobeying traffic lights are:

<i>Year</i>	<i>Crossing double white lines</i>	<i>Speeding</i>	<i>Disobeying traffic lights</i>	<i>Total</i>
2002	1	19	21	41
2003	0	12	26	38
2004	1	25	30	56

**Granting Land by Private Treaty Grant at Nominal Premium**

12. **MS AUDREY EU** (in Chinese): *President, on the 7th of last month, the Government announced that it had decided to grant Heung Yee Kuk (HYK) a piece of land in Sha Tin, the area of which is about 4 240 sq m, by way of a Private Treaty Grant (PTG) at a nominal premium of \$1,000 for HYK to construct its new premises. In this connection, will the Government inform this Council:*

- (a) *whether it had considered the financial position of HYK before making the decision to grant the land; if it had, of the details; if not, the reasons for that;*
- (b) *whether HYK has to return the existing site of its premises to the Government upon relocation to the new premises; if so, of the details; if not, the reasons for that; and*
- (c) *of the details of the cases in which the Lands Department granted land to non-profit-making organizations by way of PTG at nominal premium over the past five years, including the names of the grantees, the sizes and locations of the lots, the premiums, the land use and the years in which the leases will expire?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): *President,*

- (a) On 1 November this year, the Chief Executive in Council granted HYK a piece of government land designated as Sha Tin Town Lot (STTL) No. 547 by a PTG at a nominal premium for the construction of a new HYK building to facilitate HYK's efficient performance of its statutory functions.

The land grant proposal and decision were made according to prevailing government policies. The considerations that had been taken into account included the issue of whether the proposal was in line with government policies or whether it would be conducive to

the implementation of established policy objectives, its anticipated benefits or effects to the economy and other aspects, and the applicant's ability to implement the land grant proposal.

In considering HYK's land grant application and its financial position, the Government has taken into account the following factors:

- (i) According to information submitted with HYK's land grant application, the construction and development costs of its new building are estimated to be \$83 million and HYK will be responsible for raising the required funds. As such, HYK will sell its existing premises and launch fund-raising activities in Hong Kong and overseas to achieve the target; and
  - (ii) HYK is a statutory and non-profit-making organization, discharging the statutory functions stipulated in the Heung Yee Kuk Ordinance. It therefore receives a government subvention of \$1.95 million per annum. HYK has undertaken that it would not seek additional subvention from the Government for any increase in costs arising from the operation of the new building.
- (b) As the existing premises of HYK in Kowloon Tong is a private property purchased by HYK with its own funds, the Government has no right to take back the site for the existing premises of HYK. To finance the construction and development costs of the new premises, HYK has to sell the existing premises and use the sale proceeds for the development of the new premises.
- (c) For the period from December 2000 to November 2005, details of land grants<sup>1</sup> by the Lands Department by way of Private Treaty at nominal premium (of \$1,000) are set out at Annex.

<sup>1</sup> Land grants to the Hong Kong Housing Authority and Kowloon-Canton Railway Corporation are not included.)

## Annex

<i>Execution Year</i>	<i>Location</i>	<i>Grantee</i>	<i>Land Use</i>	<i>Area (sq m)</i>	<i>Lease Term (Years)</i>
2000	Pak Shek Kok	Provisional Hong Kong Science Park Company Limited	Hong Kong Science Park Phase 1	80 000	50
2001	11 Chuen On Road, Tai Po	Alice Ho Miu Ling Nethersole Hospital	Nethersole Hospital	57 000	50
2001	Cornwall Street	City University of Hong Kong	Student Hostels	21 383	50
2002	Po Kong Village Road, Diamond Hill	Hong Kong International Institute of Music Limited	Private Independent School	7 245	10
2002	Fu Tei, Tuen Mun	Lingnan University	Sports ground/ Student centre	26 293	50
2002	5 Wan Shing Street, Wan Chai	Society for the Prevention of Cruelty to Animals (SPCA)	SPCA Headquarters Building	800	21
2003	Tai Tong Borrow Area	Hong Kong Model Engineering Club Limited	Model Aeroplane Field	34 955	50
2003	Pak Shek Kok	Hong Kong Science and Technology Parks Corporation	Hong Kong Science Park Phase 2	77 320	50
2004	Area 11 Shek Mun	Hong Kong Baptist University	Post Secondary College	6 524	10
2004	Cornwall Street	City University of Hong Kong	Multi-media Building	7 674	50

<i>Execution Year</i>	<i>Location</i>	<i>Grantee</i>	<i>Land Use</i>	<i>Area (sq m)</i>	<i>Lease Term (Years)</i>
2004	Tung Tsz Scout Centre, Tung Tsz, Tai Po	Scout Association of Hong Kong	Non-profit-making Boy Scout Camp and Training Area	30 200	21
2004	Area 90B, Ma On Shan	ESF Educational Services Limited	Private Independent School	12 476	10
2004	J/O Lam Hing Street and Wang Hoi Road, Kowloon Bay	University of Hong Kong	Post Secondary College	2 077	10
2004	Shum Wan Road, Aberdeen	Victoria Shanghai Education Foundation Limited	Private Independent School	11 300	10
2005	Kong Sin Wan Tsuen, Pok Fu Lam	The Independent Schools Foundation Limited	Private Independent School	13 152	10
2005	J/O Norfolk Road and To Fuk Road, Kowloon Tong	Yew Chung Education Foundation Limited	Private Independent School	6 965	10
2005	Lung Ha Wan, Sai Kung	Cham Shan Monastery	Home for the Aged	5 480	50
2005	J/O Hung Lai Road and Hung Lok Road, Hung Hom Bay Reclamation	The Hong Kong Polytechnic University	Post Secondary College	4 386	10
2005	Justice Drive, Admiralty	Asia Society	Non-profit-making art and cultural centre	7 572	21
2005	Area 11 Shek Mun	International Christian Schools Limited	Private Independent School	6 310	10

**Employment and Unemployment Figures of Middle-aged People**

13. **MR KWONG CHI-KIN** (in Chinese): *President, will the Government inform this Council of the following data between 1997 and 2004:*

- (a) *the number of employed persons for the groups aged between 40 to 49 and 50 to 59, broken down by industry, occupation and education level (that is, Secondary Three or below, Secondary Four to Secondary Seven, tertiary education or above); and*
- (b) *the number of unemployed persons in the above age groups, broken down by the industry in which they were previously employed?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Chinese): President, on the basis of the results of the General Household Survey conducted by the Census and Statistics Department during the period 1997 to 2004, the information required by Mr KWONG Chi-kin is set out in the following statistical tables.

- Table 1: Employed persons aged 40-49 and 50-59 by industry, 1997 to 2004;
- Table 2: Employed persons aged 40-49 and 50-59 by occupation, 1997 to 2004;
- Table 3: Employed persons aged 40-49 and 50-59 by educational attainment, 1997 to 2004; and
- Table 4: Unemployed persons aged 40-49 and 50-59 with a previous job by previous industry, 1997 to 2004.

Table 1: Employed persons aged 40-49 and 50-59 by industry, 1997 to 2004

Industry	1997		1998		1999		2000		2001		2002		2003		2004	
	Age group		Age group		Age group		Age group		Age group		Age group		Age group		Age group	
	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59
	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)
Manufacturing	125.4	57.2	111.7	53.0	104.9	50.8	98.1	54.6	104.0	55.8	96.4	50.7	89.4	52.4	83.7	45.9
Construction	89.1	36.5	94.6	36.7	97.4	36.3	105.2	40.5	101.5	41.8	103.3	43.0	100.5	42.7	100.6	46.2
Wholesale, retail and import/export trades, restaurants and hotels	224.3	97.0	229.3	97.4	233.8	103.5	242.6	114.6	258.0	122.0	266.1	129.3	278.2	136.4	311.7	152.2
Transport, storage and communications	91.1	39.8	98.1	41.1	96.0	42.6	105.7	48.1	107.9	51.5	109.1	55.5	110.2	56.7	113.5	64.0
Financing, insurance, real estate and business services	72.6	36.3	75.4	40.3	86.6	45.6	94.0	45.7	105.9	55.3	106.0	59.2	119.9	62.9	121.8	68.1
Community, social and personal services	160.1	61.5	170.9	69.9	184.3	75.7	198.6	85.0	208.4	93.4	228.6	100.2	238.1	107.4	245.3	118.3
Others	9.7	4.9	8.1	4.4	9.9	4.1	9.4	4.7	9.2	3.9	10.3	5.9	8.5	5.5	8.8	5.2
Total	772.3	333.0	788.1	342.6	812.9	358.7	853.6	393.1	894.9	423.7	919.9	443.8	944.8	464.0	985.4	499.9

Note: Figures may not add up to the respective totals owing to rounding up.

Table 2: Employed persons aged 40-49 and 50-59 by occupation, 1997 to 2004

Occupation	1997		1998		1999		2000		2001		2002		2003		2004	
	Age group		Age group		Age group		Age group		Age group		Age group		Age group		Age group	
	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59
	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)
Managers and administrators	83.6	33.6	85.8	32.1	85.2	33.6	79.9	35.4	97.2	43.9	108.2	50.6	101.8	50.1	108.1	55.0
Professionals	31.8	8.9	33.7	9.3	35.3	11.1	38.5	11.4	40.9	13.8	43.6	13.2	45.2	14.6	50.9	18.6
Associate professionals	104.0	37.8	97.5	36.3	110.9	40.3	121.5	48.5	137.6	51.7	138.0	55.1	157.1	59.7	167.3	66.1
Clerks	82.8	24.9	88.4	27.4	94.6	29.0	104.0	31.5	110.6	35.0	111.4	37.8	117.4	38.6	132.7	40.5
Service workers and shop sales workers	101.5	38.4	107.2	40.6	113.2	42.3	122.6	47.1	126.5	52.4	133.4	54.3	141.5	60.9	151.1	62.7
Craft and related workers	102.8	41.1	104.9	43.7	106.7	40.9	109.3	47.0	102.3	46.8	102.4	46.3	99.8	46.0	100.5	49.9
Plant and machine operators and assemblers	99.3	41.5	99.2	42.8	94.7	47.4	102.8	49.5	100.2	50.8	98.3	52.4	96.2	54.5	94.7	61.4
Elementary occupations	163.1	104.7	168.6	108.2	168.9	112.3	171.7	120.7	177.1	128.1	181.2	131.4	183.7	137.6	177.0	143.9
Others	3.6	2.1	2.9	2.2	3.4	1.8	3.3	1.9	2.3	1.2	3.6	2.6	2.0	1.9	3.1	1.8
Total	772.3	333.0	788.1	342.6	812.9	358.7	853.6	393.1	894.9	423.7	919.9	443.8	944.8	464.0	985.4	499.9

Note: Figures may not add up to the respective totals owing to rounding up.

Table 3: Employed persons aged 40-49 and 50-59 by educational attainment, 1997 to 2004

<i>Educational attainment</i>	<i>1997</i>		<i>1998</i>		<i>1999</i>		<i>2000</i>		<i>2001</i>		<i>2002</i>		<i>2003</i>		<i>2004</i>	
	<i>Age group</i>		<i>Age group</i>		<i>Age group</i>		<i>Age group</i>		<i>Age group</i>		<i>Age group</i>		<i>Age group</i>		<i>Age group</i>	
	<i>40 - 49</i>	<i>50 - 59</i>														
	<i>('000)</i>	<i>('000)</i>														
Lower secondary and below	415.4	210.8	413.4	215.9	413.1	220.5	419.0	243.1	419.9	257.7	404.2	261.9	397.5	273.2	396.4	286.6
Upper secondary <sup>#</sup> / Matriculation	231.4	75.1	249.6	79.1	266.3	88.7	289.1	99.0	313.9	111.6	338.5	121.3	353.7	124.7	376.6	141.4
Tertiary and above	125.4	47.2	125.1	47.7	133.5	49.5	145.5	51.1	161.1	54.4	177.3	60.5	193.5	66.0	212.4	72.0
Total	772.3	333.0	788.1	342.6	812.9	358.7	853.6	393.1	894.9	423.7	919.9	443.8	944.8	464.0	985.4	499.9

Note: # Including craft courses.

Figures may not add up to the respective totals owing to rounding up.

Table 4: Unemployed persons aged 40-49 and 50-59 with a previous job by previous industry, 1997 to 2004

Previous industry	1997		1998		1999		2000		2001		2002		2003		2004	
	Age group		Age group		Age group		Age group		Age group		Age group		Age group		Age group	
	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59	40 - 49	50 - 59
	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)	('000)
Manufacturing	3.6	2.2	6.7	4.4	7.7	6.1	6.3	4.4	6.5	3.6	7.8	4.9	7.5	5.4	6.1	5.3
Construction	2.2	1.7	8.7	4.8	12.4	8.0	10.6	8.2	11.9	7.2	18.5	11.9	22.9	15.7	17.7	15.1
Wholesale, retail and import/export trades, restaurants and hotels	4.2	1.5	9.2	4.7	13.4	6.8	11.2	6.9	12.9	6.9	19.2	11.2	21.6	12.9	20.5	12.5
Transport, storage and communications	1.4	0.8	3.0	1.4	4.2	2.5	3.6	1.9	3.7	1.8	4.4	2.7	5.5	4.0	5.3	2.6
Financing, insurance, real estate and business services	0.8	*	2.0	1.0	2.6	1.6	2.2	1.4	3.3	1.9	4.7	3.5	5.2	4.0	6.0	4.6
Community, social and personal services	1.1	0.7	2.4	1.3	3.8	2.0	3.4	1.6	4.1	2.3	7.1	4.6	8.1	5.1	8.4	6.0
Others	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
First-time job-seekers and re-entrants into the labor force were unemployed	*	*	1.0	*	1.4	0.5	1.0	*	1.1	*	3.5	0.9	3.5	0.7	4.2	1.5
Total	13.7	7.5	33.2	18.0	45.6	27.7	38.4	25.1	43.5	24.0	65.6	39.8	74.4	47.9	68.2	47.7

Notes: \* Figures of small magnitude are suppressed owing to large sampling error. Figures may not add up to the respective totals owing to rounding up.

**Capacity Enhancement Grant**

14. **MR MA LIK** (in Chinese): *President, starting from the 2000-01 school year, public-funded primary and secondary schools may apply for the Capacity Enhancement Grant (CEG) to procure outside services or employ temporary staff on top of their normal establishment, in order to relieve the workload of their teachers so that they may have more capacity to concentrate on performing the following three major tasks: curriculum development, enhancing students' language proficiency, and coping with the diverse and special learning needs of students. In this connection, will the Government inform this Council:*

- (a) of the respective amounts and percentages of CEG spent on the above three tasks in each of the past three school years;*
- (b) of the amount and percentage of CEG spent on employing staff in each of the past three school years, and the total number of such staff, together with a breakdown of the number by the nature of their duties; and*
- (c) whether it has assessed the effectiveness of providing CEG to schools in relieving the teachers' workload; if it has, of the outcome of the assessment?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Chinese): President, the Education and Manpower Bureau has conducted a review of CEG in the initial three years of implementation. As to the use of the grant from the 2003-04 school year onwards, we understand that it is basically similar to that of the first three years.

Regarding the use of CEG, the review covered only the 2001-02 and 2002-03 school years. Details are as follows:

- (a) Amount and percentage of various uses of CEG

<i>Use of CEG</i>	<i>Primary Schools</i>		<i>Secondary Schools</i>	
	<i>2001-02 school year</i>	<i>2002-03 school year</i>	<i>2001-02 school year</i>	<i>2002-03 school year</i>
	<i>Amount (\$ million)</i>	<i>Amount (\$ million)</i>	<i>Amount (\$ million)</i>	<i>Amount (\$ million)</i>
1. Curriculum development	73 (21%)	71 (21%)	49 (22%)	42 (19%)
2. Enhancing students' language proficiency	66 (19%)	60 (18%)	47 (21%)	47 (21%)
3. Coping with students' diverse and special learning needs	55 (16%)	50 (15%)	37 (17%)	36 (16%)
4. Relieving teachers' teaching and non-teaching workload	107 (31%)	114 (34%)	62 (28%)	74 (33%)
5. Others (for example, organizing extra-curricular activities and parent-teacher association activities)	44 (13%)	40 (12%)	27 (12%)	25 (11%)

- (b) Amount and percentage of CEG spent on employing staff and number of staff

<i>Type of staff employed</i>	<i>Primary Schools</i>		<i>Secondary Schools</i>	
	<i>2001-02 school year</i>	<i>2002-03 school year</i>	<i>2001-02 school year</i>	<i>2002-03 school year</i>
1. Teacher	649	610	526	486
2. Teaching assistants	769	886	809	903
3. Information technology assistants	404	464	193	257

<i>Type of staff employed</i>	<i>Primary Schools</i>		<i>Secondary Schools</i>	
	<i>2001-02 school year</i>	<i>2002-03 school year</i>	<i>2001-02 school year</i>	<i>2002-03 school year</i>
4. Clerical staff	498	380	242	232
5. Other staff	601	433	614	771
<i>Total number of staff employed</i>	2 921	2 773	2 384	2 649
<i>Amount of CEG spent on remuneration (\$ million)</i>	262	268	184	190
<i>Percentage for remuneration against total provision</i>	76%	80%	83%	85%

- (c) According to the review report, the majority of teachers agreed that CEG had helped them in their teaching work, including reducing their workload, allowing them to have more time to prepare lessons, providing schools with additional resources for curriculum development, improving their quality of teaching, and helping them cope with students of diverse abilities and special learning needs. As indicated in the review report, 82% of primary school teachers and 84% of secondary school teachers considered that their workload had been reduced as a result of CEG.

In addition, over 90% of schools were of the view that CEG had helped them raise schools' ability in resource management and enhance their management culture. 99% of them found that CEG had helped them raise students' interest in learning and in language subjects, encourage more teachers and students to use IT in teaching and learning, improve the performance of students who were relatively weak, and improve their academic performance.

In view of the above, we have decided to continue to provide CEG to schools from the 2004-05 school year onwards for at least three years.

**New Measure for Triggering Sites**

15. **MR CHEUNG HOK-MING** (in Chinese): *President, in late June this year, as long as an applicant applies for triggering of land for auction or tender, in respect of a certain site, at a price which is not lower than 80% of the open market value of that site as assessed by the Administration, the authority will accept the application concerned. Since the implementation of the above measure, only a few applications for triggering the sale of sites have been received, with no application received in September and October at all. In this connection, will the Government inform this Council whether:*

- (a) *it has assessed the reasons for the lukewarm response; if it has, of the results of the assessment, and the improvement measures it will take; and*
- (b) *it will consider resuming scheduled land auctions to ensure that the target on revenue from land sale will be met?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese):  
President, my reply to the two-part question is as follows:

- (a) Since the announcement of the measures to enhance the smooth operation of the Application List System for land sale on 21 June 2005, the Government has received four applications for triggering the sale of sites in the Application List. Three of the four applications were accepted and the sites concerned were eventually sold by way of auction on 27 September 2005.

The Application List System operates on a market-driven basis. It enables the market to determine flexibly the timing and quantity of land to be put up for sale. Since the private property market is market-driven, private developers will plan their housing production based on the projected supply and demand in the market. So far, no particular assessment has been made on their response to the Application List. Naturally, different private developers have different development strategies and their own market predictions, but the Government's overriding objective is to provide sufficient and suitable residential flats to meet market demand and to ensure that the market continues to develop in a healthy and steady manner.

The Lands Department is now working on the 2006-07 Application List and has written to the Real Estate Developers Association of Hong Kong (REDA) calling on the sites which the REDA members express interest for inclusion in the Application List. We hope that the new Application List can better meet the needs of the market.

- (b) The Government decided that, with effect from January 2004, government land would be provided mainly through the Application List System. The position remains unchanged. The Government's estimates on revenue from land sale are compiled only for the preparation of the estimated revenue in the annual budget exercise. There is no question of the Government having to meet any target on revenue from land sale. To facilitate the steady and smooth operation of the market, it is important for us to maintain a clear and predictable policy for housing and land supply. At present, the Government has no plan to resume scheduled land auctions.

### **Collecting Public Views on Constitutional Development**

16. **MR LEE WING-TAT** (in Chinese): *President, since the publication of the Fifth Report (the Report) of the Constitutional Development Task Force (the Task Force), the officials concerned have attended press conferences, radio programmes as well as meetings of the Legislative Council and District Councils (DCs) in recent days to explain the contents of the Report. Regarding the Government's efforts in explaining to the public the contents of the Report and collecting their views, will the Government inform this Council whether:*

- (a) *an independent opinion poll will be conducted on the recommendations contained in the Report; if so, when it will be conducted; if not, the reasons for that;*
- (b) *residents' meetings will be organized in the 18 administrative districts in the territory for the officials concerned to explain the contents of the Report and collect residents' views; if not, whether they will attend forums or residents' meetings organized by community organizations in various districts to collect residents' views; and*

- (c) *it will conduct an opinion poll and public consultation on the public demand for a timetable on universal suffrage so as to ascertain what timetable will be acceptable to the public, in order that the aspirations of Hong Kong people for a timetable on universal suffrage can be reflected to the Central Government?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Chinese): President, on the first part of the question raised by Mr LEE Wing-tat, prior to the release of the Report, the Task Force commissioned an opinion poll on the package of proposals to ascertain the level of public support for, and acceptance of, the major elements of the package. The results of the poll were published in the Report. After the release of the Report, the Task Force has been monitoring various polls conducted by different academic and media organizations in respect of the proposed package and issues relating to constitutional development.

On the second part of the question, since its establishment in January 2004, the Task Force has been collecting views from the public and different sectors of the community on the issue of constitutional development. The proposed package is a product of wide and open public consultation conducted in stages in the past year or so. The Task Force believes that the proposed package has struck the right balance amidst the various views in the community. After the release of the Report, the priority of the Task Force is to strive to gain the support of the public and the Legislative Council for the proposed package.

On 19 October this year, the Task Force released the Report. In addition, it also distributed pamphlets to the public to introduce the main points of the proposed package. Members of the community may forward their feedback on the proposed package to the Task Force through mails, facsimiles and e-mails. Further, two members of the Task Force (the Secretary for Constitutional Affairs and Ms Elsie LEUNG) attended meetings of a Legislative Council Subcommittee, which was set up to study the Report, to explain the proposed package to the Legislative Council Members and to listen to their feedback. The Chief Secretary for Administration also visited the 18 DCs to listen to members' feedback on the proposed package. Through the feedback received from people of different sectors of the community, the Legislative Council and DCs, the Government has a fair understanding of the views of residents in the districts.

On the third part of the question, the Government of the Hong Kong Special Administrative Region (SAR) is clearly aware of the community's aspirations on universal suffrage. At the same time, various opinion polls have indicated that most people support the proposed package, and that they also agree that the electoral arrangements for 2007 and 2008 should be handled separately from the issue of a timetable for universal suffrage. The Chief Executive has already made clear that he will strive to bring Hong Kong towards universal suffrage in accordance with the Basic Law, and hopes that the proposed package for 2007 and 2008 can get passed the Legislative Council as a first step towards universal suffrage. The SAR Government hopes that the public will understand that there is no conflict between formulating a roadmap and timetable for universal suffrage and supporting the proposed package, and that the two can coexist and complement each other.

The Task Force has reflected truly to the Central Authorities the community's aspirations for universal suffrage. At the forum on Hong Kong's constitutional development held on 2 December in Shenzhen, participants from different sectors of the community also reflected to the officials of the Central Government the public's aspirations for universal suffrage. The Deputy Secretary-General of the Standing Committee of the National People's Congress, Mr QIAO Xiaoyang, stated at the forum that he was aware of the strong aspirations for universal suffrage in the community, and that he considered that a reasonable and feasible way to address the issue would be to handle the proposed package separately from the issue of a timetable for universal suffrage. The two issues could be handled in parallel without any conflict.

With regard to the work for a roadmap for universal suffrage, the Chief Executive has stated clearly that the Commission on Strategic Development will strive to conclude discussions on the principles and concepts relating to universal suffrage by the middle of next year, and on the design of a universal suffrage system for the Chief Executive and the legislature by the early part of 2007.

### **Reprovisioning of Central Government Offices**

17. **MISS TAM HEUNG-MAN** (in Chinese): *President, regarding the reprovisioning of the Central Government Offices (CGO), will the Government inform this Council:*

- (a) *of the total number of parking spaces for government vehicles and vehicles for personal use of civil servants at the existing CGO, and the areas and locations of the respective car parks;*
- (b) *of the daily numbers of government vehicles and vehicles for personal use of civil servants which are not allocated parking spaces at the CGO and which enter and exit these offices and the passengers carried; and*
- (c) *among those mentioned in parts (a) and (b), the numbers of vehicles that will be allocated parking spaces at the new CGO on the Tamar site, as well as the percentage of such numbers in the total number of parking spaces at the new CGO?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Chinese): President,

- (a) The Government Secretariat (GS) comprises the Main Wing, East Wing and West Wing of the CGO and the Murray Building. At present, the GS has 380 parking spaces, 200 of which are located at the Lower Ground level of the CGO and Ground Level of the various office buildings. The remaining 180 parking spaces are located at the Ground Level and Lower Ground Level of the Murray Building. The area of each of these parking spaces ranges from 9.6 sq m to 11.3 sq m, catering for the differing needs of saloon cars and goods vehicles.
- (b) Except for authorized visitors, vehicles which have not been allocated parking spaces at the GS or do not have CGO parking permits displayed on them are normally not allowed to enter the GS compound or use the parking spaces there, irrespective of whether the vehicle owners are civil servants or not. In fact, the GS exercises effective control over the number and traffic of vehicles visiting the GS mainly through the issuing of parking permits under an application system. We do not, and need not keep records on the types and number of vehicles visiting the GS each day, nor on the number of passengers carried in each vehicle.

- (c) The proposed Tamar development project is expected to be completed in 2010 at the earliest. We will consult the Policy Bureaux concerned to update the details of the project. We will set out the details of the new Central Government Complex (CGC), including the number of offices and staff working therein, floor areas, number of parking spaces, related justifications, and so on, in the submission to the Legislative Council next year when we seek funding approval for the project. To facilitate a fair and reasonable allocation of parking spaces in future, we shall make reference to existing standards for allocating parking spaces and estimate the actual needs of various users.

Though information relating to parking spaces at the new CGC is not available at the moment, Members may refer to the paper submitted by the Administration to the Legislative Council in 2003. It was then planned that around 500 parking spaces would be provided under the proposed Tamar development project, including 120 to be reserved for the new Legislative Council Complex and the remaining 380 for the new CGC.

### **Enforcing Legislation on Public Cleanliness Offences**

18. **MR FRED LI** (in Chinese): *President, since the increase of the fixed penalty for public cleanliness offences to \$1,500 in late June 2003, the seven enforcement departments issued around 55 100 fixed penalty notices (FPNs) up to end August 2005. In this connection, will the Government inform this Council:*

- (a) *of the annual number of FPNs issued respectively by these enforcement departments during the above period;*
- (b) *of the number of cases of non-payment of fines demanded by the FPNs issued, broken down by reasons of non-payment; and*
- (c) *whether it has reviewed annually the position in enforcing the legislation on public cleanliness offences by various government departments; if so, of the major difficulties encountered in their enforcement actions and the solutions; if not, the reasons for that?*

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

- (a) According to the record of the Fixed Penalty Computer System, the FPNs issued by the seven enforcement departments respectively in each year since the increase of the fixed penalty for public cleanliness offences to \$1,500 in late June 2003 to end August 2005 are shown in Annex.

<i>Department</i>	<i>Number of FPNs issued</i>		
	<i>26 June to 31 December 2003</i>	<i>2004 (full year)</i>	<i>1 January to 31 August 2005</i>
Food and Environmental Hygiene Department (FEHD)	8 970	21 050	14 120
Housing Department	2 920	3 490	1 750
Agriculture, Fisheries and Conservation Department	310	540	390
Hong Kong Police Force	310	280	210
Leisure and Cultural Services Department	210	150	60
Marine Department	50	100	70
Environmental Protection Department	10	7	1

Note: The above FPN figures are rounded to the nearest ten except for the Environmental Protection Department.

- (b) During the above period, the proportion of FPNs of which the offenders have not paid the fine was about 8%. The Administration does not have the knowledge of why these offenders did not pay the fine.
- (c) Since the fixed penalty system came into effect in mid-2002, the seven enforcement departments review and make improvements based on their operational experience and need. For example, some front-line staff had expressed their concerns that it was inconvenient for them to carry a FPN booklet of some 20 pages as it was too thick. In view of this, the concerned departments later produced thinner booklets to facilitate front-line staff in their

operation. For the FEHD, the main problem in enforcing the fixed penalty system is the unco-operative attitude adopted by some offenders. In those cases, their staff would contact the police for assistance. The FEHD also provides training on emotional control and self-defence to front-line staff. The enforcement departments would continue to keep in view the enforcement of the fixed penalty system and make improvements as necessary.

### **Patronage of Franchised Buses**

19. **MR ANDREW CHENG** (in Chinese): *President, regarding the patronage of franchised buses, will the Government inform this Council:*

- (a) *of the respective current average daily total patronage on the bus routes whose fares are \$9.9 or below, between \$10 and \$14.9, and \$15 or above;*
- (b) *of the bus routes on which fare concessions are offered to passengers who take the same route (or route of the same group) for the return trip on the same day and prepay the return trip fare with Octopus cards on the forward trip, the details of such concessions, the current average daily total patronage on such routes and the total number of trips taken by passengers who take advantage of such concessions;*
- (c) *of the bus routes on which concessions on the return trip fare are offered, without the requirement of its prepayment on the forward trip, to passengers who take the same route (or route of the same group) for the return trip on the same day, the details of such concessions, the current average daily total patronage on such routes and the total number of trips taken by passengers who take advantage of such concessions; and*
- (d) *given that some franchised bus companies had offered a \$1 flat fare concession for the elderly on holidays and terminated this concession on 1 June this year, of the respective average daily total patronage on these routes by elderly passengers on holidays during the three-month periods immediately before and after the termination of the concession?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Chinese): President, in September 2005, the average daily patronage of franchised buses is about 3.95 million. Average daily patronage for the routes charging full fares at \$9.9 or below, between \$10 and \$14.9 and \$15 or above is as follows:

<i>Bus Routes</i>	<i>Average daily patronage</i>
Full fares at or below \$9.9	3 352 000
Full fares between \$10 and \$14.9	382 000
Full fares at or above \$15	218 000

At present, Citybus Limited (Citybus) and New World First Bus Services Limited (NWFB) offer advance payment return fare concession on a total of 20 routes. Passengers who make a prepayment for a return journey with an Octopus Card can enjoy 10% discount or concession of \$1 or \$2. These routes are mostly long-haul routes plying between the New Territories and urban areas, for instance, solely-operated routes<sup>1</sup> with full fare at \$15 or above. According to information provided by the bus companies, the average daily patronage of these routes is about 88 000 and around 47% of the passengers who take the same route or its supplementary routes for their return trip enjoy the advance payment day return concession.

Since 26 June 2005, Kowloon Motor Bus (1933) Limited (KMB) and Long Win Bus Company Limited (Long Win) introduced a day return discount on solely-operated routes charging fares at \$15 or above for passengers who use an Octopus Card to make the payment. Passengers can enjoy a 20% discount on their return trip if they take the same route or its supplementary routes on the same day for the return trip. According to information provided by the bus companies, the average daily patronage of these routes is about 79 000 and around 35% of passengers take the same route or its supplementary routes for their return trip and enjoy the day return concession.

KMB, Long Win, Citybus and NWFB introduced in October 2003 \$1 flat fare concession for elderly passengers who paid with their Octopus Card on Sundays and public holidays. Bus companies implemented the above elderly concession scheme until 1 June 2005. For the three months before and after the cancellation of the concession, the average daily patronage of elderly passengers on Sundays and public holidays who paid with an Octopus Card were 456 000 and 309 000 respectively.

<sup>1</sup> Airport routes, recreation routes and race-course routes are not included.

**Seizing or Forfeiting Legally Imported Eel Products**

20. **MR ALBERT CHAN** (in Chinese): *President, it has been reported that while the South Korean authorities had banned the import of live eels and eel products from China since 26 July this year after test results showed the presence of malachite green in such food products, the Hong Kong Government took no immediate action either to ban the import of eel products from the Mainland or conduct relevant tests. It was only on the day after 16 August when the Guangdong provincial authorities recalled eel products for export that the Government advised the public not to consume eels for the time being, but it still did not ban the import of eel products. However, the Government gazetted the Harmful Substances in Food (Amendment) Regulation 2005 on 26 August, prohibiting the sale of food containing malachite green in Hong Kong with immediate effect. I have learnt that the Government subsequently seized or forfeited large quantities of eel products which had been legally imported before the commencement of the Regulation, and warned traders that they were liable to prosecution if they were found selling eel products containing malachite green. The traders suffered heavy losses as a result of being unable to sell their eel products in stock. In this connection, will the Government inform this Council:*

- (a) of the reasons for its policy on the control of malachite green in foods being lax at first and becoming strict afterwards;*
- (b) of the legal basis for seizing or forfeiting the eel products which had been legally imported before the commencement of the above Regulation; and*
- (c) whether it will compensate the traders concerned; if so, of the details; if not, the reasons for that?*

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

- (a) Before the Harmful Substances in Food Regulations (the Regulations) was amended on 26 August this year, malachite green was not listed as a harmful substance in food. As neither

agriculture nor fisheries industry is the mainstay of Hong Kong's economy, we need not follow the practice of other economies that rely on agriculture and fisheries industries and incorporate an exhaustive list of harmful substances related to agriculture and fisheries industries in our legislation for regulation purpose. Instead, we have to assess the risk posed by the harmful substances in determining whether to regulate them. Under its Food Surveillance Programme, the Food and Environmental Hygiene Department (FEHD) also adjusts its operations according to risk assessment and actual situation. It acts under the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance) to monitor any food that is unfit for human consumption, including food that contains malachite green. Therefore, there is no question of the Government's policy being lax at first and becoming strict afterwards.

- (b) The FEHD has acted in accordance with section 62 of the Ordinance in taking samples for analysis from eel products that were intended for human consumption or for use in preparation of food. Moreover, since the staff of the FEHD suspected that the food might contain malachite green which made it unfit for human consumption, they affixed a mark and seal on those eel products, as provided for under section 59 of the Ordinance, to prevent them from being sold for human consumption before the analysis results were available.
- (c) The Government has acted in accordance with the law in monitoring food safety. Whenever it discovers any food to be unfit for human consumption or in breach of the law, the FEHD may exercise statutory power to seize and destroy the food. We believe there are insufficient grounds to justify any compensation.

## **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: Democratic political system.

**DR YEUNG SUM** (in Cantonese): President, may I tell you that a quorum is not present?

**PRESIDENT** (in Cantonese): Yes. Please sit down first. Clerk, will you please ring the bell to summon Members back to the Chamber?

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

**PRESIDENT** (in Cantonese): Dr YEUNG Sum, you may speak now.

## **DEMOCRATIC POLITICAL SYSTEM**

**DR YEUNG SUM** (in Cantonese): Madam President, the Fifth Report on constitutional reform released by the Constitutional Development Task Force has made proposals on constitutional reform that do not lead to universal suffrage and they also represent a retrogression in democracy, so yet another round of heated discussions on universal suffrage has been initiated in society. The issue of when universal suffrage should be introduced has been discussed over and over again in Hong Kong for more than two decades, so the SAR Government should not continue to drag its feet, rather, it should set a timetable as soon as possible, so that the public can make headway gradually towards a democratic political system.

Last Friday, Mr QIAO Xiaoyang, the Deputy Secretary-General of the Standing Committee of the National People's Congress (NPCSC), admitted frankly when attending a Shenzhen forum on constitutional development in Hong Kong that the widespread public opinion in Hong Kong is that a timetable on universal suffrage should be drawn up and he believed this view of the public

should be equally respected and valued. Moreover, the public opinion that demands a timetable on universal suffrage would not be negated. That was the first time a principal official of the Central Authorities stated a stance publicly on the issue of a timetable.

All along, a number of public opinion surveys in Hong Kong have indicated that over 60% of members of the public support the early introduction of universal suffrage. Insofar as the package of proposals floated by the Government is concerned, a survey conducted by The Chinese University of Hong Kong (CUHK) shows that the rate of support for it is decreasing. A survey conducted at the end of last month shows that less than 50% of the respondents supported the government package. Last Sunday, over 250 000 members of the public turned out for a rally and an opinion survey conducted jointly by the University of Hong Kong, CUHK and the City University of Hong Kong found that 96% of the people who had taken part in the rally did so with a view to campaigning for a timetable on the introduction of universal suffrage and over 83% of them did so in order to oppose the constitutional reform package proposed by the Government. A survey conducted by *Ming Pao* on the same day also shows that 90% of the respondents believe that if the Government does not propose a timetable on universal suffrage, the Legislative Council should vote down the government package and 91% does not agree with the Government's suggestion that the government package should be passed before a timetable on universal suffrage will be discussed. It is obvious that 90% of the respondents oppose the appeals made by Mr QIAO Xiaoyang and the Chief Executive to deal with a timetable and the government package separately.

The large-scale rallies on 1 July in 2003 and 2004 and the fact that 250 000 members of the public turned out yet again for the rally on 4 December show time and again the inclination of public opinion and public sentiment and the public aspiration.

It is evident that the public does not accept a package that offers no timetable on universal suffrage and sets back democratization. We urge the SAR Government to withdraw — and I stress withdraw — the present package proposed by the Government.

Meanwhile, according to the stipulations made by the NPCSC in its interpretation of the Basic Law last year, if the methods of selecting the Chief Executive and forming the Legislative Council in 2007 and thereafter are to be

amended, the Chief Executive of the SAR shall submit a report to the NPCSC for approval. Therefore, we also urge the SAR Government to seriously consider arranging for the Chief Executive to submit a new report to the NPCSC to relay the strong aspirations of the Hong Kong public and propose a timetable and a roadmap on universal suffrage acceptable to the Hong Kong public, so that the Chief Executive and all Members of the Legislative Council can be elected by universal suffrage as early as possible. These are our specific demands and also the contents of the motion that we hope Members will discuss zealously today.

When Mr Donald TSANG ran for the office of the Chief Executive, he proposed a policy agenda of "people-based governance". The foremost task of the Chief Executive after the large-scale rally on 4 December is to take bold actions to uphold the welfare and interests of Hong Kong people by firstly withdrawing the government package, and then seriously consider submitting a report to the NPCSC, so that an acceptable timetable and roadmap on universal suffrage can be given to all Hong Kong people. According to the opinion survey conducted by CUHK, over 70% of the respondents demand that universal suffrage be implemented no later than — and I stress no later than — 2012. If the Chief Executive can show his respect for public opinion, incorporate the mainstream public opinion into its new report and then submit it to the NPCSC, I believe he will surely win the general support of the public and the Democratic Party will also find this acceptable.

We also hope that the Chief Executive can arrange for Members of the pro-democracy camp to visit Beijing, so that we can have the opportunity to exchange views with the leaders direct and relay the strong aspirations of Hong Kong people for universal suffrage. Since the Chief Executive said that such a timetable is not within his ambit, why can we not discuss this matter with the leaders in Beijing? Moreover, such a move will also allay the concerns of the leaders over the introduction of universal suffrage in Hong Kong, so that universal suffrage can be implemented in Hong Kong as soon as possible.

On the issue of a timetable for universal suffrage, the Deputy Secretary-General, Mr QIAO, pointed out that it could be considered by the Commission on Strategic Development (the Commission), however, we do not agree with this view and such an approach. This is mainly because most of the members of the Commission are conservatives and pro-democracy members constitute only a tiny minority. There is no balanced participation and it is very difficult to reach a consensus acceptable to the public. Moreover, the

discussion paper for the first meeting of the Commission proposes that "four withouts", or "five withouts", should be set as the preconditions in the discussion on establishing a democratic political system. They include: without affecting economic prosperity; without causing social instability; without impairing the efficiency and effectiveness of the Government; without undermining the trust and relationship between Hong Kong and the Central Authorities and without affecting or undermining the development in other areas. All these are in fact the antithesis of democracy and universal suffrage hardly acceptable to the public.

The Democratic Party has written a letter to the Panel on Constitutional Affairs of the Legislative Council to request that the issue of a timetable for universal suffrage be discussed by the Panel on Constitutional Affairs of the Legislative Council. There are representatives of various political parties in the Panel on Constitutional Affairs of the Legislative Council and the Members in it are returned by elections, so it is more representative than the Commission. We believe that it will be easier to reach a consensus acceptable to the public.

Mr XU Chongde, a former member of the Basic Law Drafting Committee, said after the large-scale rally on 4 December that an issue could not be judged according to the number of people. According to him, if something was true, it was true even if only a couple of people supported it. We believe that Articles 45 and 68 of the Basic Law promise us the goal of electing the Chief Executive and all Members of the Legislative Council in Hong Kong by universal suffrage is the truth of the Central Authorities having promised us that there will be universal suffrage. Since Annexes I and II to the Basic Law stipulate that the methods for selecting the Chief Executive and forming the Legislative Council can be amended after 2007, the truth is that dual elections by universal suffrage can be implemented after 2007. Since this is the truth, why do the Central Authorities still refrain from putting it into practice?

Hundreds of thousands of Hong Kong people have turned out in a peaceful and orderly manner to demand that a timetable and roadmap for universal suffrage be made available. In this process, not a single piece of glass was broken and not a single member of the public was harmed by violence. This shows amply that Hong Kong is a mature civil society and it is adequate proof that all the conditions for implementing universal suffrage in Hong Kong are present. We hope that the SAR Government and the Central Government will listen to the voices of the public clearly and honour the promise of implementing universal suffrage as soon as possible. Thank you, Madam President.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum, I did not hear you move your motion.

**DR YEUNG SUM** (in Cantonese): With these remarks, I beg to move the motion. Thank you, Madam President.

**Dr YEUNG Sum moved the following motion: (Translation)**

"That, as Hong Kong people have taken to the streets many times to strive for the dual elections by universal suffrage, this Council urges the Hong Kong SAR Government to seriously consider submitting a report to the Standing Committee of the National People's Congress to reflect to it Hong Kong people's strong aspirations for universal suffrage, and to propose in the report a timetable and a roadmap for universal suffrage that are acceptable to Hong Kong people, so that the Chief Executive and all Members of the Legislative Council can be elected by universal suffrage as soon as possible."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr YEUNG Sum be passed.

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

**MS EMILY LAU** (in Cantonese): President, I speak in strong support of Dr YEUNG Sum's motion. Actually, President, you do not have to worry. Some people are holding back until later and others are having their meals. I support this motion moved by the Democratic Party.

As we all know, last Sunday was a historical day and it attested to the observation that although Hong Kong people may be quiet types, they can spring a surprise at any time. I do not know if the President was taken aback but I believe the Secretaries were so aghast that they were trembling and utterly at a loss because the people who showed up on that day were innumerable. Later, I gathered from some members of the public that the Causeway Bay MTR Station

and the bus stops there were simply jam-packed. President, with such a high turnout, the message is already very clear and that is, people want universal suffrage. Not only do the public want universal suffrage, they want it as soon as possible, rather than wait until their children's or grandchildren's for universal suffrage to become a reality. On the day after the rally, we Members of the pro-democracy camp expressed our hope for dialogue with the Chief Executive and hope that the Central Authorities can understand the wishes of Hong Kong people. If the Chief Executive can assist us by making the arrangement, we also hope that we can have dialogue with the Central Authorities.

President, you will probably say that last week, the Central Authorities had already had dialogue with us and Mr QIAO Xiaoyang, the Deputy Secretary-General, was also present. President, you were not there on that occasion because only the chairpersons of all the panels were invited but the President of this Council was not. I have no idea why either, but the invitations made on that occasion were really odd. Some people said that the invitations on that occasion were so tailored that members of the Standing Committee of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China would not have a chance to be present. Some people are really remarkable. I hope that those people can give more thoughts to the realization of universal suffrage than to ways of marginalizing certain people. However, President, no matter what, we very much hope that the Central Authorities can hear our voices.

In fact, last Friday, I was fortunate enough to be present but not enough to be chosen in the lot drawing to speak. However, Secretary Stephen LAM still allowed several Members who were not picked in the lot drawing to express their views. At that time, I also spoke and now, I only want to simply say that we hope very much that universal suffrage can be implemented as soon as possible. We in the Frontier always wish that we could say universal suffrage had already been implemented, so I said to Mr QIAO Xiaoyang, the Deputy Secretary-General, that it was now only 2005 and we could not possibly say that there would not be universal suffrage in 2007 and 2008. A lot of people could not understand that because the interim was so long, so how could we say that we were giving up now? Therefore, we still hoped that there could be universal suffrage in 2007 and 2008. However, the Deputy Secretary-General said that, putting aside any so-called timetable, it was already difficult enough to arrange a timetable for the forum. However, in the end, thanks to the special favour

given to them by the SAR Government, it was possible to arrange the meeting on that day smoothly. I then said that it was exactly the usual practice of the SAR Government, that is, it only cared about the Central Authorities. President, the SAR Government did not care about Hong Kong people. It is precisely such a situation that has spawned the present problems.

Deputy Secretary-General QIAO Xiaoyang also said that he originally thought that he could wait quietly for good news after the package of proposals had been drawn up. I said to him that it was not possible to wait quietly for good news and that was why he had to come south to listen to opinions. The views expressed by us last Sunday were very clear. I hope that the Secretary can perhaps give us some good news later and that would be most desirable. President, I do not think that even though so many people — be it more than 100 000 or 200 000 people — have turned out, the Government can still make no definite response. The public have made it clear that they will by no means accept the package. It is said that others can bestow honours on you but humiliation is always the result of one's own making. If one does not want to lose face, it is better to withdraw this package and put forward one that is acceptable to all members of the public. What the public want most is the introduction of universal suffrage in 2007 and 2008. If it is not possible to implement universal suffrage in 2007 and 2008, it is necessary to state clearly what is the earliest time possible that universal suffrage can be implemented. This must definitely be done.

I was somewhat disappointed by the meeting with the officials of the Central Authorities because on the next day (and perhaps right in that evening), the Central Authorities again quoted the remarks made by those senile academics or legal experts. President, I believe you may have also noticed that the citing of those comments has hurt the feelings of Hong Kong people thoroughly. We very much hope that the Central Government and the SAR Government can come out and say that they have really heard the opinions of the public and will make amendments accordingly. The people who took part in the rally and I myself cannot see why the package cannot be amended. Since the NPC could make interpretations of the Basic Law, it can also do other things. From a political point of view, there is nothing that is impossible. Therefore, we hope dearly that the authorities will make representations to the Central Authorities on behalf of the large number of members of the public who took to the streets and those who did not due to a lack of time but who still support the rally and the early implementation of universal suffrage in Hong Kong.

I support Dr YEUNG Sum's motion and also hope that the proposals in the motion will not be treated as something very remote. If it is relegated to a remote corner, of course I will not be interested in it and will surely not support it. I still hope that universal suffrage can be implemented in 2007 and 2008 and I cannot see any reason that can prevent its implementation. President, even now, I still do not understand the decisions made by the Standing Committee of the National People's Congress (NPCSC) in April last year. I do not understand why the NPCSC did that, nor do I know who requested it to do so. At that time, a lot of people in Hong Kong were eagerly looking forward to the implementation of universal suffrage in 2007 and 2008, so I believe that this has to be put into practice. If the SAR Government cannot accomplish this, then it has failed in fulfilling its duties. I hope that the Secretary will respond to this.

We, as some 20 Members of the Legislative Council, have expressed our desire to meet the Chief Executive, however, President, as far as I know, so far, there is still no reply and I could only learn from some reports in the papers yesterday that, according to what appeared to be government sources, the Chief Executive would not receive us. If the relationship between us is really like that, I think there is indeed a problem. Since such a major event has occurred, Members hope that they can discuss with the Chief Executive how they can respond to the aspirations in society together. However, what they get in return is the attitude of "I couldn't care less" from the Chief Executive. In view of this, how can we possibly co-operate to take forward the development in various aspects of Hong Kong? Therefore, President, I believe the Secretary is duty-bound to give a clear reply to the Legislative Council and society by explaining how the Government will respond to the aspirations of the public.

With these remarks, I support the motion.

**MR FREDERICK FUNG** (in Cantonese): President, Hong Kong people again made history on 4 December and took to the streets to express their views despite the massive crowds and the long wait, in defiance of a series of pre-emptive actions taken by the Government to take off the heat, all for the sake of long-awaited universal suffrage. They brought along their young and old folks and chanted slogans at the top of their voices, in the hope that the Government could really listen to the voices of the public and implement universal suffrage in earnest, instead of procrastinating any further. The message of the public is very clear: they do not want a constitutional reform package that violates the

principles of democracy and they want a timetable for dual elections by universal suffrage to be drawn up in definite terms.

President, although the road to democracy is indeed far too long and we have trekked for more than two decades, the determination of the public in campaigning for democracy has not waned in the slightest. From the colonial era to eight years after the reunification, we have experienced the upswings and downturns of the economy and constant political changes. Our former mentality of being refugees and transient sojourners has changed and our society has developed into a mature civil society. The miracle of Hong Kong is no longer simply a discourse in economics but also that of Hong Kong people on Chinese soil who, with an excellent tradition of the rule of law, together with their intellectual maturity and rationality, want to make breakthroughs and reform the laggardly political system to open up a whole new vista for Hong Kong society. Hong Kong people have expressed their aspirations for democracy by peaceful means and in a rational and composed attitude, and demanded that a democratic system be established and a modern and civilized political system be adopted to resolve disputes, so that the wishes of the public can be answered and the will of the public reflected in policies.

In fact, the present constitutional reform package really leaves much to be desired. Not only is it a far, far cry from the demands of the public, moreover, there is a component of appointment in it. This truly and seriously violates the principles of democracy. I have said in the past that the appointment system is the arch-enemy of democracy because the choice of one person overrides that of many. It is actually the antithesis of democracy, so the Hong Kong Association for Democracy and People's Livelihood (ADPL) cannot accept this. However, the constitutional reform package proposed and the approach adopted by the Government are attempts to gloss over its mistakes by stressing the so-called democratic component in the package all the time and exaggerating how a major step towards universal suffrage has been taken in this package. It overlooks the fact that the package lacks any progress towards universal suffrage and has violated the principles of democracy. President, even though the Chief Executive made an impassioned plea on the television and Mr QIAO, the Deputy Secretary-General, had had a candid exchange in a forum, all these could not change the real nature of this package. Specious arguments will not become truths no matter how powerful the speakers are and how sincere their attitudes are. Similarly, truths are not determined by sheer majority. I believe the aspirations of the people in the rally are founded on the respect for truth and

rationality, on the ardent love for Hong Kong and on the recognition of universal values and the value of democracy. We hope that through the electoral system of "one person, one vote", the serious biases in policies can be reversed and the monopolization on politics can be broken, so that a truly harmonious and fair society can be established.

President, the style and action of the Chief Executive, Mr TSANG, in making responses right away in the same evening following the rally are indeed admirable. However, perhaps because the reactions made by the previous administration were indeed too slow and, every day, all that was said were only "Good night" and "Good morning", the responses made by Mr TSANG were just the same as those of the previous administration and there was a hollow ring to them. He only reiterated the Government's position and this showed that as much as the Chief Executive wanted to do something, he was not in a position to and he cannot meet the aspirations of the public. In fact, it is not possible to just patch up the constitutional reform package, and substantive changes must be made. For example, the proposals on allowing appointed members of the District Councils to join the Election Committee and the election of Legislative Council Members from among these people should be scrapped and appointed seats should no longer exist in the new term of the District Councils in 2007. No matter in what official manner the Government will draw up a timetable and a roadmap for universal suffrage, it is necessary for the Government to propose a revised package to fully reflect the aspirations of the public for universal suffrage.

President, I agree that it is now a crucial moment in Hong Kong's progress towards democracy. Hong Kong has now found itself in a crossroads and the public have stepped forth and stated in clear terms their determination and commitment regarding democracy. Now, all that is lacking are substantive responses from the Government and the work that needs to be done to put universal suffrage into practice. It should no longer be fixated on making such hollow remarks as "a lack of consensus", "divergent views", and so on, nor should it be obsessed with protecting vested interests. The Government must do justice to the older generation and forge the conditions for universal suffrage. More importantly, it cannot fail to requite the contribution that the older generation has made over many years to Hong Kong and let them down on meeting the aspirations and expectations expressed by them. At the same time, the Government should also be accountable to our next generation and let them breathe the air of democracy and live in a democratic society.

President, the ADPL always stresses that a consensus should be reached through communication. Therefore, we hope that the officials in the Central Government can meet Legislative Council Members direct and through candid communication, they can understand the position of the pro-democracy camp and remove any misgivings about universal suffrage. The Chief Executive, as the leader of the SAR, apart from acting as the go-between, should also comply with the wishes of Hong Kong people, convey the requests of the public to the Central Government, lobby actively for a roadmap and timetable for universal suffrage and revise the present constitutional reform package, so as to take strides towards the goal of democracy and universal suffrage.

With these remarks, President, I support Dr YEUNG Sum's motion.

**MR LEE WING-TAT** (in Cantonese): President, I speak in support of Dr YEUNG Sum's motion.

First of all, I greatly admire the hundreds of thousands of people who once again took to the streets on Sunday. Although some people have described their actions in various terms, sometimes I think that those actions are nothing more than a peaceful means adopted by the most insignificant and powerless to express their opinions. Apart from such a means, I cannot possibly think of any other way that they can express what have to say.

Secondly, what I wish to talk about is the question asked by the Government and even Mr QIAO, the Deputy Secretary-General. Why do we have to bundle the issue of timetable with this package? In fact, the premise of this question is erroneous because it is not the pro-democracy camp that has bundled these two issues together, rather, it is the SAR Government and the Central Government that have never considered the views of the public and the pro-democracy camp, that the component of a timetable should be reflected in this package. Had they included a timetable in this package right from the very beginning, this issue of bundling the issues together would not have arisen. It is precisely because the SAR Government, and even the Central Government, has turned a blind eye to the aspirations of the public for a timetable that at this stage, this issue of bundling the two matters together has been used as the pretext to query why we have to bundle the two issues together. In fact, this is not bundling things together, rather, this is the result of the Government's neglect of public opinions. I think the Government is reaping what it has sown.

Thirdly, some members of the public sometimes would ask us if we would stand to lose if this package was not passed. Would we be even further removed from the goals of democracy and universal suffrage? The day before yesterday, I pointed out when answering a question from a reporter that I believed we would not lose anything. If we take what appears to be a small step on the road of democratic development but are actually going the wrong way, yet we do not raise the alarm, then even though it seems we may have only taken a tiny step for a short period of time, in the long run, we will only be further and further removed from the ultimate goal. The problem now is that no one knows what the Central Government or the SAR Government is thinking. If they bare their bosoms and tell us that there will be appointed District Council members in this term but things would only go this far — no matter if we consider this progress or regression — and that universal suffrage will be then implemented in 2012, in that case, such a step will not matter too much to me. Even if we march on the spot or there will be appointed District Council members, I do not think it will matter much because I know when I will be able to see the light at the end of the tunnel.

The Secretary, the Chief Executive and the Central Government may find it hard to understand why some people would think that there is nothing to lose in not taking this step. This is because to those people, this is a very tiny step and they do not even think that this is a step forward at all. Their concern is when there will finally be universal suffrage. What is their worry? Let me illustrate this with an example that members of the public have told me. The public are worried that if this motion is passed, no one knows if the Government intends to add five seats to functional constituencies and five directly elected seats, so that the numbers of seats would reach 50 and 50 in each group, then add another five seats in the next term, or even 10 directly elected seats and 10 functional constituencies seats. Then in the following term, another 20 seats would be added to each group of Members. The system will then gradually evolve into the so-called bicameral system being discussed by the Government. No one knows if the Government is considering taking this step.

Such queries raised by the public are well-founded because if we do not know what ultimate goal each small step we take will lead us to, this will arouse a lot of suspicions. Over the past two decades, such suspicions have occurred all the time. Therefore, I agree that even if this package is voted down, the public will have nothing to lose. The most important thing is that no matter in what direction we go on the existing basis, we will not be further removed from the ultimate goal of universal suffrage.

Of course, the public will also ask what will happen after this motion is voted down? At present, the chances of this package not being passed are very great. What I can tell the public is that we will continue to lobby. After the large-scale rally on Sunday, some people asked me if a timetable for universal suffrage would be immediately available. I cannot answer this question. Frankly speaking, what we can do is to express the views of the public as far as possible, in the hope that the Central Government and the SAR Government can hear their voices. If the incumbent Chief Executive does not heed these public opinions or only puts forward proposals that amount only to patchwork, I believe he is only behaving like an ostrich and following the footsteps of TUNG Chee-hwa.

Of course, the Chief Executive now commands great public support — I remember that in the first year that Mr TUNG Chee-hwa came into office, he also commanded over 60% of public support and that was not a low figure — but I advise him to remember that he cannot be complacent on account of the support from over 60% of the people. If he fails to fully echo the voices of the public or lobby on their behalf, the public will be disappointed with him.

Therefore, what I can tell the public is that I, the Democratic Party and the pro-democracy camp can promise them that we will continue to lobby and persevere in and keep lobbying. This is the pledge we make to the public. We believe that as long as we do so steadfastly, we will succeed one day.

Thank you, President.

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

**MS MARGARET NG** (in Cantonese): President, this motion moved by Dr YEUNG Sum today is most timely and it also gives us an opportunity to formally salute in this Council members of the public who turned out on Sunday to champion universal suffrage. Their voices demanding universal suffrage are loud and clear, and all public opinion surveys indicate that nearly all people seriously request that Members oppose the government package. Here in this Council, I make a solemn pledge to members of the public who showed up on Sunday and all members of the Hong Kong public that I will certainly exert my utmost, so that the public can successfully oppose the government package and secure universal suffrage at an early date.

President, in fact, not only is the demand of the public for a timetable for universal suffrage very clear, it is also a very accommodating one. We have pointed out a number of times that the public have all along demanded that universal suffrage be implemented in 2007 and 2008 and this demand of theirs has been clearly reflected in the results of public opinion surveys or 62% of the votes cast in the Legislative Council elections. Yet, when the Government released its package, it said that universal suffrage would not be introduced in 2007 and 2008. The public have to demand a timetable for universal suffrage because it is necessary to have a timeframe for doing anything. President, take the construction of the new Legislative Council building, which we propose should be built, as an example, it is necessary to have a timeframe and it is not as though the construction could commence today and could be finished by tomorrow. Nor could we build it when such a need arises in future, as if it were an afterthought. We cannot talk a little about something today, then take one step tomorrow. We cannot do things in such a way. Therefore, this demand of the public is very rational and we have said so many times, so there is no need to repeat this at length.

Many people have asked why the constitutional reform package should not be passed first. At least, a little progress will be made under this government package, so would it not be a good thing to pass it? President, I think that the analogy made by a member of the public on the day of the rally was really good and simple. He said that it would be better not to budge than to move haphazardly. Even though it would not be possible to budge, it would still be better than to move haphazardly. I think this analogy made by this member of the public was really simple and clear, whereas I have made things more complicated. My analogy is that of a traffic congestion. We must not take any other road because another road may take us to some far away places and there is no telling when we can get back. I am making things too complicated in putting things this way, however, that member of the public who used the analogy of better not to budge than moving haphazardly has indeed put it very well.

I wish to point out that there are really inadequacies in the package, so it cannot possibly be passed. The government package has proposed many sidetracks by incorporating the appointment system into the elections of the legislature and the selection of the Chief Executive and proposing indirect elections and the selection of a candidate by an electoral college once again. Such an arrangement is undesirable and not worthy of our support because not only will it have the opposite effect, it will also be a waste of time and a distraction from our goal. If we pass this package, what will be the situation?

Obviously, government officials will have to take actions in accordance with the package, devise an electoral system and launch the work in many areas immediately. As adherence to this package is necessary, we will not be able to move towards universal suffrage. The skill of Mr QIAO, the Deputy Secretary-General, is really supreme and he has tackled this difficult task with apparent ease. He said that the package and a timetable for universal suffrage both had public backing. This is really persuasive but the underlying message is that he wants us to pass the constitutional reform package on the 21st before our requests will be addressed slowly. We can by no means make this kind of deal.

In the face of this crucial moment, when numerous members of the public have expressed their aspiration, it is unfortunate that Chief Executive Donald TSANG has become a political deserter. He did not face the public. His five-minute speech on the television did not address the arguments against the constitutional reform package. He did not in any way respond to any of the criticisms that I have mentioned and he only said that no matter how hard he thought about this, he still could not understand. Did he really ever think about this? Did he ever address other people's reasons of opposition? From what he has said, my understanding is that he has not addressed any of them at all.

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

On Sunday evening, he again made a statement immediately but he still chose to say what he wanted to say but refused to have dialogue with the public. In fact, the comments he made in the evening on Sunday was only a repeat of his previous mistake. Many members of the public said that the five-minute speech he gave on television had prompted more people to take to the streets because they were very disappointed. The public had originally thought that he was to make an important announcement; however, after listening to his speech, they found that it was just empty talk. It was also the same on Sunday evening. After we had staged a rally, the remarks that he made continued to be disappointing. Now, his so-called improved constitutional reform package has only slightly tinkered with the appointment system and this move will only make the general public feel disappointed. This will be counter-productive and make more members of the public even more determined in demanding that we oppose the package and campaign the early introduction of universal suffrage. As long

as we do not have a popularly elected Chief Executive, the power of the people will just be wasted again and again.

In fact, irrespective of whether the turnout was 250 000 people or 100 000 people, was their goal just to request a small change to the appointment system? If the public have taken to the streets and made their demands clearly but he only takes a tiny little step, not only is this disappointing, the reaction will also be very great. Therefore, I hope the Administration will understand that it has to give the public a timetable for universal suffrage and 2012 is a very suitable time. The Government and the Central Authorities should listen to and take on board the voice of the public.

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

**MR RONNY TONG** (in Cantonese): Deputy President, this past Sunday was a most stirring one, a Sunday that was moving, a Sunday that was unprecedented, a Sunday that was imbued with a sense of resignation but also laden with hope.

(Mr Martin LEE pointed out that a quorum was not present)

**DEPUTY PRESIDENT** (in Cantonese): Clerk, will you please ring the bell to summon Members back to the Chamber?

(When the summoning bell was ringing, a Member mistook the timer to be timing the speaking time of Mr Ronny TONG)

**DEPUTY PRESIDENT** (in Cantonese): Mr Ronny TONG, later on, we will give you more time in compensation for the speaking time you have lost.

(While the summoning bell was ringing, the President resumed the Chair)

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

**PRESIDENT** (in Cantonese): A quorum is now present. Mr Ronny TONG, please continue.

**MR RONNY TONG** (in Cantonese): President, what I said just now was that last Sunday was a Sunday imbued with a sense of resignation but also laden with hope. Compared with 1 July 2003, this Sunday was even more exciting. On 1 July 2003, history was made in Hong Kong, but this year, for the first time, some 100 000 to 200 000 members of the public took to the streets for just one single demand. If it is said that the 2003 rally could be attributed to diverse factors and some people took part because of Article 23, some because of SARS, others because of their discontent with TUNG Chee-hwa and others because of their dissatisfaction with the sluggish economy, therefore, the rally on 1 July 2003 was a rally expressing dissatisfaction with the situation then. However, the rally on 4 December this year can be described as forward-looking and filled with hope. This time, all complex underlying causes have been removed and Hong Kong people are united and share the same goal. They only have one demand and that is: universal suffrage, universal suffrage and universal suffrage!

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

I believe Mr TSANG could also feel the shockwaves. If not, Mr TSANG would not have said soon after the rally on the same day that he could hear the voices of the people in the rally and feel their zeal and aspirations. I believe, and I hope, the Central Authorities can also feel the shockwaves. However, I hope that Mr TSANG can look at this matter at a deeper level because despite the fact that for the greater part of this year, the wind of harmony has been blowing in Hong Kong, that Mr TSANG has been deliberately projecting his style of strong governance and the economy has been looking up, Hong Kong people have still stepped forth courageously. This proves that their aspiration for universal suffrage is rational and reasonable.

When I was young, many people told me that Hong Kong people were politically "frigid", that is, they were apathetic about politics. In the 1960s and 1970s, people with strong political views were mostly labelled as leftists. That was in the colonial era; Hong Kong people were ruled by Britain and there was nothing much by way of democratic development.

After the reunification, Hong Kong people could feel for the first time the importance of "Hong Kong people ruling Hong Kong" and being one's own master. The campaign for democracy in the 1980s soon spread to all of Hong Kong. In 2003, Hong Kong people took to the streets to defend their basic human rights and the rule of law; in 2004, they took to the streets to express their discontent with the interpretation of the Basic Law concerning constitutional development by the Standing Committee of the National People's Congress. In the rally on 4 December, ordinary members of the public applauded people in the procession who were determined to campaign for universal suffrage, chanting "we want universal suffrage" and jostled with one another to join the procession. Their enthusiasm radiated to all corners of Hong Kong. Hong Kong people have undergone a transformation from being politically apathetic to loving democracy passionately. In this transformation, they began by calling on Mr TUNG to step down and have now come to the stage of saying "no" to the constitutional reform package proposed by the apparently popular Mr TSANG. The rally on 4 December was orderly, peaceful and rational and along the way, no one demanded that anyone step down and they only asked when. No incumbent senior official was vilified and there was only the demand for universal suffrage. The whole process illustrated the progress of Hong Kong people from their intellectual awakening to their intellectual maturity.

After the rally came to an end, members of the Hong Kong public greeted and encouraged one another like one big family. I believe such a show of solidarity is indeed the envy of many other democratic societies. This not only reflected their intellectual maturity but also highlighted the fact that social forces are coalescing and core values are taking root. All these are the basic conditions for implementing universal suffrage.

About such a mature civil society, what misgivings does the Central Government still have? Some people say that if Hong Kong can have democracy, this will directly affect the political scene on the Mainland. However, the white paper on the reform of the political system released recently by the State Council says that 85% of the elections in towns and villages have been completely democratized. The state leaders also said that a harmonious society should be a democratic society characterized by the rule of law. Our country is becoming more stable and society is becoming affluent. This is the opportune moment for laying the groundwork for democracy. In view of this, why should there be any misgivings?

Some people say that democracy will encourage the rise of radicals. Such fears have also been banished by the large-scale rally on 4 December. Be it the organizer or participants, they all displayed an extremely restrained, rational and moderate attitude. Hong Kong people only want to reason with others, so in what way are they radical?

There are also people who say that developing democracy in Hong Kong will lead to the infiltration and intervention of foreign forces. However, we can see very clearly that the overwhelming majority of Hong Kong people are patriotic. Chinese people always have a strong sense of national identity and it is difficult to see how foreign forces can have their way in Hong Kong.

On the contrary, if the agenda of democratization is put into a state of procrastination, this will only lead to continuous internal attrition in Hong Kong and even in the relationship between China and Hong Kong. Without any public backing and broad-based legitimacy, it would be difficult for the SAR Government to improve its standard of governance. The misgivings of the Central Authorities remind me of the remarks made by Mr ZHAO Ziyang before his death. He said to this effect, "After the people's living standard and their cultural level have risen, their awareness of participating in governance and in democracy will also rise. If the thinking and education of the public cannot keep up and the development of democracy and the legal system cannot catch up, society will still be unstable..... On the face of it, to follow democratic principles and allow divergent views may lead to chaos. However, by having such normal and minor hassles within the confines of democracy and the law, it is possible to avoid mayhem. In this way, a country can enjoy long-term stability."

Mr TSANG was right in saying that we are now standing at the crossroads of constitutional development. Will the tears and sweat shed by Hong Kong people over the past 20 years in campaigning for democracy be in vain? After the large-scale rally on 4 December, Hong Kong people have regained their dignity and retained their pride. What remains to be seen is how our country and the leaders in society will respond to the ardent aspirations of the public.

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, Hong Kong people made history again on 4 December, and they should be proud of themselves for the maturity and rationality they displayed as well as the peaceful

way through which they expressed their aspirations. Step by step, Hong Kong people are paving their own road running in the direction of democracy. The 250 000 people who took to the streets were not asking for something unrealistic like touching the moon or reaching for the sky. For the whole world, no matter we are talking about advanced countries or societies or even about China, the trend is in favour of the development towards universal suffrage. However, with 250 000 people having taken to the streets, the so-called response given by the Chief Executive in that evening basically showed that he had turned a deaf ear to our demands and was unable to respond to the aspirations of the general public. Yesterday, the Government of the Hong Kong Special Administrative Region (SAR) tabled the original, unamended constitutional reform package to this Council and expected this Council to endorse it on 21 December. This shows that despite the overwhelming public outcry, basically the SAR Government has remained apathetic. They are watching without seeing, and they are hearing without listening. Given the magnitude of this civic movement, if this had taken place in any Western country, the government in question would most likely have to step down. But in Hong Kong, the SAR Government can afford to ignore the matter entirely.

"The Lam Hang-chi Column" in *Hong Kong Economic Journal* has featured a very insightful analysis today and let me quote, to this effect, "..... given the massive and the overwhelming demonstration, the SAR Government can afford to remain unmoved due to the following reasons: First, it is not elected by Hong Kong people, therefore public opinions come in handy only as an expedience. Public opinions that do not serve as an expedience can be ignored, without injuring its 'legitimate status'. Second, the 'proposed package' was drafted 'with the participation of' Beijing officials. How can something with the blessing of Beijing be amended simply because people have taken to the streets? Third, the SAR Government has prepared for the worst and has solicited the support and understanding from the leaders of the Central Government, and that is to say, even if the 'proposed package' is rejected in the Legislative Council, the standing of Chief Executive Donald TSANG in the minds of top Beijing officials will remain unaffected." With regard to public opinion and the so-called responses from the Government and the Chief Executive, these three arguments have fully illustrated the precious value and significance of universal suffrage. Since our Government is not elected by the people, it can choose to ignore this massive presentation of public opinion without having to worry about the consequences at all. However, can this situation continue into the future?

Having taken to the streets to express their aspirations, Hong Kong people have now returned to their work as usual. We all have our own commitment and our own life, but the ideal we want to pursue is to have a society in which everyone can participate. For such a humble demand, we have been let down time and again. Time and again we have been cold shouldered by the SAR Government and the Central Government. Can this situation continue into the future? If the constitutional reform package is rejected on 21 December, can the Government still argue that it is all right to stop and stay where we are? With an attitude like this, can the SAR Government continue governing our society effectively? What will be the impact of such an attitude on the future development of China and Hong Kong in areas like the economy, society and the livelihood of the people? Should the SAR Government be held responsible?

Under such circumstances, if the constitutional reform package cannot be passed in this Council by securing the support of two thirds of the Members of the Council, can the Chief Executive, the Chief Secretary for Administration and Secretary for Constitutional Affairs Stephen LAM, being the top leaders of Hong Kong, argue that Hong Kong will stay where it is just because the constitutional reform package is rejected by the pan-democratic camp? Can they say such things? The aspirations of the people are crystal clear. Can they say there is nothing they can do and they are unable to come up with a timetable? Is it true that they do not have the power to make the decision? If the power to make a decision does not rest with the SAR Government, why do the Beijing leaders not come forth to give a clear explanation of the matter to Hong Kong people? Nobody and no organization can mobilize as many as 250 000 people to take to the streets. It was a spontaneous expression by the people. It has illustrated clearly to the leaders in Beijing and the SAR Government that they need not fear anything. What are they afraid of? What is so frightening about universal suffrage after all? Please let Hong Kong people elect our political leaders and our Government through "one person, one vote", so that we can have a Government that is truly people-based, that can respond to people's aspirations direct.

Deputy President, I speak in support of the motion.

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

**MS AUDREY EU** (in Cantonese): Deputy President, once again, I am proud of being part of Hong Kong. 4 December is a day that we should be proud of. However, it is regrettable that the Chief Executive did not hear the voice of the people because he already tabled the resolutions on constitutional reform to the Legislative Council yesterday.

I have just been checking my e-mails. I have received a very special message sent by a paralytic youth. He joined the rally on 4 December in his wheelchair. Even though he cannot speak, he still finished the entire course. In his e-mail, he says that he feels very angry and does not understand why the Government has not heard the voices of the people. If the leadership is confident about itself, why does it have to be apprehensive about the implementation of universal suffrage?

I hope that later on, more Honourable colleagues will speak in this Council because I believe that no matter if they are directly elected Members or Members returned through functional constituencies, they all have the duty to respond to the demand made by hundreds of thousands of members of the public who turned out on 4 December, otherwise, they will just be like our Chief Executive, who knows only to hide in a corner and hears nothing. Therefore, I hope more Honourable colleagues will respond, no matter if they agree with the demand to implement universal suffrage as soon as possible or not.

I learned from the newspaper and the television that Mr XU Chongde had stepped forward and said that even if only one or two persons supported a truth, it would still be a truth, and even though hundreds of thousands of people supported a specious argument, it would just be what it was. Deputy President, I fully agree with this point, particularly when the truth is supported by hundreds of thousands of people, particularly when this truth has always been supported by over 60% of the public for 20 years in Hong Kong, particularly when this truth is guaranteed by the Basic Law and particularly when even the Chief Executive himself also admitted this truth in an interview by the BBC in Britain. He said that Hong Kong people were very mature and he also agreed and supported the implementation of universal suffrage as soon as possible. I hope that his comments are intended not just for the British public and that even when on television in Hong Kong, he will say the same things to Hong Kong people. Unfortunately, the comments that we have heard the Chief Executive make, as covered by the news reports on television in Hong Kong, are so vastly different from those he said to the British public that it is hard to believe they actually came from the same person.

Moreover, I have also learned from the newspapers that Prof RAO Geping of the Beijing University said that it was unlawful for the public to demand a timetable for universal suffrage. I hope it was a misquote by the newspapers. I really cannot figure out or understand why it is unlawful for the public to merely demand a timetable for universal suffrage. Since when has our country, our Motherland, put in place a legal provision stating that it is unlawful for the public to demand a timetable for universal suffrage? Does it mean that the 100 000 people who took to the streets on 4 December have all broken the law?

The wordings in the motion proposed by Dr YEUNG Sum today are very reasonable. He only "urges the Hong Kong SAR Government to seriously consider submitting a report to the Standing Committee of the National People's Congress to reflect to it Hong Kong people's strong aspirations for universal suffrage, and to propose in the report a timetable and a roadmap for universal suffrage that are acceptable to Hong Kong people, so that the Chief Executive and all Members of the Legislative Council can be elected by universal suffrage as soon as possible". This is a very reasonable, sensible and legitimate demand because both the interpretation of the Basic Law and the decisions made on 26 April last year state that if there is a need to amend the methods for selecting the Chief Executives or forming the Legislative Council as stipulated in Annex I and Annex II, the proper way to do it is for the Chief Executive to submit a report. Moreover, according to Article 45 of the Basic Law, when the Chief Executive prepares such a report, he should reflect the actual situation in Hong Kong. What happened on 4 December is a new development and the Chief Executive has the responsibility to submit a report reflecting such a situation as soon as possible.

Now, there are a lot of arguments. Some hold that certain opinion surveys indicate that there is such and such a rate of support, others hold that some issues should not be bundled together, yet others consider that the number of people in the rally has been exaggerated and the number should not be 250 000 people but 60 000, 70 000 or 80 000 people. In fact, perhaps we should be fair and stop arguing about these matters, then conduct a public survey in earnest and let all members of the public vote. We only have to provide some years for them to choose from by asking whether universal suffrage should be introduced in 2007, 2008, 2012, 2016, 2017 or 2047. To allow everyone to vote is the fairest method. There can be no cheating or wrong head counts. Why does the Government not do this? What is the Government afraid of? If

the Government says that it has public backing, then let us have a look at public opinion. What difficulties does the Government have? In fact, it is only necessary for the Government to simply consult all the eligible voters in Hong Kong and see in which year they want to see universal suffrage implemented. What difficulty can there be? After the survey, the Chief Executive can then submit a report and we will have plenty of time to make arrangements according to the broad-based public opinions we have gathered. In this way, we do not have to argue about what is a high degree of consensus because we have already arrived a consensus. All we have to do is to follow it.

I hope that the SAR Government will have the courage to do so and I also believe that the Central Government will ultimately be people-oriented and allow Hong Kong people to select their Chief Executive by "one person, one vote". This is what the public is in favour of and this is also the truth. I hope that the Government can see and listen to public opinion.

Thank you, Deputy President.

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

**MR MARTIN LEE** (in Cantonese): Deputy President, in my opinion, this motion debate is similar to the one on the 4 June incident — in that the so-called pro-communist Members will not say anything on this subject. Strange enough, after hundreds of thousands people have taken to the streets, the majority of Members in this Council have decided not to speak on this subject related to democracy. Deputy President, earlier on, it was the second time for me to make the request of doing a head count in this Council. Why? Because those Members who choose not to make any speech are not even willing to stay in this Chamber, and they are even reluctant to listen to the speeches delivered by other Members. That is why I could not help making that request. Just now although Mr Ronny TONG was delivering his speech, I still made the request for a head count. They are really going too far. How could they live up to their obligations to their descendants? Hundreds of thousands people had taken to the streets not just for themselves; they did it for the purpose of fighting for the cause of democracy for their descendants. Yet so many Members have chosen not only to remain silent, but also to turn a deaf ear to what is being said here. How can they live up to their obligations to the people?

Deputy President, Beijing officials also think that the number of people taking to the streets is unimportant, because there were many people taking part in it. According to the statistics provided by the police, the number of people having taken to the streets is 63 000. The police must keep this figure as low as possible, otherwise they might be accused of dereliction of duty and fired. Anyway, let us regard this as an accurate number for the time being. Why is it important? Because according to police statistics, there were 17 000 participants in the 1 July demonstration. Comparing the current figure of 63 000 people to the figure of 17 000 people for the 1 July demonstration, the December figure has almost quadrupled. As we all know, ever since the mass demonstration in 2003, there has been an important goal for every major policy formulated by the Central Government and the SAR Government, namely, to reduce as far as possible the number of people participating in the next demonstration, which they really achieved. Since 2004, the number of people participating in demonstrations has been on the wane, and the number has dropped to 200 000 or so. According to statistics of the police, the number of people participating in the 1 July demonstration of this year was just 17 000. Yet, just as everything was calming down — the former Chief Executive was replaced by a new one, Mr WONG Yan-lung has taken up the post of the Secretary for Justice, and everybody was overjoyed as the economy was picking up, and so on, the number of people participating in the demonstration rebounded and almost quadrupled over 17 000. Therefore, it is good enough for us to accept even this figure, and there is no need to argue if the number was as high as 250 000 people. Even if we accept the figure of 63 000 people, it has actually quadrupled, meaning that the Central Government and the SAR Government have failed in their attempt to suppress the people's motivation of taking to the streets. Why have they failed? Because Hong Kong people yearn for democracy. Just as some Members have pointed out earlier, Hong Kong people took to the streets just for conveying a message, and that is, they are asking for a timetable of democratization.

Our Chief Executive said he found it baffling as to why Members of the pro-democracy camp were so adamant in insisting on bundling the constitutional reform package with a timetable for universal suffrage. The reason is simple and it has been stated clearly in the original package. According to Article 68 of the Basic Law, the ultimate aim is the election of all the Members of the Legislative Council by universal suffrage, and this is our goal. In the first Legislative Council Election after the reunification, 20 of the 60 seats of the Legislative Council were returned by direct elections. In the second Legislative

Council Election, the number increased to 24. In the current Legislative Council term, the number further increased to 30. All along, we have been progressing towards this goal. However, according to the current package proposed by the Government, the ratio is 35 to 35, which is a deviation from the original plan. In other words, it reconfirms the status of the functional constituencies and recognizes these functional constituency seats as being on a par with directly elected seats. Deputy President, even the 26 April decision of the NPCSC also confirms that this ratio cannot be changed. Then let us leave it at the ratio of 30 to 30, because at the very least this arrangement does not deviate from the original goal — it only means a standstill at the very worst. A standstill does not mean a deviation after all. However, if the ratio were to be changed to 35 to 35, it would be a deviation, thus charting the dual developments like the shape of the letter "Y", and we would drift away from the original goal. What follows, and that is very apparent, would be a bicameral system.

When the subject of a bicameral system was espoused in the Fifth Report, it was stated that it is an important subject that deserves further exploration by various sectors. Furthermore, in a paper prepared for the Committee on Governance and Political Development, of which Mr LEE Wing-tat, not me, is a member, there was a quotation from Mr JI Pengfei, who said the bicameral system was expedient in accommodating the interests of different social classes. The functional constituencies will continue to exist, and the bicameral system will have to be introduced, simply because of this remark. However, this remark of Mr JI Pengfei is very clear. He was only clarifying why the addition of popularly elected seats in the Legislative Council in the first 10 years and the separate voting system are governed by Annex II to the Basic Law instead of by the Basic Law itself. According to him, it was a simple arrangement for providing greater flexibility to facilitate any necessary amendments. As we all know, any proposals to amend the Annexes could be submitted to the NPCSC for consideration if they are passed by a two-thirds majority of the Members of this Council, endorsed by the Chief Executive, and reported to the Legislative Council for the record, without any restriction by the complicated procedures as prescribed in Article 159 of the Basic Law. That is to say, the separate voting system and functional constituency seats will both disappear in future, and they should disappear easily. However, on the contrary, the SAR Government is now making use of this reason to introduce the bicameral system. Is this not putting the cart before the horse? Or is the SAR Government trying to deceive the people?

Now, the SAR Government does possess very good deceptive skills. Ms Audrey EU said earlier that what our Chief Executive had said overseas was very much different from what he had told us. This time when I visited Britain and the United States, I heard them say that the Chief Executive had a different version. Now, the Chief Executive said that he hoped to see the implementation of universal suffrage during the rest of his life. He is so full of confidence. Such a remark was originally made by my elder brother who is 78 years old — he is older than me, that is why I said he is my elder brother — now it came from the mouth of the 60-year-old Chief Executive; in future, it could come from Stephen LAM who is even younger, and then later, it could even come from his son, who is even much younger. However, Hong Kong people would like to see that universal suffrage can be implemented earlier. Deputy President, why can something that is good not happen earlier? In fact, some time ago, a consensus had already been reached among different parties that universal suffrage should be implemented in 2007. It was the Central Authorities who shattered this consensus. Therefore, the implementation of universal suffrage in 2012 is already very very late.....

**DEPUTY PRESIDENT** (in Cantonese): Your speaking time is up. Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Deputy President, earlier on when the Government submitted the Fifth Report, I already stated my position in this Council: That I oppose this so-called constitutional reform package unequivocally, resolutely and without reservations. I pointed out that it was a super small-circle election model, so I had to oppose it. At that time, a number of people were still considering whether they should accept the report, but the messages received lately, particularly those that came out after the 4 December demonstration, have become all the more clearer: That Hong Kong people do not accept this regressive constitutional reform package.

In fact, the so-called constitutional reform package aims at protecting the interests of consortia with vested interests, continuing to consolidate the special status accorded to the super tycoons, and offering continual protection to the interests of those who safeguard the ruling authority of the Government and the interests of those consortia with vested interests, including both political and

economic interests. It also intends to continue protecting the existing system and exploiting the political rights of Hong Kong people. Earlier on, during our trip to the United States, Mr Martin LEE and I met with relevant officials and members of their think-tanks on several occasions, and we pointed out a political reality: That it was not just the Beijing Government that opposes the development of a democratic political system in Hong Kong, but also the super tycoons in Hong Kong, who put up the strongest and most vehement opposition. They are not just making money out of Hong Kong people, but they are also sucking their blood and exploiting the most basic political rights of Hong Kong people too. I have never heard of anything from any super tycoon on any occasion that they support the development of a democratic political system in Hong Kong. In Taiwan, democracy has taken off. If DENG Xiaoping was still alive, I believe he would be thoroughly disappointed as well. This is because when he first proposed the concept of "one country, two systems", Taiwan still had not lifted the ban on forming political parties and operating privately-run newspapers. With "one country, two systems", DENG's idea was that the concepts of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" for Hong Kong could set a good example for Taiwan. However, we have been moving forward at a snail's pace, or worse still, at an amoeba's pace. Taiwan has taken off. It has had two governments ruled by the party which was previously the opposition party. What used to be the opposition party has become the ruling party, while the ruling-turned-opposition party still has the chance of regaining the ruling power in the forthcoming election. This is a matter to be decided by public opinions.

Last Saturday, the people of Taiwan cast their votes in elections for the seats in the three-in-one assembly, and they brought about dynastic changes in a number of district councils. That was a manifestation of the aspirations and the power of the people. Unfortunately, Hong Kong people could only vote with their feet in order to express their anger and dissatisfaction. Deputy President, I have stated in this Council on several occasions that the level of tolerance of Hong Kong people deserves an entry in the Guinness World Records. For many Hong Kong people, they would rather commit suicide than to rebel against the authorities even in the face of poverty, oppression or even when they are being "hunted down". There have been times when more than 100 000 people or even 200 000 people, and even half a million people took to the streets, there had not been any record of vandalism or any conduct that disrupted the law and order of society. This demonstrates that Hong Kong people are lovely, but to a

certain extent, they are pitiable too. Nevertheless, do not go on testing the ultimate level of tolerance of Hong Kong people, and do not attempt to suppress their emotions *ad infinitum*! The anger of the people could be triggered off anytime. Once triggered, the explosive power of the people could be phenomenal. Therefore, once again, I would like to caution those people who have a lust for power and influence, and those Members and those powerful and influential people who are trying to protect their financial interests or maintain their special status through this undemocratic system: If ultimately there is any outbreak of riots or rebellious actions, the status or interests they care so much may fall into oblivion without any trace.

In the meeting of the pan-democratic camp held on the following Monday after the 4 December demonstration, I suggested that any upcoming mass movement should no longer be conducted so rationally and peacefully. We must escalate and intensify our actions. After those people who have made use of their superior status and power to exploit the rights of the people and to solicit interests for themselves, we should not keep on tolerating them quietly. If we were to mobilize a political movement, I hope we can storm the Government, slapping it in the face, bringing it to its senses, and rendering them unable to keep on exploiting our rights. Our rights to vote and to elect our government are not a grace granted by these people. These people are now exploiting the basic rights of the people as if they are in a slavery system. However, there are specific articles in the International Covenant on Human Rights providing for the political rights of the people. Therefore, not only should we direct our upcoming movements against the Government, we should also direct them against those who are standing in the way of the political development of Hong Kong, particularly some super tycoons who have been trying to curb the democratic development of Hong Kong through behind-the-scene mobilization or through their personal clout. We have to expose their ugliness and target our fighting actions at these people in our movements. All those who act against the democratic development are reactionary forces. In a democratic movement, reactionary forces must be eliminated and eradicated; otherwise, democratic forces will be suppressed and the rights of the people will continue to be exploited. I hope we will come to our senses, and stop acting as unscrupulous politicians and government officials who exploit the rights of the people..... (*The buzzer sounded*)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy President, hundreds of thousands people took to the street on 4 December, and different parties are now arguing over the exact number of demonstrators who took part in the event on that day. Some people question whether as many as 250 000 demonstrators actually showed up; and they also argue that the number of demonstrators was less than 100 000. This is very simple indeed. When George BUSH ran for presidency for the first time, apart from a dispute over the voting result in Florida, there were no other disputes. After CHEN Shui-bian had been "slapped" in the face, the Democratic Progressive Party had proved itself incompetent and it was totally defeated, and that is indisputable too.

I would like to ask these people: If they say that not so many Hong Kong people really took to the streets on that day, do they have the courage to conduct a vote-counting exercise? May I ask: Do they really have that courage? Many people are now burbling, or "whining", as Chairman MAO put it. If they say only a handful of people showed up and that was insignificant, please ask them to organize a demonstration with 100 000 participants.

Simply put, what Hong Kong people have been waiting for all the time is a one-man-one-vote election, like the head-counting elections in Taiwan, or other countries or regions where democratic political systems are in place. Therefore, the fact that up till now there are still 30 directly elected Members and 30 non-directly elected Members in this Council is a great misery indeed. We still have to count the votes all the time here, is it not very ridiculous?

As I have said this many times before. Why do those who are so fond of having small circle elections not adopt a one-man-multiple-votes system here? If a person can have 10 votes, will they be willing to accept this arrangement? Of course, they will not. But then why are they different from the remaining 6 million people who have to put up with an election system under which a person can have 10 votes?

Apparently, today's motion of "Democratic Political System" is in fact extremely abstract. My argument is very simple — politics is the manifestation of economic concentration. That is a quotation from Lenin. The existing political system of Hong Kong is a manifestation of an unfair economic system. Every day we complain about the reluctance of public utilities to reduce their charges to benefit the people, and we also complain about the Government for

this and that. But the Government was selected by a handful of people, therefore why should it not be serving this handful of people? I certainly do not understand why this should not be the case. Just like we are dining out together, he who pays the bill for the meal is the boss. It is like the old days when TUNG Chee-hwa was saying something inappropriate, Mr TSANG would still say, "It does not matter, I am just working for my boss." This time around, the Chief Executive, Mr TSANG, is again working for his boss, only this time he has taken over the role of TUNG Chee-hwa and is working for the 800 people who elected him. Yet there are people who are inferior, such as Members of this Council, whom he simply ignores. I am not one of those who elected him, but many Members of this Council have cast a vote in his favour — yet he simply ignores them. His attitude is "I couldn't care less about you".

He wasted so much public money to put on a mourning look and a poker face in front of the cameras and said: Now we are at a crucial moment and we are at the crossroads. Has he ever come to this Council? Has he ever treated us like human beings? We are trampled upon, but we have to stand behind him as well as this corrupt system still, and to me this is really unheard of. Therefore, Members of this Council, for the sake of your personal dignity, and for the sake of the dignity of Hong Kong people, we have to oppose the existing system.

I can identify the corruption of this system, which is very clear to me. With the exception of water supply, all the public utilities of Hong Kong have been monopolized by major consortia, which are doing the dirtiest thing in economics on a daily basis, known as "rent-seeking activities". In fact, these so-called "rent-seeking activities" simply mean "paying for your way or you will be beaten up". They are occupying the roads and people who pass through such roads are beaten up. Commuters have to pay for the use of the road, otherwise they will be beaten up, have their legs broken, and will not be allowed to pass. This is a very corrupt system indeed. Yet, there is a second layer in this corrupt system, and that is, these people do not feel satisfied with the above practices: Real estate developers like LI Ka-shing are all trying to monopolize the market.

Our present political system is one that protects this handful of consortia which are trying to dominate the market by monopolization. Not only are the grass-roots people and the working class being exploited, but even the bourgeoisie and the middle class are subject to repression and are "out of luck". This corruption of the system has already been recognized though, Deputy

President. When was it recognized? It was recognized on 1 July 2003. Our Central Government was fully aware that a bad system will make the bad people to do bad things. But still, it did not seek to improve the system. Instead, they identified another person who looked not too bad to continue doing some more bad things under the bad system. What kind of system is that? Do we do such things in our daily lives? Will we invite the thieves into our house by opening our doors to them? But this is exactly what is happening to us right now.

However, we do not have to feel saddened. If the Government does not withdraw the proposal to be tabled on 21st of this month, and if the proposal is voted down in this Council, then the Government should assume the responsibility and step down. Donald TSANG has quailed. Since he said that now we are at a crucial moment and we are at the crossroads, he certainly will take these proposals as an important piece of legislation, right? He looked as grave as a mourning son — of course when a person's father has passed away, it is a serious matter because he has to take care of the funeral. Therefore, through these proposals, we can see his decayed moral standard. If this proposal cannot be passed in this Council to become an important piece of legislation while the Government's supporters and the Government itself keep claiming that this is the crucial moment now, and in case he wants to dodge the responsibility of stepping down and dissolving the Legislative Council, I think these people should feel extremely ashamed of themselves.

Thank you, Deputy President.

**MR JAMES TIEN** (in Cantonese): Deputy President, I am going to speak on the subject of Dr YEUNG Sum's motion. Dr YEUNG Sum, first of all, I would like to offer my apology to you because I had gone out for a lunch appointment — the former Prime Minister of Singapore, Mr LEE Kuan-yew, has come to Hong Kong and I had agreed to have lunch with him. That was why I was late in coming to this motion debate. I have not intended to be disrespectful to you.

I would like to focus my discussion on the main points of Dr YEUNG's motion. The first part of the motion mentions that many Hong Kong people have taken to the streets to strive for the dual elections by universal suffrage. Regarding this part, we are totally agreeable. We also have great respect for

the several tens of thousands people who took to the streets. Regardless of the number of people who had joined the demonstration, they were all striving for the dual elections by universal suffrage. Next, the motion says, ".....this Council urges the Hong Kong SAR Government to seriously consider submitting a report to the Standing Committee of the National People's Congress to reflect to it Hong Kong people's strong aspirations for universal suffrage, and to propose in the report a timetable and a roadmap for universal suffrage that are acceptable to Hong Kong people", then next, it goes on to say, "so that the Chief Executive and all Members of the Legislative Council can be elected by universal suffrage as soon as possible." I shall respond to these two points on behalf of the Liberal Party.

Regarding a timetable and a roadmap for universal suffrage that are acceptable to Hong Kong people, the Liberal Party has conducted many public opinion polls. We can see that there are people supporting the implementation of universal suffrage in 2007 and 2008, but there are also people supporting such in 2012, or even 2018 and 2017. If Dr YEUNG thinks that, in view of the large number of people participating in the demonstration to strive for dual elections by universal suffrage, he has to request the Government to mention specifically in the report a timetable and a roadmap for universal suffrage that are acceptable to Hong Kong people, I think the Government may need more time to consult and discuss with people from different sectors of the community, so as to achieve a greater consensus.

Here, I would like to reiterate the support of the Liberal Party for the election of the Chief Executive by universal suffrage in 2012. With regard to the work involved, such as the development of political parties and the grooming of political talents, and so on, we shall actively engage ourselves in the promotion of such work. With regard to a timetable for universal suffrage that is acceptable to Hong Kong people, I think what they will accept is "the sooner the better". However, the answer may not be "the sooner the better". The time they may find acceptable may include 2012 or 2017; it all depends. I cannot see any explicit view. For example, they may find 2012 the most acceptable time for implementing universal suffrage. If not, then Hong Kong people will also accept 2017 as the time for implementing universal suffrage. We have not seen any data in this regard. Therefore, with this sentence in the motion, it will put the Government in a most difficult position. According to the findings of the public opinion poll conducted by the Government, there are several timetables that are acceptable to Hong Kong people for implementing

universal suffrage, that is, some people support 2007, some support 2012, and some even support 2017. So, this has made it impossible for the Government to convey the public opinions in this regard in specific details to the Central Government.

With regard to the second point: To ensure that the Chief Executive and all Members of the Legislative Council can be elected by universal suffrage as soon as possible. Dr YEUNG may also know that the Liberal Party holds very different viewpoints on this issue. Regarding the election of the Chief Executive, basing on the public aspiration and the fact that there is only one Chief Executive, who is either elected by universal suffrage or by the Election Committee, so no half-way compromise can be made between the two; therefore, a decision must be made. As such, the Liberal Party also supports the election of the Chief Executive in 2012 by universal suffrage.

However, with regard to the suggestion of abolishing all the 30 functional constituency seats in the Legislative Council in one sweeping stroke, the Liberal Party holds a divergent view. I would like to respond to the earlier remark made by Mr LEUNG Kwok-hung. He said the representativeness of functional constituency elections is more "small-circle" than direct elections. Of course, the representativeness of Members returned by functional constituency elections may not be as great as that of those Members returned by direct elections. But on the contrary, I notice that, functional constituency Members have made contribution in this Council in the deliberation of many laws and the formulation of policies, especially in the financial, commercial and industrial aspects. So purely from the perspective of representativeness, they may be inadequate. But they have helped improve the laws in the legislative processes. Therefore, I feel that Members from functional constituencies really have made great contribution in this Council.

If someone suggests to abolish all the functional constituency seats in the Legislative Council in one sweeping stroke in 2012, the Liberal Party will certainly disagree. In my opinion, since 30 Members have been elected to the Legislative Council through the functional constituencies, we may abolish these seats in a gradual and orderly manner. Of course, I do not mean to say that we should wait until 2047 before we can finish abolishing all these seats. However, on the other hand, it is also not necessary to abolish all the functional constituency seats in 2012 in one go. We can adopt a gradual and orderly

approach in addressing this issue. In other words, abolishing some seats in each Legislative Council election is a more acceptable proposal to the Liberal Party. Of course, such issues as how many seats should be abolished and which seats should be abolished in each Legislative Council election may prove to be even more controversial. The Liberal Party thinks that we may first abolish those seats which can easily be converted into directly elected ones. Of course, with regard to such suggestions, some may say that they would not work; so instead, the abolition of seats should be proceeded on a proportional basis. That is, if a certain number of seats are to be removed from the commercial and industrial constituency, then the same number of seats should be removed from the professional constituencies as well as the grass-roots constituencies. On this issue, we shall not support the motion. In other words, on the point of implementing universal suffrage in the election of all the Members of the Legislative Council, we do have some reservations.

Deputy President, for the two above reasons, the Liberal Party opposes the motion. Thank you, Deputy President.

**MR MA LIK** (in Cantonese): In fact, when Dr YEUNG Sum was delivering his speech earlier on, my DAB colleagues were listening attentively here. We did not intend to skip this motion debate. When I heard that the motion debate was drawing to a close, I immediately hurried back to this Chamber. I was late in coming back because I thought that the earlier heated discussion of Ms Emily LAU would go on for quite some time. Now, I would like to put forward the stance of DAB in relation to Dr YEUNG Sum's motion.

I think Hong Kong is an open society, in which the people can enjoy the freedom of speech and freedom of assembly. Different opinions should be allowed adequate expression through different channels. Last Sunday, a large number of people joined a peaceful demonstration to express their aspiration for universal suffrage. We respect their aspiration very much, and also think that their aspiration should be respected by the various sectors of society, especially by the Government of the Hong Kong Special Administrative Region (SAR).

The people are actually holding divergent views on the issue of constitutional development. Some request that the pace of implementing universal suffrage should be quickened. However, we can also see that more

than 50% of the people support the constitutional reform package put forward in the Fifth Report of the Constitutional Development Task Force. Therefore, we hope that the Government, when it submits the Fifth Report to the Central Authorities, can reflect comprehensively and accurately the public opinions of the Hong Kong people, including the aspiration of those people who participated in this demonstration. Only by so doing can the Central Government be helped in better grasping the different viewpoints of Hong Kong people.

However, I must admit that, regarding the specific timing of implementing universal suffrage, there are really divergent views within Hong Kong. Under such circumstances, we feel that it would be rather difficult to propose a specific timetable. Furthermore, it would be even more difficult to put forward a timetable as part of the constitutional reform package. As Deputy Secretary-General QIAO Xiaoyang had said in a seminar held in Shenzhen last Friday, even the Standing Committee of the National People's Congress (NPCSC) had to abide by the laws in the discharge of its duties and authority. So what the NPCSC can do in approving the report or receiving the report for the record is simply restricted to the amendments to the electoral methods of the two elections to be conducted in 2007 and 2008, and it should never go beyond the scope of the interpretation of the Basic Law promulgated by the NPCSC last year. Therefore, insofar as the constitutional reform package is concerned, there is no way for anyone to make use of it to solve the timetable problem.

With regard to the divergent views in society, I think we should adopt a tolerant attitude towards them, so as to seek common grounds and put aside differences. This would enable us to achieve consensuses in possible areas, thus making it possible for different parties to move forward together. In areas where consensuses are unlikely at the moment, we should continue conducting rational discussions. I think that it would be easier for us to solve problems if we can adopt such an attitude. Regarding the issues of a timetable and a roadmap, we believe that a consensus will be achieved sooner or later in Hong Kong society as long as we continue conducting rational discussions.

At present, should the SAR Government unilaterally put forward a report? I think that as the Government has already handed over this task to the Commission on Strategic Development, so it should present a report on the roadmap and timetable issues to the Central Authorities after conducting an extensive public consultation on this. Otherwise, it would be very difficult for us to arrive at a proposal that is acceptable to Hong Kong people, as suggested in

Dr YEUNG Sum's motion. The DAB supports the expeditious implementation of universal suffrage, so we shall strive to create the right conditions for it. However, before a consensus has been reached in society on the dual elections by universal suffrage, we hope the constitutional systems in 2007 and 2008 can still move forward, instead of coming to a halt and staying put. We think that the package presented by the Government can provide us with such an opportunity to move forward. If the package for 2007 and 2008 can be implemented, and the electorate base can be expanded, we believe we can make larger strides in the subsequent constitutional arrangements, and by then we shall have moved closer to universal suffrage. Therefore, although the present constitutional reform package may not be able to satisfy a certain part of public aspiration, that is, the part related to a timetable, it can certainly give us the impetus for our long-term constitutional development. We really cannot see why this proposal must be negated.

Basing on these reasons, we support the proposals for the 2007 and 2008 elections, thinking that this is most favourable for the long-term constitutional development of Hong Kong. We do not agree that we should oppose the constitutional reform package just because of the absence of a timetable. Therefore, if this is exactly the intended message conveyed in the motion presented by Dr YEUNG Sum today, we cannot possibly accept it.

I so submit.

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

**MR ALAN LEONG** (in Cantonese): Deputy President, in the period before the 4 December demonstration, many citizens, friends and journalists asked me to predict the number of people who would show up in the march; but all along I was not very interested in speculating on the number of people who would participate in the demonstration. I was not concerned about whether the number of people showing up at the 4 December demonstration would be comparable to that of the 1 July demonstration, because the two of them took place at a different time after all, and the atmosphere in society was very different too. In fact, I have been confident that the demonstration this time would form an effective public opinion which is definitely no less significant than that of the 1 July demonstration. This is the most important point. Showing

perseverance, insistence, passion and reasoning, Hong Kong people got on their feet from 3 pm — some people even had to wait for as long as three hours just to be able to depart from the Victoria Park — until after 8 pm. Therefore, nobody would believe that only 63 000 people had taken part in the demonstration, as said by the Government. Hong Kong people are really respectable and adorable; they have succeeded in making the Sunday on which the 4 December demonstration took place an epoch-making Sunday. It was a day that belonged to all Hong Kong people. They should be proud of themselves.

Judging from another perspective, even though the number of participants of the 4 December demonstration was less than that of the demonstration that took place on 1 July 2003, this latest demonstration is even more remarkable in the sense that it highlighted the elevated civic quality of Hong Kong people. Two years ago, Hong Kong was suffering from the most chaotic public governance, the most severe economic downturn, and the worst grievances of the people. Coupled with the onslaught of the epidemic of the century, the 1 July demonstration was regarded by many people as a full-scale eruption of public discontents. In comparison, when the 4 December demonstration took place just a few days ago, it was a time when the economy of Hong Kong was picking up, the Chief Executive was enjoying high ratings in public opinion polls, and public sentiments were evidently more optimistic. Yet, even though the Chief Executive was so much more skilful in playing his public relations tactics, and even though more economic concessionary measures were in the pipeline, none of these factors could extinguish the burning desire of Hong Kong people in pursuing democracy and universal suffrage.

Deputy President, there is a theory that the 1 July demonstration that took place two years ago was an eruption of public anger, and that it was participated by people with different aspirations. Therefore, the 500 000 demonstrators did not share a common goal. Some commentators even claim that the demonstrators' aspirations were "hijacked", whereas the public was misled into believing that all the demonstrators supported the aspiration for universal suffrage. These commentators said that the demonstrators then were just voicing their protest against the poor economic conditions, instead of opposing the enactment of legislation to implement Article 23 of the Basic Law (Article 23). When the legislative process was shelved, they changed their allegation to say that the demonstration was intended for opposing the enactment of laws to implement Article 23, not demanding the stepping down of Mr TUNG. When Mr TUNG did step down, they changed their tone again to say that the

demonstrators were only opposing TUNG Chee-hwa, and that they were not in favour of the dual elections by universal suffrage.

Actually did Hong Kong people taking to the streets support the idea of electing our Chief Executive and Members of the Legislative Council by universal suffrage? This has been a topic of controversial discussion for two years. Until a couple of days ago, we had the 4 December demonstration which showed apparently that there was only one single theme and aspiration in this demonstration. Irrespective of the fact that the economy has been reviving, hundreds of thousands people still took to the streets from the morning to the evening, which was sufficient to put an end to this frivolous debate. The fact that Hong Kong people aspire for universal suffrage is now beyond any doubt.

With regard to the 1 July demonstration of 2003, the Government evaded it. For the 1 July demonstration of 2004, the Government evaded it again. Now what is before us is the 4 December demonstration of 2005. How long can the Government go on evading the issue? In fact, the Government should submit a report to the Central Authorities as soon as possible to state clearly and unambiguously the public opinions and the public sentiments of Hong Kong people, as well as their aspirations for dual elections by universal suffrage, a harmonious society and a smooth administration.

When compared with the former Chief Executive, Mr TUNG Chee-hwa, who could only utter "good morning" on three consecutive days, the incumbent Mr TSANG is apparently more composed. He could even say something "nice", such as commending the people who took part in the demonstration as possessing enthusiasm, ideals, and a strong love for Hong Kong. He even said that he could definitely see the implementation of universal suffrage in Hong Kong during his life time. However, do these words contain more specific details than the "good morning" greetings uttered by the former Chief Executive? Can we get some specific information from these words at all? Not a single sentence. Not a single word. Can Hong Kong people convince themselves that their wait during the past two decades or so has finally come to an end?

Hong Kong people need none of such sweet talk. All we need is a specific, clear and unambiguous undertaking. The Chief Executive could not possibly be unaware of the fact that, for the majority of Hong Kong people, the

most preferred date for introducing universal suffrage is 2012. We are now patiently waiting for the compilation of a new report by the Government, one that can honestly reflect the current situation of Hong Kong.

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

**MR LEE CHEUK-YAN** (in Cantonese): Deputy President, on 4 December, 250 000 people took to the streets. It was a day of pride for Hong Kong people. As many Honourable colleagues have said earlier, in comparison with previous demonstrations, this one did carry very significant historic implications.

The mass demonstration on 1 July 2003 was held for the purpose of opposing the enactment of legislation to implement Article 23 of the Basic Law, and it was an unprecedented demonstration participated by lots of people. However, at that time, many people argued that the demonstration was meant to oppose the enactment of legislation to implement Article 23, not intended for fighting for the cause of universal suffrage. Some other people argued that the demonstration was triggered off by the people's anger towards TUNG Chee-hwa or Regina IP, together with many other reasons.

(THE PRESIDENT resumed the Chair)

The demonstration on 1 July 2004 also saw participation by many people, and it was a demonstration with high spirit and strong emotions. However, at that time, some people still attributed the demonstration to the economic downturn and the SARS outbreak, and said that demonstrators actually took part in it for many different reasons, and democratic universal suffrage may not be the most significant subject matter. With such excuses, they tried to shift the focus away from the people's aspiration for democratic universal suffrage which had been suppressed for many years.

But for the demonstration this year, no one can do anything to shift the focus to any other subjects. The Central Authorities cannot shift it, nor can Donald TSANG. Donald TSANG could not come forward to tell the people that it was all his fault because he was responsible for triggering the people's anger; or because he was as incompetent as TUNG Chee-hwa, and that explained

why so many people had taken to the streets. Donald TSANG did not say that. And as a matter of fact, such allegations are not true because Donald TSANG enjoys very high ratings in public opinion polls. The Central Government had thought that, since so many people had taken to the streets in the past, so maybe the people's aspiration for universal suffrage would be toned down if they replaced TUNG Chee-hwa with Donald TSANG. They thought all that Hong Kong people demanded was nothing but economic prosperity and a good king; they did not really need democracy.

The demonstration on 4 December has clearly demonstrated that Hong Kong people basically demand a change in the system. We did not only ask for the stepping down of TUNG Chee-hwa. We do not just ask for a good Chief Executive. Instead, we ask for a system, which should empower us to throw a Chief Executive out of his office if he is not good for the job. And if there is a good candidate, we can elect him to the office of the Chief Executive. Hong Kong people has conveyed a very clear message this time, that is, Hong Kong people want to have democracy as well as universal suffrage. Regarding those who say that all Hong Kong people need is nothing but economic prosperity, they have lost their credibility. If we want to have economic prosperity, if we want to enjoy good quality of life, the most significant prerequisite is a good political system that can enable us to continue enjoying our existing freedom, economic prosperity and good quality of life. This message conveyed by Hong Kong people is very explicit.

In the face of such an explicit aspiration of Hong Kong people, how does the Government react? Donald TSANG has just engaged himself in some empty talk without mentioning any concrete details. He spoke very well and with great sensibility. Sometimes I do admire his sensibility. But after listening to his words with sensibility, I feel very indignant. His remark with the greatest sensibility must be this: He says that he is already 60 years old now, and he believes that he can see the implementation of universal suffrage during the rest of his life. Secretary Stephen LAM is a Christian, so am I. And Donald TSANG is a Catholic. We all know that how long we can live is a matter decided by God, so I really do not know where does his confidence originate. Perhaps he thinks he has received a message from God and from it, he has formed the opinion that there are still many years ahead of him, that is, by 2047, he is still alive and kicking, so he can definitely witness the implementation of universal suffrage. Otherwise, he must have obtained the information from another source to have the knowledge that — perhaps the Central Authorities have told him — we shall have universal suffrage very soon.

If he has really got such good news from the Central Authorities, why does he not share it with Hong Kong people, and tell them the basis of his confidence? Apart from believing that he will enjoy longevity, does he also know that even if he is not having an extended lifespan, universal suffrage will still be implemented very soon? If so, why does he not share the timetable with us, so as to make everyone happy? The response we want to have, and the response the people wanted to have on that day is to be informed of the date on which we shall have universal suffrage. How much longer shall we have to wait? This is the question asked by Hong Kong people, who hope to get an answer. But unfortunately, the Government has not given us an answer, neither has Donald TSANG who has just responded with some empty talk.

Earlier on, Mr James TIEN has spoken in a more progressive manner than Donald TSANG. However, I still have to criticize the Liberal Party as I think that they are relatively selfish. The Liberal Party has indicated support for universal suffrage to be implemented in 2012 for the election of the Chief Executive, but not for the elections of Legislative Council seats. Why did I say that it was a manifestation of selfishness? If universal suffrage is implemented in the election of the Chief Executive in 2012, they may have the chance of participating in it. They had experienced the dangers involved in small-circle elections — someone had once expressed the determination of participating in the election, but could suddenly decide to quit. So, in fact, universal suffrage is favourable to them. However, if universal suffrage is to be implemented in the Legislative Council, it will not be favourable to them because most of them are Members returned by functional constituencies. Therefore, they would like to delay the introduction of universal suffrage in the Legislative Council. It is not very fair for them to take such a stance. They should also respond to the aspirations of the people.

The DAB says that it would be very difficult to formulate a specific timetable, and it is even more difficult to oppose the proposal. The DAB hopes to see the early implementation of universal suffrage, and will strive to create the conditions for it. However, it has never been easy to see the DAB's stances. They had originally indicated support for introducing universal suffrage in 2007 and 2008, but why are they now only saying that they hope to see the early implementation of universal suffrage and would strive to create the conditions? Why does the DAB not put forward a timetable? The DAB is even worse than the Liberal Party because the latter has at least put forward half a timetable, but

the DAB has presented none. It just said that it would strive to create the conditions, which were completely identical to those mentioned by the Central Authorities. In fact, it is just repeating what the Central Authorities have said. Therefore, I would like to ask the DAB, and Hong Kong people would also like to ask the Government and the political parties: What is their timetable? When will universal suffrage be introduced in Hong Kong?

On behalf of the Hong Kong Confederation of Trade Unions, I am speaking in support of Dr YEUNG Sum's motion, thinking that the Government should withdraw its proposal now and then start conducting a consultation with Hong Kong people, so as to present a proposal that genuinely reflects the aspirations of the people to the Central Authorities and the Legislative Council. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): No more Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now call upon the Secretary for Constitutional Affairs to speak.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Last Sunday, Madam President, tens of thousands of people took part in a march to express, in a peaceful and orderly manner, their wishes to realize their aspirations for universal suffrage as early as possible. As stated by the Chief Executive during his meeting with the media the same evening, we fully appreciate the sincerity of the people in pursuing democracy. We also clearly understand that the Government cannot, and will not, evade the people's aspirations. We will definitely act proactively in addressing the aspiration of society for universal suffrage. This is why Members have seen two developments of great significance over the past week or so.

First, in its first meeting on 29 November, the Committee on Governance and Political Development, set up under the Commission on Strategic Development, commenced preparations for the timetable and roadmap for universal suffrage and initiated relevant discussions. According to our specific plans, the relevant work will be carried out in two phases. To start with, discussions on the principles and concept of universal suffrage will be conducted in the first phase in the hope of reaching a preliminary conclusion during the summer holiday next year. We will then proceed to the second phase to study and discuss the mode of electing the Chief Executive and the Legislative Council by universal suffrage, endeavouring to reach a final conclusion on the entire study and discussions. In other words, we hope to complete work in this area during the current term of the Government.

The second significant development is that, under an arrangement made by the Hong Kong Special Administrative Region (SAR) Government and the Central People's Government Liaison Office, Deputy Secretary-General QIAO Xiaoyang met with Honourable Members, District Council Chairmen and people from all walks of the community in Shenzhen last Friday. Although Mr QIAO stated that a decision on the timetable for universal suffrage at this stage was impossible, he pointed out that we could explore and study the issues of the timetable and roadmap for universal suffrage. Members can therefore see that, even before the march, both the SAR Government and the responsible officials of the relevant department of the Central Authorities not only clearly stated their position on the universal suffrage issue, but also took the initiative in making responses.

Members of the pan-democratic camp should have also noticed from the developments over the past week that the gap between the SAR Government and the Central Authorities and the pan-democratic camp is closing. In the light of Members' demands for a roadmap and timetable for universal suffrage over the years, work has already started. Should Members care to look at other parts of the world, they will find that when issues left over by history were dealt with and resolved, great difficulties would very often be encountered at the beginning. However, once the relevant procedures had been initiated, momentum would gather, and all the problems would eventually be resolved one day.

Dr YEUNG Sum has proposed that the Chief Executive submit to the NPCSC a report, including a roadmap and timetable for universal suffrage. Actually, the constitutional reform proposal made by the Constitutional

Development Task Force was based on the Decision made by the NPCSC in April last year, which empowered the SAR Government to address the two electoral methods for 2007 and 2008. As for the issue of when universal suffrage will be implemented, it is beyond the scope of the Decision made by the NPCSC in April 2004 for its approval or record.

Insofar as practical considerations are concerned, since Hong Kong society is still divided on the pace and mode of implementing universal suffrage, a consensus can hardly be reached on this issue in the short term. The result will not be satisfactory if the matter is hastily dealt with for the sake of immediate implementation. As the Commission on Strategic Development has already started discussions on the roadmap and timetable for universal suffrage, we should let the Commission continue taking its work forward.

Members of the pan-democratic camp stated that they would rather stay put than support the constitutional reform proposal for 2007 and 2008. Yet, we still hope that they can revise their position before the actual vote. The SAR Government is considering ways to, despite the limited scope, perfect the proposals for the two electoral methods, in the hope of securing Members' support. At the present stage, we are still studying the areas to which adjustments can be made.

Should Members of the pan-democratic camp eventually insist on casting opposition votes, they must give explanations in the following areas: Why should the Legislative Council, which has always emphasized that it is a representative of public opinions, act against public wishes by vetoing the constitutional reform proposal which is acceptable to the majority of the people? Why should the proposal, which carries a concrete element of democratization and can push our electoral system forward in the direction of universal suffrage, be aborted? Why would vetoing this proposal help us draw up a timetable and roadmap for universal suffrage expeditiously? What conflicts are there between supporting the Government's proposal and formulating a timetable and roadmap for universal suffrage?

Many Members mentioned in the debate today the turnout for the march last Sunday. While Dr YEUNG Sum and a number of Members estimated the turnout to be 250 000 people, some quoted the police which put the number at 63 000. According to the findings of the surveys conducted by several universities, the turnout was estimated to be between 70 000 and 98 000.

I noted the newspapers published the day before yesterday that Mr LEE Cheuk-yan had said that justice is in the hearts of the people. I also believe Hong Kong people have a clear mind and know how to make their own judgement. Mr Martin LEE was quite direct for he considered 63 000 a marked increase. Ms Audrey EU, on the other hand, considered the turnout not the most important indicator. In my opinion, however, this discussion actually serves to remind Members once again that integrity is most vital to people taking part in politics — they must tell the truth. The SAR Government's attitude towards the turnout is the same. Regardless of the size of the turnout, we will attach great importance to public opinions and proactively address the people's aspiration for universal suffrage. This is why we have taken the initiative to commence discussion on this.

Dr YEUNG Sum has also raised the point that 90% of the respondents opposed the proposal for 2007 and 2008. If I have not got it wrong, he was quoting from a opinion poll which was specially designed to gauge the views of the participants of the march that day. However, the opinion base of the poll is very much different from that of the polls conducted by the Government or those conducted by major newspapers or universities over the past month or so. Actually, Members can see from all the opinion polls during the same period that the majority of the respondents, outnumbering the opponents, supported and accepted the electoral proposal for 2007 and 2008. According to the surveys stated in our report submitted to Honourable Members, 70% of the interviewees hoped that the proposal for 2007 and 2008 could progress rather than remain stagnant.

Madam President, democracy is a universally accepted notion. The SAR Government also fully agrees that the ultimate goal of universal suffrage should be achieved expeditiously. I believe Members here in the Chamber also agree to this general direction. The differences between us are confined to the following two aspects: First, the SAR Government hopes to separately deal with the constitutional reform proposal and the timetable for universal suffrage, for it is neither essential nor advisable to bundle the two issues together. Second, we hope to conduct internal discussions in Hong Kong society on the roadmap and timetable for universal suffrage and, after seeking a consensus within our society, seek a consensus with the Central Authorities. However, some Members hope that a decision can be made on this complex issue today. Actually, Hong Kong cannot unilaterally make any decision on the issue of constitutional development. It is imperative for our efforts and those of Beijing to be mutually complementary.

A number of Members have talked about the making of history today. I would also like to recap some history. Madam President, from the experience gained over the past two decades, we can see that it is indeed imperative for Hong Kong to dovetail with Beijing in addressing a number of major issues. Examples include setting up the Court of Final Appeal before the reunification; properly handling the issuance of HKSAR passports; fighting for Hong Kong people visa-free arrangements; and dealing with the implementation of CEPA after the reunification. All these cannot bear fruit without proper negotiations between the two parties.

Looking back, we started addressing the issue of the Joint Declaration in the '80s, and then finalized the Basic Law in the '90s, and the "one country, two systems" after 1997. If we sum up the experience gained throughout the past two decades, we will basically come up with two significant points. In order to resolve problems for Hong Kong and Beijing, we must, first, demonstrate our sincerity and, second, spend time and show patience to resolve the problems step by step. Basically, a middle-of-the-road approach must be taken in resolving the problems on the basis of mutual understanding and accommodation. Actually, our sincerity has been laid on the table. After public consultation for one year and a half, the dish called "electoral proposal for 2007 and 2008" is now ready to be served. Though we dare not describe it as tantalizing, generally speaking, Hong Kong people consider it acceptable and worth trying.

I feel sorry that some Members are telling others not to "raise their chopsticks" because they are not interested in this dish. They are demanding us to replace it with another dish called "universal suffrage timetable". I can only tell Members once again that they are asking for the impossible because the "universal suffrage timetable" dish requires a much longer cooking time. It cannot be served in short notice.

The worldly affairs are not that simple. Rejecting the first dish does not imply that an ideal replacement will be instantly served.

Certainly, addressing the issue of constitutional development is much more complicated than cooking. However, should Members made any mistake in judging the situation, the entire process has to be stopped. I believe this is the last thing Members would wish to see. Therefore, I would like to appeal to Members once again to endorse the constitutional reform proposal for 2007 and 2008 and then address the issue of exploring the roadmap and timetable for

universal suffrage jointly with the Commission on Strategic Development. Only through such a pragmatic approach can we help the territory implement universal suffrage expeditiously.

With these remarks, Madam President, I implore Honourable Members to oppose Dr YEUNG Sum's motion. Thank you, Madam President.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum, you may now reply and you have six minutes 54 seconds.

**DR YEUNG SUM** (in Cantonese): Madam President, the dishes to be prepared are frankly not important at all. The most important questions should be who is supposed to place the order and who the chef is going to be. In the present context, both are going to be the Central Government and our SAR Government is nothing but a junior chef responsible for delivering the prepared dishes.

Madam President, on 4 December, 250 000 people took to the streets for the single cause of universal suffrage, chanting slogans that reverberated high up into the firmament. I believe that when the day of universal suffrage for Hong Kong eventually arrives, the local people will most certainly celebrate 4 December 2005 as their Democracy Day. And I believe this very day will surely come.

The hundreds and thousands of people who took to the streets for the single cause of universal suffrage are in fact the pride of all Hong Kong people. Mr Martin LEE reminded me a short while ago that many wealthy people also took to the streets that day. So, let us not criticize them for refusing to participate; they simply did not want to adopt a high profile. I hereby pledge to the people of Hong Kong that the Democratic Party and the pan-democratic camp will most certainly oppose the regressive package of the Government with all their might. We will not only oppose the package but will also continue to muster all forces to fight for the prompt formulation of a timetable on the implementation of universal suffrage in Hong Kong.

The recent seminar in Shenzhen was obviously an attempt by the Central Authorities to cool down the atmosphere. But this attempt was clearly of no avail. Instead, more people were induced to take to the streets to fight for a timetable on the implementation of universal suffrage.

Madam President, Hong Kong people are indeed very mature. Seeing that the Central Authorities have so swiftly ruled out the implementation of universal suffrage in 2007 and 2008 by passing a resolution in the National People's Congress (NPC), they have switched to question the Government when a reasonable timetable can be offered to them. It is really a great shame to assert that Hong Kong people are immature and low in civic-mindedness, and that conditions in Hong Kong are not yet ripe for the implementation of universal suffrage.

The failure of the Central Authorities to cool down the atmosphere this time around can actually deliver one most significant message — for the first time, the demand for a timetable on the implementation of universal suffrage in Hong Kong is recognized on behalf of the Central Authorities by QIAO Xiaoyang, Deputy Secretary-General of the Standing Committee of the National People's Congress. He has not only recognized this demand but also gone so far as to repeat over and over that this demand should be respected.

I therefore maintain that the Members now in this Chamber should continue their joint efforts to fight for a timetable on behalf of Hong Kong people. Is it really true that we never had any timetable on the implementation of universal suffrage? Madam President, this was definitely not the case in reality. If we look at the three major political parties, we will see that besides the Democratic Party, the Liberal Party and the DAB also once expressed, at different times, their support for the implementation of universal suffrage in 2007 and 2008 in their respective constitutions and party platforms. Since support for the implementation of universal suffrage in 2007 and 2008 was once expressed at different times in the constitutions and party platforms of the three major political parties, one can actually say that there was already a timetable a very long time ago. The only problem is that due to political factors and the disapproval of the Central Government, they have abandoned the timeframe of 2007 and 2008 for the sake of political benefits. It is simply a waste of time to continue to argue that two more years are required for discussions. And, they have simply forgotten all about the objective they once fought for.

That the timetable on the implementation of universal suffrage is negotiable is where I fail to agree with Deputy Secretary-General QIAO Xiaoyang. He remarked that there could be no way out. His reference to "no way out" actually carries two implications. First, there is no consensus and negotiations are impossible because both sides simply refuse to give way. But

as I have pointed out, Madam President, the three major political parties all once expressed at different times their support for the implementation of universal suffrage in 2007 and 2008. That being the case, how can there be any difficulties? There is definitely a way out, a way of setting down a timetable on the implementation of universal suffrage. It is not true that there can be no way out. The only problem is that they simply do not want to proceed. Since they are filled with political fear, since they fear that the Central Government may put the blame on them, they are unable to speak their minds.

The second implication is about the lack of any legal basis. This is not purely a question of legal basis. And, I must say that this is in fact a political issue. Members can easily see what I mean. Even before we started our constitutional review, the NPC could already resort to the legal procedure, passing a resolution to rule out our political intentions and consensus. As long as the NPC can realize the aspiration for democracy voiced in the recent march, as long as it can recognize the necessity of a timetable on the implementation of universal suffrage, meaning that as long as it is prepared to give its acceptance and convene a meeting to approve the package tabled by the SAR Government on revising the timetable on the implementation of universal suffrage, another legal basis will certainly form.

It can thus be seen that a legal basis can actually be worked out to suit political intentions. As long as the NPC can respect Hong Kong people's aspiration to a timetable on the implementation of universal suffrage and convene a meeting to pass a pertinent resolution, there will be another legal basis. Consequently, it is not quite so true to say that there is no way out. The only problem is the lack of any political determination.

We will do our utmost to oppose the package put forward by the Government. But this is not the only thing we will do because we must hold ourselves accountable to the people of Hong Kong. We will continue to muster all forces and pursue the matter in the Panel on Constitutional Affairs — as I mentioned earlier on, in my capacity as the spokesman on constitutional development for the Democratic Party, I have already written to the Chairman of the Panel on Constitutional Affairs, requesting the public disclosure of its agendas, the conduct of public hearings and the attendance of deputations in its meetings. That way, we can all join hands to fight for a timetable. I believe that through the discussions in the Panel on Constitutional Affairs, we will be able to let the people know what we are fighting on their behalf. Instead of

merely opposing the package, we will continue to make other efforts. I also believe that the people will certainly find the discussions in the Legislative Council much more pragmatic than those in that pro-government organization called the Commission on Strategic Development.

Despite the economic upturn and the declining unemployment rate, 250 000 people, young and old, still endured the hardship of taking to the streets, peacefully voicing their aspiration for a timetable on the implementation of universal suffrage. I believe that this aspiration for a timetable for universal suffrage will be unequivocally recorded in the history of Hong Kong. Let me repeat this: If universal suffrage can be implemented in Hong Kong one day, 4 December 2005 will be celebrated as the Democracy Day of Hong Kong.

I hope that Members can support this motion. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr YEUNG Sum 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)

Dr YEUNG Sum rose to claim a division.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum 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, Mr SIN Chung-kai, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the motion.

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 Timothy FOK, 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 Patrick LAU and Mr KWONG Chi-kin voted against the motion.

Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, 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, 27 were present, seven were in favour of the motion, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 16 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: Endeavouring to improve air quality.

### **ENDEAVOURING TO IMPROVE AIR QUALITY**

**MR JAMES TIEN** (in Cantonese): Madam President, after the discussion on a relatively controversial political issue just now, here comes this motion that brings us back to a question of more relevance to people's livelihood.

Madam President, I actually proposed a similar motion a year ago, on 15 December 2004. Some colleagues might probably ask: Why should this question be raised again? First of all, I would like to give Members an account on this. It is all because of a motion debate held last year on improving air quality, on which an overwhelming consensus was reached, and the 10 to 20 additional recommendations made by colleagues through their amendments. The motion was even jokingly likened to a Christmas tree. Anyway, it is already December, and Christmas is drawing near. It does not matter even if the motion resembles a Christmas tree. As it occurs to me that some questions require enhanced co-operation with Guangdong Province, I cannot help asking this question: Should extra efforts be made after a consensus has been reached by Members of this Council?

After consideration, I put forward a proposal in a meeting of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) in March this year with the support of 92 Hong Kong members of the CPPCC National Committee. The contents of the proposal were actually very similar to those of the motions already passed by this Council, including all of the endorsed amendments. In the middle of this year, the 92 Hong Kong members and I received a positive response from the State Environmental Protection

Administration of China with respect to the proposal on "Collaborating in tackling cross-border air pollution". The recommendations made in the proposal are now consolidated into five points in this motion. After detailed discussion between the State Environmental Protection Administration of China and the Guangdong Environmental Protection Agency, it was considered that the tasks in these five areas are attainable. Given their indication that efforts will be made, we shall wait and see how they will go about it.

On two other occasions when the CPPCC held its meeting in Hong Kong, I tried to find out what could be done to follow up the matter in the circumstances. Should the secretariat of the CPPCC follow up the matter on our behalf? Although we received the reply that there would be co-operation, it is nonetheless a good thing for us to remind and urge both parties every year by continuing to follow up this issue in Hong Kong to ensure that the Hong Kong Government and the Guangdong Provincial Government will strive to deliver on their undertakings. The secretariat of the CPPCC may probably worry, despite the undertakings made by the environmental protection authorities in China and the CPPCC, whether Guangdong Province or the State Environmental Protection Administration of China should be held accountable should the undertakings fail to be honoured. Should that happen, will the matter be left unsettled? If we in Hong Kong act as a reminder from time to time, the Hong Kong Government will be able to follow up the matter in the light of the positive response from the environmental protection authorities, thus ensuring what has been promised can at least be accomplished.

Madam President, here I have to say a few words on our general discussion. First, endeavouring to achieve as early as possible the emission reduction targets for 2012 regarding the four types of pollutants. In this respect, we do worry that some targets agreed to be achieved in 2011 might not be realized in 2011 and have to be postponed until 2012. The reply from the environmental protection authorities, indicating that the target might be achieved in 2010, is quite positive. Given that this direction has been proposed, I hope the Government will actively work with the Guangdong environmental protection authorities. It is certainly impossible for this task to be commenced in 2007, 2008 or even 2009. If it is not commenced now, the desirable result can definitely not be achieved by the expected date.

Second, expediting the formal commissioning of the Pearl River Delta (PRD) monitoring network to ensure that the same emission standards are

adopted by the two places. I have also noted that the two places are still divided over the standards, which have to be discussed in detail by the SAR Government and Guangdong Province. If different indicators are adopted, it will be very difficult to conduct unified testing, though both places might insist that their targets have been reached.

Third, regarding the emissions trading pilot scheme, we are certainly referring to the feasibility of implementing emissions trading by the two power plants. The Government also understands this point and work in this respect is being undertaken. Madam President, insofar as this point is concerned, I note that one thing must be done here in Hong Kong. This is also what the power companies must actively tackle. They may even discuss with the Economic Development and Labour Bureau issues concerning this in conjunction with the expiry of the Scheme of Control Agreement (SCA) in 2008. It is now 2005. I wonder what the contents of the new agreement to be signed in 2008 will be. Will it be necessary for the two issues to be discussed jointly? The emissions trading pilot scheme might need to accomplish this.

Fourth, the mainland authorities have agreed to provide business operators who have installed air pollution control systems in their plants in the PRD Region with tax relief on depreciation of the relevant systems. This certainly has nothing to do with the Hong Kong Government. Neither is the territory required to permit manufacturers to enjoy tax relief for their investments on the Mainland. If the manufacturers can enjoy tax relief on depreciation of their machinery on the Mainland, I hope the Government can take follow-up actions to ensure that Guangdong Province can really provide tax relief for the benefit of the factories.

The last point, proposed by the State Environmental Protection Administration of China itself, requires the environmental protection authorities of Guangdong Province to maintain close co-operation with the State Environmental Protection Administration of China to promote the prevention and control of regional air pollution. Although Guangdong Province attaches great importance to the air pollution problem, it does not have much money to spend as it is required to hand over its tax revenue to the Central Authorities. From another angle, they may think that Hong Kong should provide more assistance as it is not required to hand over any of its surplus to the Central Government. Furthermore, can manufacturers, many of whom are from Hong Kong, be encouraged to make better complementary efforts? Of course, all manufacturers, particularly those from Hong Kong, will argue that, wherever

they invest, they have to abide by its domestic legislation and maintain their competitive edge. As domestic legislation requires that such standards be adopted, the standards cannot be raised simply because the manufacturers are from Hong Kong. In other words, the manufacturers should not be required to use better quality fuels or better facilities, which will otherwise result in higher costs. The competitive edge of Hong Kong manufacturers will be undermined should their neighbouring factories be operated by local people or state enterprises.

Actually, investors must respect the law of the places where they invest. It is impossible to require them to do so while abiding by the law of their place of origin. From this angle, I consider their arguments reasonable. Such being the case, we can simply not require them to adopt higher standards. I hope Guangdong Province can understand that everyone must be treated equally. If it is required by law that higher quality diesel must be used, then we cannot require factories in Hong Kong to pay higher costs in using a better quality fuel while allowing factories on the Mainland to use a more inferior fuel.

Another more complicated issue concerns the pollutants emitted by vehicles on the Mainland. As Members are aware, the pollution problem caused by the fuel used on the Mainland is much more serious than that in Hong Kong. I do understand that, for a country of this size, if mainland manufacturers, like Hong Kong manufacturers, are required to use low sulphur fuel, their costs will increase enormously. Furthermore, as pointed out by some of them, even if a better fuel is used in Shenzhen, there is no way to bar the entry of vehicles from Dongguan or other places. Nor is it possible to require a more expensive and better quality diesel be used in the entire Guangdong Province and disallow vehicles from other provinces and cities from entering the province. I do note that there are concrete difficulties on these fronts. Even the State Environmental Protection Administration of China considers it quite difficult to achieve this target at this stage.

The Liberal Party is quite disappointed with the overall response. Notwithstanding this, we will still request the mainland authorities to achieve these five targets. We certainly hope that they can meet the targets by all means. Moreover, we will continue to encourage them to make efforts in other areas. To me, this approach is acceptable. If they are required to accomplish too many tasks in one go, they will simply end up in failure. At present, coupled with the improving economic situation and growing industrial development on the Mainland, the livelihood of the general public has also been improved.

Even if some of the power consumed is generated by better fuels, the power supply is still inadequate to support some old factories. New demands from the public, such as those for domestic consumption, commercial activities, restaurants, and so on, have expended all the power generated. It is simply impossible for manufacturers to close down backward or highly-polluting old power plants. If these patched-up power plants are required to use better diesel, they will definitely refuse on the ground that other power plants are not required to do the same and that doing so will undermine their competitive edge. For these reasons, I consider it impossible for these problems to be resolved for the time being.

Most importantly, I hope today's motion can gain the support of this Council so that we can support the Government and Guangdong Province continuing their efforts in following up the five tasks they have promised to accomplish. As for the tasks they have yet promised to undertake, other colleagues may perhaps express their views on ways to urge the Government to continue with its effort.

On the domestic front, since last year, the Government has taken the initiative to make some efforts in turning off idling engines. Even the Chief Executive has encouraged government vehicles to turn off idling engines by all means. However, in the absence of statutory regulation, pure encouragement will not be very effective on private cars. Neither will the Liberal Party propose adopting a sweeping approach in dealing with other legislative proposals. For instance, we consider that some places ought to be exempted from the smoke ban. By the same token, we feel that the requirement of turning off idling engines should apply to private and government vehicles only. As for vehicles driven by professional drivers, such as minibuses, taxis queuing for passengers, it is simply impossible to require them to turn off their idling engines whereas they might need to turn on their engines again within a minute or half. Furthermore, more pollutants will probably be emitted too. I therefore consider it reasonable for these specific trades to be granted exemption by the Government.

Another quite controversial issue concerns the regulation of tourist coaches. In our opinion, it is inadvisable for these coaches to be exempted. For instance, after a tourist coach has carried a full load of tourists to a shopping arcade for shopping nearby, the driver must not keep the engine idling when the passengers will not return to the coach until an hour later, for this will lead to smoke emission. Similarly, tourist coaches carrying tourists to the peak for

sightseeing should not keep the air-conditioning systems of the vehicles running for one whole hour for no good reason. Tourists should appreciate the pollution problem confronting Hong Kong too. Their purpose of coming here is to admire our beautiful city. What they want to see is a clear sky with white clouds rather than a sky filled with noxious smog. This is why I consider it feasible for the Government to introduce legislation in this regard.

As Members of a parliamentary assembly, we are obliged to seriously reconsider every demand made by the two power companies, which are prepared to spend a considerable sum of money, amounting to hundreds of millions of dollars or over a billion dollars, on additional emission treatment facilities. If these companies are prepared to install these facilities in order to fulfil their responsibilities and yet they are not allowed to make a return according to the rate of return, they will lack the financial incentive to install the facilities. In our opinion, so long as their investments are helpful to power generation and environmental protection, they should be allowed to make a profit under the SCA — the rate of return now stands at 13.5%. Of course, we should discuss the new rate of return to be determined in 2008.

Madam President, I so submit. Thank you.

**Mr James TIEN moved the following motion: (Translation)**

"That, further to the passage of my motion on "Vigorously reducing air pollution" by this Council last year, I put forward a proposal on "Collaborating in tackling cross-border air pollution" jointly with 92 members of the National Committee of the Chinese People's Political Consultative Conference at its meeting in March this year; the proposal received positive response from the State Environmental Protection Administration of China which has indicated that it will continue to take the lead and co-ordinate the work in this regard in order to enhance co-operation between Hong Kong and Guangdong on the environmental protection front; in this connection, this Council urges the Government to adopt the following complementary measures more positively with a view to curbing the trend of continuing deterioration of air quality in Hong Kong and the Pearl River Delta (PRD) Region:

On the co-operation between Hong Kong and Guangdong:

- (a) endeavouring to achieve as early as possible the emission reduction targets for 2010 regarding the four types of pollutants;

- (b) expediting the formal commissioning of the PRD regional air quality monitoring network and other effective measures, so as to expeditiously unify the emission standards and regulatory regimes between Hong Kong and Guangdong;
- (c) expeditiously implementing the emissions trading pilot scheme;
- (d) stepping up negotiations with the Mainland authorities to provide business operators who have installed air pollution control systems in their plants in the PRD Region with tax relief on depreciation of the relevant systems;
- (e) maintaining close co-operation with the State Environmental Protection Administration of China to promote the prevention and control of regional air pollution;

On the local front:

- (f) introducing legislation to require motorists to switch off the engines of their vehicles while waiting, and according priority to regulating emissions from idling engines of private cars and government vehicles; and
- (g) on condition that there is no additional burden of electricity charges on the public or the industrial and commercial sectors, urging the two power companies to expedite various emission reduction projects and use more environmentally-friendly fuels, so that the emission reduction targets originally set for 2010 can be achieved as early as possible."

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

**PRESIDENT** (in Cantonese): Miss CHOY So-yuk and Mr SIN Chung-kai will move amendments to this motion respectively. Mr Jeffrey LAM will move an amendment to Miss CHOY So-yuk's amendment. The motion and the amendments will now be debated together in a joint debate.

I now call upon Miss CHOY So-yuk to speak first, to be followed by Mr SIN Chung-kai and Mr Jeffrey LAM; but no amendments are to be moved at this stage.

**MISS CHOY SO-YUK** (in Cantonese): President, I have left school for a very long time, but like Members, I still remember clearly LI Bai's "A Tranquil Night", which has enjoyed great popularity. But I am really worried about whether our next generation can still truly understand the scenes and feelings depicted in the poem, because when they raise their heads to look at the sky, I do not know whether they will see the bright moon in soft breezes or a smog-shrouded Hong Kong.

After the *Times Magazine* pointed out last year in its cover story the gravity of air pollution in Hong Kong, the American Chamber of Commerce in Hong Kong issued a statement one year afterwards criticizing that Hong Kong has made little achievement over the years in its air quality improvement effort, resulting in the worsening of the pollution situation.

President, I very much thank Mr James TIEN for proposing this motion today. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supports all the demands in the original motion. I propose an amendment with the purpose of making up for some of the inadequacies. From Mr TIEN's speech earlier, I noticed that he attached great importance to ameliorating the air pollution problem in the Pearl River Delta (PRD) Region. There is the view that as Hong Kong accounts for only 5% of the overall air pollution in the PRD Region, in order to mitigate air pollution in Hong Kong, we should start working on the PRD Region. But President, Members must not forget that Hong Kong takes up a mere 3% of the total area of the PRD Region. In other words, when we take into account the area of Hong Kong, the proportion of our air pollution is, in fact, even higher than that of the PRD Region. I will briefly explain some of the key points in our amendment, but as there are indeed too many key points in the amendment, I cannot explain them all in detail due to the time constraint. My colleagues, Mr LI Kwok-ying and Mr CHEUNG Hok-ming, will state the position of the DAB from other angles later on.

To more effectively monitor the effectiveness of emission reduction measures, the PRD Regional Air Quality Index (RAQI) has been published since

last week by Guangdong and Hong Kong. But what is published every day is just the grading of the air. No information is provided to the public on the levels of various types of pollutants. We, therefore, urge the two Governments to do more and publish more detailed information. Besides, the RAQI is calculated based on class 2 of the National Air Quality Standards, which is different from the method used by Hong Kong in calculating the Air Pollution Index. As a result, two sets of standards are applied, causing confusion to the public, and people are baffled by the emission standards and monitoring systems in the two places. Therefore, in the long term, Guangdong and Hong Kong should look into ways to unify the two sets of index.

It is encouraging to see that Guangdong Province, which has long been considered a source of pollution, is going to propose a host of stringent measures in the eleventh five-year plan, with a view to alleviating the air pollution problem. These measures include closing down all thermal power plants of 500 MW and below in the entire province by 2007, not permitting the opening of new coal-fired or fuel-fired power plants in the PRD Region, and vigorously developing such clean energy as hydro-electric power, nuclear power, wind power and solar power. Compared with Guangdong Province's "iron-fist" approach in tackling pollution, what has the Hong Kong Government done?

We all know that unlike the Mainland where factories are found everywhere, most industries in Hong Kong have already relocated northwards, but the problem of exhaust emission has remained serious. The key lies in the two power companies. To address this source of pollution in Hong Kong, the DAB considers that the Government must adopt an uncompromising attitude by requiring the two power companies to achieve the emission reduction targets set by the Government of the Hong Kong Special Administrative Region (SAR) and Guangdong Province for achievement in 2010. With regard to the various environmental facilities required by the two power companies, the expenditure involved is actually more than just hundreds of millions of dollars or one billion-odd dollars as Mr TIEN has said. Rather, billions of dollars or more will be involved. So, we hope that the Government can expedite the vetting and approval process. However, we strongly oppose the proposal made by the CLP of shifting onto customers the expenditure on the investment in environmental facilities, for this is tantamount to condoning the company to pass onto the public its own responsibility of clearing up pollution.

Apart from monitoring emission reduction measures to ensure that they meet the standard, the Government also has the duty to encourage the two power companies to actively develop the application of renewable energy. In this connection, the DAB proposes an amendment to urge the Government to expeditiously formulate a policy on renewable energy, stipulating the proportion of renewable energy to be used in electricity generation and at the same time providing financial incentives to encourage the power companies to use more renewable energy. To this end, the Government can, among other things, consider increasing the permitted rate of return for the investment on renewable energy by the power companies. It means that the power companies can have a higher margin of profit for their investment on renewable energy. In the meantime, the permitted rate of return can be reduced for investment on traditional coal-fired electricity generation. Moreover, to facilitate the development of renewable energy, the DAB urges the Government to follow the practices adopted in Guangdong Province to allow the incorporation of renewable energy into the power supply network, so as to provide more choices to the public.

Apart from using clean energy by every possible means, a more effective way is certainly to cut down on the use of energy. In this connection, the direction of the Government taking the lead to conserve energy and hence improve air quality is entirely accurate. The problem is that the Chief Executive mentioned in the policy address that the target of the Government is to reduce electricity consumption by 1.5% next year, which is indeed an astonishingly low target. Compared with the eleventh five-year plan being drafted by the Mainland, the target of energy conservation is to reduce energy consumption by 20% in five years. In this connection, the DAB urges the Government to expeditiously formulate a practically effective policy on energy conservation and revise its target of reduction in electricity consumption, and we propose that the target be increased from the original 1.5% to 5%. This policy, if implemented, will enable the Government to reduce its electricity bill by \$95 million every year. It will also enable power plants to reduce their emission of carbon dioxide by 45 000 tonnes. President, as I will propose a motion on energy conservation for debate next Wednesday, I will explain the details in that debate then.

President, when it comes to factors affecting public health, while outdoor air quality certainly must not be overlooked, indoor air quality is even more important, for we stay indoors for over 20 hours every day and breathe indoors.

Regrettably, after publishing the consultation paper on Managing Indoor Air Quality in 1999, the Government invited private property owners to participate voluntarily in the Indoor Air Quality Certification Scheme only in mid-2003, which had been three years behind the original schedule. Moreover, while the scheme has been introduced for two years, the Environmental Protection Department has only issued 108 certificates, and this shows that the result is very poor. In view of this, the DAB urges the Government to increase its strength to actively promote the scheme.

President, I would also like to respond to the amendment of Mr SIN Chung-kai. The Democratic Party proposes to set up a matching grant fund with equal contributions from the business sector and the Government, with the objective of subsidizing business operators in the Mainland in developing and promoting emission treatment equipment. The DAB considers this proposal not feasible for three reasons. First, using public coffers to subsidize business enterprises directly for them to tackle pollution caused by their own operation is tantamount to shifting the responsibility of the enterprises to taxpayers, which is entirely against the principle of "polluter pays" and the product responsibility system all along advocated by us. Second, the emission treatment equipment to be installed by enterprises is costly, and it will at least require tens of billions of dollars, or even hundreds of billions of dollars or more, to satisfy the needs of a large number of enterprises. We have great misgivings about the results that can be achieved by setting up such a fund involving public coffers. Lastly, even if we do not take account of the "polluter pays" principle, this fund, which is financed by Hong Kong people, will only be subsidizing business operators in the Mainland. Is it also necessary to provide subsidies to local business operators? If there is a need for subsidies to be provided to local business operators, should the Government also subsidize the two power companies with the largest emission volume on that spending of billions of dollars? This is indeed unacceptable, let alone the fact that this has deviated from the Government's established principle of prudent fiscal management..... (*the buzzer sounded*)

**PRESIDENT** (in Cantonese): Miss CHOY, your speaking time is up.

**MISS CHOY SO-YUK** (in Cantonese): President, I so submit.

**MR SIN CHUNG-KAI** (in Cantonese): President, the last point made by Miss CHOY So-yuk stands to reason indeed, but according to the same principle, if the Government provides subsidies to light goods vehicles, it will ruin the "polluter pays" principle and so, her amendment is contradictory. Anyhow, it does not matter even if Miss CHOY So-yuk does not support the amendment. This is just our opinion.

It is an undisputed fact that the air pollution problem in Hong Kong and in the Pearl River Delta (PRD) Region has become increasingly serious. The Air Pollution Index (API) in various parts of the territory has consistently remained at a high level. The API in Central even exceeded the limit on successive days last month. The situation has become a cause for concern. On the other hand, on the first day the PRD Region Air Quality Index, on which the Guangdong and Hong Kong Governments have worked for a long time, was published, the air quality was a shock to the public. Of the 16 monitoring stations in Guangdong and Hong Kong, the air quality at 11 stations belonged to grade III or above, meaning that at least one kind of pollutants had exceeded the limit at these stations, including the stations in Tung Chung and Tsuen Wan in Hong Kong; on the third day, the index showed that the air quality in some districts even reached grade V, meaning that the concentration of air pollutants in those districts had exceeded the limit by a wide margin.

Air pollution in Hong Kong and in the PRD Region has aroused concern in various sectors of Hong Kong and also in the international community. This has not only posed direct threats to the health of over 100 million people in the Great PRD Region including Guangdong, Hong Kong and Macao, but also affected the confidence of foreign businessmen in making investments in Hong Kong and Guangdong Province. Although Hong Kong has an ideal environment for doing business, according to the report published in 2005 by *The Economist*, an authoritative economic journal, on cities most suitable for living in the world, the ranking of Hong Kong had dropped significantly to the 41st. Hong Kong, being an international financial centre, is obviously lagging behind other international financial cities. The criteria of assessment adopted in that survey included infrastructure facilities, medical services, air pollution levels, and so on. While the standard of infrastructure facilities in Hong Kong is comparable to cosmopolitans in Europe and in the United States, our ranking nevertheless lags behind other cities. I believe this has a lot to do with environmental pollution. Many foreign businessmen have many requirements on their living and working environment, and they are very concerned about the

air pollution problem in Hong Kong. To some overseas businessmen, air quality is a factor affecting their desire of coming to Hong Kong for investments.

One of the reasons why air pollution in Hong Kong has shown no improvement is that, as it was said earlier, air pollutants in the PRD Region have drifted past the boundary to Hong Kong. At present, about 80% of air pollutants in Hong Kong come from the PRD Region. Apart from the fact that emissions from factories in the South China Region are blown to Hong Kong, that cross-boundary drivers, in order to save money, fill their oil tanks with mainland diesel containing a relatively higher level of pollutants which will be emitted in Hong Kong after crossing the boundary is also a cause of air pollution in Hong Kong. At present, the vehicular fuel standards in Hong Kong and in the Mainland are different. Take the sulphur content of low sulphur diesel as an example. The sulphur content of low sulphur diesel in Hong Kong is not more than 0.005%, but that in the Mainland, such as Shenzhen, is at least between 0.05% to 0.08%, which is 10 to 16 times of the sulphur content of diesel in Hong Kong. The use of mainland diesel by cross-boundary vehicles will mean indirectly importing emissions into Hong Kong.

With regard to the vehicular emission standard in the two places, starting from next year, all newly registered diesel vehicles in Hong Kong are required to meet Euro IV emission standards, but in Guangdong Province, Euro III vehicles will be introduced only next year and unlike what Hong Kong has done, emission reduction devices will not be retrofitted for old vehicles. In view of this, the Democratic Party strongly urges the Government to hold discussions with the mainland authorities and urge the Mainland to expeditiously introduce ultra low sulphur diesel of the same standard as that in Hong Kong, so that fuels and emission standards in the two places can be unified in a short time.

In fact, the Hong Kong Government injects hundreds of millions of dollars in projects to improve air pollution yearly, but the substantive results of these initiatives have not been very significant in recent years. For this reason, channelling more resources to improving the air pollution problem may not achieve any great breakthrough in terms of effectiveness. In recent years, Guangdong Province has been bent on improving the environment by, among other things, implementing a series of emission reduction measures targeting at power plants, vehicles and the most polluting industrial processes, but they have their difficulties in terms of resources, such as a heavy tax burden. It is, therefore, difficult for them to inject much additional resources into

environmental initiatives, thus making it impossible for these initiatives to achieve more satisfactory results.

In fact, Hong Kong is already dealing with environmental issues with a very high level of technology. If hundreds of millions of dollars are further injected into emission reduction in Hong Kong, emissions can be reduced by 5% to 10% only. But if the same amount of money is used to assist in the mitigation of the pollution problem in the PRD Region, the marginal benefits will be higher as their base is low, and the situation can hence be improved by 20% to 30%. So, the Democratic Party considers it more desirable for the Hong Kong Government to provide subsidies to the environmental authorities in the Mainland to help cities in the PRD Region to enhance their pollution control measures.

Certainly, the Democratic Party considers that there is still plenty of room for local power plants to make improvement in respect of emission reduction, and that they are also duty-bound to do their utmost to improve the air pollution situation in Hong Kong by, for instance, installing desulphurization facilities expeditiously. However, we understand that many factories in the Mainland are Hong Kong businesses or joint ventures set up by capital from China and Hong Kong, and the emissions of these factories account for a substantial part of air pollution in the PRD Region. In this connection, it is reasonable and effective for Hong Kong to provide subsidies to these factories in the Mainland by way of a fund. Having said that, the fund still relies on the active support of Guangdong Province before it can achieve any effect.

Under the proposal of the Democratic Party, the specific method of subsidization includes setting up a matching grant fund for the purpose of environmental protection. Under this fund, if a private enterprise is willing to contribute \$1 to the fund for making improvement to the environment, the Hong Kong Government must contribute a matching amount to the fund accordingly as a kind of support. A ceiling can, of course, be set for the amount of contribution. The fund can be managed by an independent trustee appointed by the Government, and the fund will be used mainly to subsidize mainland manufacturers in purchasing and installing quality emission reduction systems. In addition, the fund may invite mainland manufacturers to carry out environmental protection research projects and put forward proposals and recommendations on emission reduction. The fund will decide on the amount of funding in accordance with the feasibility and effectiveness of these proposals,

in order to finance the implementation of such proposals. In our opinion, this proposal will solve the regional air pollution problem more effectively.

Certainly, in order to effectively solve the air pollution problem in Hong Kong in the long run, the Hong Kong Government is duty-bound to take further measures, including finding ways to reduce the emission of pollutants such as sulphur dioxide during electricity generation by the two local power companies. Efforts should also be made to maximize the use of environmentally-friendly energy, actively study and develop the application of renewable energy and enact legislation on the regulation of idling engine. The Democratic Party considers that in order to significantly improve air quality in Hong Kong, we must not set eyes only on the situation in Hong Kong. It is, in fact, necessary to also look at the situation in the Mainland. Only in this way can we identify an effective and practical solution and hence facilitate overall improvement to the air quality in the entire region.

Finally, I wish to particularly point out that according to the DAB and the Liberal Party, one of the reasons for their reservations about the matching grant fund proposed by the Democratic Party is that the air pollution problem should in their view be dealt with on the principle of "polluter pays". But we should note that both parties have proposed to extend the incentive scheme for liquefied petroleum gas (LPG) light buses to light goods vehicles. In fact, this is precisely an instance of providing subsidies to polluters. Then why do they support it? I believe it is because they think that the emissions from light goods vehicles will affect the air quality and so, incentives should be provided to light goods vehicles for them to switch to LPG. They consider this worthy of their support. Similarly, the Democratic Party has proposed the matching grant fund for the same reason, so that subsidies can be provided to mainland manufacturers for implementing projects that will help clean the air in the PRD Region and hence improve the air quality in the region, and it will be Hong Kong people who are going to benefit from it ultimately.

In fact, the level of pollutants emitted by light goods vehicles using ultra low sulphur diesel is already very low. If \$700 million or \$800 million is further spent on this aspect, I think it would not achieve great benefits. So, the most practical question is: Where should we spend this \$700 million or \$800 million? Will it achieve more benefits investing the money in the PRD Region or will it achieve more benefits investing it in Hong Kong?

I so submit.

**MR JEFFREY LAM** (in Cantonese): Madam President, I believe that all Members, like me, would wish to see a blue sky with white clouds through the windows when they get up every day. But over the past year, there were still a lot of dusky days in Hong Kong. I propose an amendment today mainly to point out that Hong Kong can do better in some aspects, including vehicular emissions.

From a personal angle, health is most precious. If no improvement is made to air pollution over time, it would certainly be hazardous to health. From an economic viewpoint, air pollution will affect the overall competitiveness of Hong Kong and take its toll on our attraction to overseas investors. According to the results of a survey published by the Hong Kong General Chamber of Commerce last week, 67.2% of companies have expressed dissatisfaction with the air pollution problem in Hong Kong this year. Despite a slight drop in the percentage compared with last year's figure of 80%, nearly two thirds of the companies interviewed were dissatisfied with the air quality in Hong Kong, and this is still a very high percentage indeed. Recently, the American Chamber of Commerce in Hong Kong has openly criticized the Government of the Hong Kong Special Administrative Region (SAR) for not doing enough in improving air pollution.

As we all know, vehicles are a main source of air pollution in Hong Kong. To find the right cure to the problem and to improve air quality, more can be done in the reduction of vehicular emissions. For instance, efforts should be made to actively promote hybrid vehicles or vehicles driven by natural gas among the public, with a view to reducing the pollutants emitted by the burning of traditional vehicular fuels such as diesel and petrol.

With continuous technological advancement, there are now many types of environmentally-friendly vehicles available. A more popular type of these vehicles is one that runs on a combination of petrol and electricity. The merit of this type of vehicles is that they can save half of the volume of petrol consumption, which means saving half of the expenses on petrol, and they are also environmentally-friendly. So, these vehicles can serve two purposes.

I understand that Secretary Dr Sarah LIAO owns a vehicle of this type, and I believe the Secretary definitely knows better than I do the merits of this vehicle type. But if we wish to follow the Secretary and purchase these hybrid vehicles, it would not be easy for us to do so, because these vehicles are in short supply and their prices have gone up by 40% recently compared with two years

ago. If the Government agreed that this type of vehicles is conducive to environmental protection, it should propose more promotional measures, such as providing tax concessions for these environmentally-friendly vehicles and even considering reducing or waiving their first registration tax and licence fee. In that case, driven by demand, more automobile companies will come to Hong Kong to promote this type of green vehicles which will hence become popular.

Apart from hybrid vehicles, there are also many buses as well as heavy and medium goods vehicles which run on natural gas and even hydrogen gas in foreign countries. Compared with petrol, natural gas, when used as a vehicular fuel, will emit 70% less carbon monoxide and 50% less nitrogen oxides. Natural gas-driven vehicles emit almost no particulates and hence, the air will naturally be a lot fresher. The Government can consider implementing a pilot scheme on natural gas-driven bus and if it is successful, the scheme can be extended to cover heavy and medium goods vehicles.

Certainly, before introducing natural gas vehicles, the Government should do its part properly in providing support, including identifying suitable sites, arranging for the import and storage of natural gas, and even developing the retail market for natural gas. I hope that the SAR Government can expedite the land grant process to supply more gas filling stations, so as to encourage more suitable vehicles to switch to natural gas. By then, we can expect the roadside air quality to improve.

As regards minibuses and light goods vehicles, when I worked in the Transport Advisory Committee and the Quality Taxi Services Steering Committee, I assisted in the promotion of the Liquefied Petroleum Gas (LPG) Taxi Scheme. I remember that the industry had thrown great weight behind the scheme and now, almost all taxis in Hong Kong have switched to LPG. Since taxis can switch to LPG so successfully, I think the Government should extend the incentive scheme for LPG light buses and start promoting the use of LPG among light goods vehicles.

Finally, I would like to respond to Mr SIN Chung-kai's proposal of setting up a matching grant fund. In fact, the local business sector is very concerned about the air pollution problem. For instance, as I mentioned earlier, the Hong Kong General Chamber of Commerce and the American Chamber of Commerce in Hong Kong have conducted surveys and put forward views in this regard. However, if the business sector is required to make contributions first and the

SAR Government will contribute the same amount to the fund only afterwards to provide subsidies to non-Hong Kong enterprises, it would already be doubtful as to whether the business sector can be convinced to make contributions, not to mention such problems as how to impose effective regulation and how this can be explained to taxpayers. I am afraid that these problems cannot be solved easily.

Generally speaking, a multi-pronged approach must be adopted to effectively address the problem of vehicular emissions and only in this way can we achieve double the result with half the effort.

Madam President, I so submit.

**MR WONG KWOK-HING** (in Cantonese): President, today's motion and most of the amendments are very meaningful. In fact, the proposals in the amendments of adding additional measures or abolishing some others are not very important. The importance lies in them reminding us that we must attach importance to overall environmental protection and promote the concept of sustainable development and live in compliance with the way of the nature. Only in this way can the quality of living of human beings (including the air quality) be improved.

President, as a very old Chinese saying goes: With propitious wind and rain, the country will enjoy prosperity and the people will live in peace. Indeed, this saying is very scientific, and also very much in line with the law of global development. This saying has explained the close relationship between weather (including air quality, of course) and society or the living of human beings in very simple, popular and comprehensible language. It is because only when the weather is favourable can a country enjoy prosperity and the people live in peace.

I wonder if Members have noted a recent interview with the Director of the Hong Kong Observatory, Mr LAM Chiu-ying, in a radio programme last Sunday. I happened to have listened to this programme, and there was also an interview with him in the press. Citing many historical facts, Director LAM explained that the changes in weather have all along been affecting the evolution of human history. He clearly pointed out that there is a very important relationship between weather and history. I think he had at least pointed out an objective historical factor worthy of our consideration. Director LAM cited the

Han Dynasty and the Tang Dynasty as examples. Why were these two dynasties so strong and powerful? He said that they benefited from the good weather and the resultant good harvests. Why was there a peasant uprising during late Ming Dynasty? That was because of bad weather and poor harvests. He went further to point out that the prosperous eras ruled by Emperors Yongzheng and Qianlong were also attributed to good weather. I think these examples cited by him can point to an objective factor.

Let us further take a look at the situation of modern human society and global warming. I could not help but feel worried. The so-called global warming includes the deterioration of the air quality. During the past century, the temperature has increased by 0.6 degrees on average globally, whereas the temperature in Hong Kong has increased by 1.2 degrees over the past decade, which doubles the global temperature rise. Is this a major problem brought by the urbanization of Hong Kong?

We very much need a considerable green coverage to absorb and decompose the considerable amount of carbon dioxide created by human beings, in order to slow down the pace of global warming. However, we see that trees have been felled unceasingly, and the concentration of carbon dioxide, which had been about 280 ppm for several centuries, has now increased to 380 ppm. We can see that human beings have not only failed to make good use of the Mother Nature. Worse still, they have damaged it and this has, in fact, brought dreadful consequences. Over the past five decades, the size of tropical rainforests has been reduced by half. Tropical rainforests on which we heavily rely for making adjustments and for absorbing and decomposing carbon dioxide have been diminishing in size. This has resulted in a major problem.

Without the concept of and planning for sustainable development, human beings must ultimately bear the consequences of their own creation of a large amount of carbon dioxide which has caused a gross imbalance in ecology. In his interview Director LAM made some very brilliant remarks. He said that the biological chain between human beings and animals/plants has been damaged, because we have no regard to environmental protection, thus resulting in this consequence. He said to the effect that even the animals and plants are silly nowadays. When flowers would like animals to come to pick them, the animals do not come; but when animals come out to look for food, the flowers are gone and so, birds fall sick and flowers fall sick too. The ecology has completely changed, and there is a lack of co-ordination in everything. How can there be a

harmonious society? Hardly could I have imagined that these gorgeous remarks of Director LAM have precisely pointed out the major challenge now faced by human beings.

Global warming has resulted in extremely appalling weathers. It has also brought many adverse consequences to human beings. Worse still, more adverse consequences are set to come continuously. During the interview, Director LAM cited many examples that are most convincing. He pointed out that in 2003 when Europe was attacked by heat waves, over 30 000 people died from heat. Europe is considered an advance region, is it not? Over the past decade, the number of victims of natural disasters in the world has nearly doubled, and he stated the severity of the situation. He pointed out that the tsunami attack in South Asia which claimed a toll of 200 000 people is a great shock because we can see many pictures and scenes of the affected areas. But we seem to have ignored massive droughts which claimed hundreds of thousands of human lives.

The Hong Kong Observatory has kept some very meaningful records which warrant our attention. The Hong Kong Observatory has recently announced that there would be three massive droughts and six record-breaking rainstorms in Hong Kong in the next century. It also estimated that the number of fatalities of natural disasters in this century will hit hundreds of millions. These figures are shocking to us.

Finally, I wish to borrow the words of Director LAM and openly make an appeal here. He said that human beings must cherish this remaining golden century. He said to the effect that according to some estimates, the earth can accommodate a population of 10 billion and now there are already six billion people, which means that the maximum capacity will be reached very soon. He said that in his view, human beings can perhaps survive for another 1 000 years, but he is afraid that there will only be 100 years of civilized days at the present-day standard and that the remaining 900 years would be unthinkable. So, I think we must protect the environment for the continuous existence of our descendants.

**PRESIDENT** (in Cantonese): Mr WONG, your speaking time is up.

**MR WONG KWOK-HING** (in Cantonese): Thank you, President.

**MS EMILY LAU** (in Cantonese): President, I speak in support of Mr James TIEN's motion.

A few years ago, in response to the call by the Liberal Party, a consensus was reached for the first time by the eight parties on the air pollution problem. Secretary Dr Sarah LIAO had not taken office at that time, and the Secretary then was Mrs Lily YAM. The consensus was indeed very useful. That is why I always tell the Administration that if it can co-operate with the Legislative Council, it will achieve double the results with half the effort in its work. At that time, it was proposed that taxis should switch to liquefied petroleum gas (LPG), and low sulphur diesel was also suggested (fortunately, this kind of fuel was available for sale, as I heard that its cost is relatively high). All the arrangements were made expeditiously. At that time, we could see vehicles emitting black smoke everywhere on the road, and everyone felt very angry about it. Meanwhile, the business sector was also gravely concerned about this issue at the time, and that is why this task could be accomplished. But after that, the air pollution problem has never been solved. Now, more and more people have put their focus on the PRD. In this connection, I very much welcome the Liberal Party making continuous efforts to help take things forward, because I believe this is a very difficult and complex issue. I hope that Members of the Legislative Council can work together with one heart and make concerted efforts with Secretary Dr Sarah LIAO, other Bureau Directors and the mainland authorities to deal with this issue.

When it comes to air pollution, in fact, I do not have to say much about it, for Members obviously know about it, and I believe the students sitting in the public gallery upstairs also know about it. But I still have to say a few words. The Hong Kong Association for Democracy and People's Livelihood conducted a survey in October and the results showed that 97% (that is, almost 100%) of the interviewees felt that the air is worse than before. The Environmental Protection Department also stated that the Air Pollution Index had exceeded 100 on 80 days last year. That was a rather high level and 30 days more when compared to the previous year. We can see that government records already reveal the severity of the problem here, let alone other places such as the PRD. So, President, we very much hope that we can work with the PRD to fix the air pollution problem.

The Secretary may tell us later that records of the Regional Air Quality Index have been kept since last month. But still, some people have suggested that transparency be enhanced by, among other things, providing information on

the source of pollutant emission and a detailed breakdown of the indexes of nitrogen dioxide, suspended particulates, and so on, which we have often mentioned. Besides, some people mentioned that the measurement standard adopted in the Mainland is different from that in Hong Kong, thus causing confusion to the public and so, they asked whether the Government can do more in this respect.

President, with regard to the many pollution problems in the PRD Region in the Mainland, they actually came from us, because most of them are related to Hong Kong manufacturers. From the information of the Federation of Hong Kong Industries last year, 63 000 Hong Kong factories were engaged in the manufacturing industry in the Mainland, 59 000 of which had their own plants and among these factories, 53 000 were located in Guangdong Province. From their information, I also learn that Mr TIEN is the General Committee Member of the Federation of Hong Kong Industries, the General Committee Member of the Hong Kong General Chamber of Commerce, and the Honorary President of the New Territories General Chamber of Commerce. I hope that I have not made any mistake regarding the many "hats" that he is wearing. In fact, President, one does not need to count Mr TIEN's titles to learn about his close ties with the business sector (I hope that their relationship is good). So, I hope that Mr TIEN will make good use of his network and his status in the chambers of commerce to convince business operators to do more. However, I heard Mr TIEN say earlier that there is no reason to only ask Hong Kong businessmen to do more to mitigate pollution whereas the neighbouring business operators may not be required to do so for they do not come from Hong Kong. But the point is that there should be special incentives for Hong Kong business operators to do better. President, why? It is because he and his family live in Hong Kong and they are precisely taking in those air pollutants. Of course, if air pollution does not cause cancer or lung diseases, no one would be interested in it.

I know that the business sector has recently signed a charter, but I still hope that the business community can more actively make greater efforts in this respect. At the last meeting, the Secretary told us that it was actually not the case that the business sector does not wish to do more, just that some small business operators do not know what to do. If they actually wish to do something and the problem is only that they do not know what to do, then it will be even better. I hope the Secretary can make the utmost effort to assist them. But such assistance may not necessarily be provided in the manner as suggested

in Mr SIN Chung Kai's amendment. I actually do not quite support his amendment. He opined that the work to be carried out, whatever it is, aims to improve air pollution. But I think that once work is carried out, it is like wetting one's hair and it is necessary to blow it dry as soon as possible, that is, it is necessary to complete the work as soon as possible. However, we should not put forward any new proposal, not to mention that the proposal has not been discussed by the Legislative Council. So, I do not quite support such a controversial proposal. I only support that the Secretary should provide assistance to small business operators.

Finally, I wish to talk about the problem in the Mainland. I have talked about this for many times. The Secretary may say that Ms LAU is getting fierce again. I actually do not wish to look fierce. I only wish to ask the Secretary to punish some people heavily. Recently, I noted that in the Songhua River incident, the Director of the State Environmental Protection Administration, XIE Zhenhua, had resigned. President, this incident has created a furore, for it is the first time that a senior government official stepped down for environmental reasons in the Mainland. I also noted that the State Environmental Protection Administration in the Mainland had stated that last month, of the unexpected environmental pollution incidents reported in the country, three were most serious incidents, 10 were serious incidents — incidents that have affected other countries are certainly serious.

However, President, I believe the air pollution problem in the PRD can never be put on this list. With regard to this regional problem, I am not asking anybody to resign. But the pollution is emitted slowly, and as tens of thousands of people will be taking in the pollutants, no one knows when and who will fall sick or suffer from cancer, and it would be impossible to disperse the polluted air. I hope that the mainland authorities must understand that although it is necessary to develop the economy on the one hand, if tens of millions of people will have to pay such a dear price behind the development — although pollution in this region may not be considered as a serious incident and it may not result in the stepping down of senior officials, the problem will cause people in the region to fall sick slowly and die — and such a price is still a dear price. So, I hope that the Mainland will appreciate the need to strike a proper balance between environmental protection and economic development. I also hope that the SAR Government can co-operate with the Mainland in order to address the air pollution problem expeditiously.

I so submit.

**MR LI KWOK-YING** (in Cantonese): Madam President, the problem of air pollution in Hong Kong is acute and the Air Pollution Index is often recorded at high or very high bands. The smog that envelops Hong Kong is hazardous to public health and has aroused the dissatisfaction of foreign businessmen, thus reducing their desire to invest in Hong Kong and in turn directly weakening Hong Kong's competitiveness in the world. The SAR Government is of course duty-bound to deal with such an air pollution crisis that leads to far-reaching consequences. But can the general public and even the various enterprises in Hong Kong pitch in?

As a matter of fact, air quality affects our health very closely. We often think that frequent and regular exercise can keep us healthy. But little do we realize that air pollution has already negated the rule that frequent exercise can keep us strong and healthy. Last year, there was a survey on the health impacts sustained by school children doing exercise in areas with air pollution. According to the findings, school children in Kwun Tong are generally weaker in cardiopulmonary function when compared with their counterparts in Sha Tin. The findings further reveal that there is a clear and direct relationship between cardiopulmonary function and air pollution. Although the survey cannot give further evidence to prove that doing exercise in places with air pollution will lead to cardiopulmonary depletion, people already feel very helpless and discouraged. The message we can get from this survey is that even though we want to keep ourselves healthy by doing exercise more frequently, all our attempts will be of no avail due to air pollution.

Furthermore, air pollution will not only affect the health of individuals but will also pose a great threat to our health care system. In 2002, the Environmental Protection Department commissioned the University of Hong Kong and The Chinese University of Hong Kong to conduct studies on the health impacts of air pollution. The findings reveal that all those respiratory and heart diseases which may be related to air pollution will cost us as much as \$1.3 billion in direct medical expenses every year. This reminds me of the Government's earlier intention of drastically increasing the accident and emergency service fee and how this led to huge public outcries in society. The Government may still insist on further increasing health care charges to balance its health care burden. But just how many further fee increases should it introduce before it can make up for this \$1.3 billion?

From all this, we can easily imagine the numerous adverse impacts of air pollution on the health of individuals and our overall health care expenses. However, if individuals, local enterprises and the Government can all come together to form a tripartite partnership, it will certainly be possible to defuse the air pollution crisis facing us now. To begin with, at the individual level, we may change certain habits in our daily life and reduce our use of products containing Volatile Organic Compounds (VOCs). This will help improve both indoor and outdoor air quality. VOCs are mainly used as solvents and in aerosol products such as deodorants and cosmetics. According to some research findings, the excessive use of such products will lead to such side-effects as headache and dizziness. The prolonged use of these products will even pollute the environment.

Some may ask, "Isn't it true that air-fresheners can improve indoor air quality?" Air-fresheners can apparently remove odours in the air, but the truth is that they all contain various VOCs, so the use of them will increase the quantities of chemical substances in the air, thus causing air pollution. Therefore, if the Government can adopt appropriate measures and step up its education efforts, if we can at the same time change certain habits in our daily life and reduce the use of chemical products, then we will all be able to contribute to the improvement of indoor air quality.

When it comes to the role of enterprises, we hope that business operators can all ask themselves whether they have ever discharged their social responsibility of protecting the natural environment in their pursuit of profits. To be fair, many enterprises and businessmen have already been trying to discharge their social responsibility by contributing enthusiastically to the charitable cause. But the discharge of one's social responsibility means much more than simply making monetary and material contributions. Concern about environmental protection is also very important. As we all know, coal-fired power generation causes air pollution. A green organization has pointed out that the coal ash emitted by the CLP Power Hong Kong Limited (CLP) even contains the toxic metal of mercury and other carcinogenic substances. The CLP may consider the possibility of expediting the pace of developing renewable energy resources, so as to tackle the problem of air pollution.

It is true that in recent years, the Government's attitude towards the tackling of air pollution has turned more active. The Chief Executive has pointed out in his policy address that the Government will take the lead to reduce

power consumption. Measures to be adopted will include reducing the use of photocopiers and regulating indoor temperature. The Government's attempt to set a good example is of course commendable, but it should at the same time encourage private enterprises to follow suit and discharge their social responsibility. In regard to the issue of Guangdong-Hong Kong co-operation in tackling air pollution, we know that since the formulation of the Pearl River Delta Regional Air Quality Management Plan, the Guangdong Provincial Government has worked out a detailed scheme on improving air quality and launched the work on emissions reduction by first targeting on traffic and power plants. On the other hand, more than 100 local enterprises have signed the Clean Air Charter of their own accord, proving that they are also concerned about air pollution. Since the mainland authorities and private enterprises are all responding so actively to the air pollution problem, should the SAR Government not make more efforts to further promote emissions reduction among Guangdong and Hong Kong enterprises?

In conclusion, in order to solve the problem of air pollution, individuals, enterprises and the Government must enter into a tripartite alliance marked by close co-operation and co-ordination. For this reason, the Government must formulate a comprehensive policy as soon as possible. Such a policy should set out a whole series of measures in a fashion similar to that espoused in Miss CHOY So-yuk's amendment. It is only in this way that Hong Kong can possibly solve the problem of air pollution.

With these remarks, Madam President, I support both the original motion and Miss CHOY So-yuk's amendment.

**DR JOSEPH LEE** (in Cantonese): Madam President, besides showing no signs of any alleviation all along, the air pollution problem in Hong Kong shows a tendency of worsening. Earlier on, the American Chamber of Commerce criticized that the failure of Hong Kong to make adequate efforts to improve its air quality had led to the deterioration of the problem. Following this, the findings of a survey released last week show that 85% of the respondents were of the view that the air quality in Hong Kong was poor or even very poor. What is even more startling is that none of the respondents considered the air quality in Hong Kong good or very good. And, two thirds of the respondents even criticized the Government for failing to make enough efforts to improve air quality. The continuous deterioration of air pollution will not only damage our world image but will also dampen the desire of foreign businesses to come here

for investments and reduce the number of international visitors to Hong Kong. More importantly, the health of Hong Kong people will be affected, thus exerting a heavy burden on society in terms of health care expenditure.

The findings of some studies indicate that every year, air pollution claims several hundred lives in Hong Kong and causes several thousand people to contract various respiratory system diseases. The most common diseases are asthma, Tracheitis and nasal allergies. Air pollution will directly increase the incidence of these diseases and may also cause various complications. People living in an environment with acute air pollution for prolonged periods are more likely to contract cancer and their death rate is two times the normal death rate. The motion topic raised today can remind the Government that it must expedite the formulation of an environmental protection policy to arrest the continual deterioration of air quality in Hong Kong.

One of the reasons for the deterioration of air quality in Hong Kong is the rapid economic and industrial development in the nearby Pearl River Delta (PRD). Since the source of pollution transcends the boundary between Guangdong and Hong Kong, the Government is understandably unable to tackle the problem all on its own. But the authorities must still make joint efforts with the Mainland to prevent and tackle the air pollution problem faced by the two sides. The PRD Regional Air Quality Monitoring Network established by Guangdong and Hong Kong was finally commissioned last week. This new measure should merit our support because it can enhance the air pollution studies of the two sides and facilitate their efforts to trace the main sources of air pollution. It is hoped that with a common monitoring network and Air Quality Index, the discrepancy between the emission standards of the two places can be gradually narrowed, leading to the early formulation of a unified emission standard and monitoring system for both places. However, to solve the air pollution problem once and for all, we must control the total volume of pollutant emissions. The Government may consider the possibility of following the greenhouse gas emissions trading mechanism adopted by the European Union as from 1 January this year. After the publication of the research findings on the Pilot Emissions Trading Scheme in the middle of next year, the Government may assist power plants in both Guangdong and Hong Kong in looking for trading partners and entering into emissions trading contracts. That way, through emissions trading between the power plants of the two places, the pollutant emissions in the region can be brought under control. I hope that the Government can strive to promote the Pilot Emissions Trading Scheme and

increase the transparency of the Regional Air Quality Monitoring Network by including the concentration of pollutants and wind directions in the scope of reporting. It is hoped that through all the measures mentioned above, the respective emissions reduction targets for such pollutants as carbon dioxide, nitrogen oxides, respirable suspended particulates and VOCs can be attained before 2010 as originally scheduled.

Madam President, besides adopting the abovementioned measures, the Government should also actively encourage and help the local power companies to develop various sources of renewable energy, such as wind-power electricity generation. And, sufficient lands should be provided to them for research and development. According to a report published by the Council for Sustainable Development, in the run-up to 2012, renewable energy will only be able to cater for 1% to 2% of the local electricity demand. This is a very small percentage. If the Government can speed up the development of renewable energy, follow the Mainland's example of promoting renewable energy and formulate a policy as soon as possible, the proportion of electricity generated by renewable energy in Hong Kong may hopefully increase over time and the pollution of our environment may also be reduced in tandem.

Besides cross-boundary pollution, vehicle exhausts are also a major reason for the deterioration of air quality in Hong Kong. The Government claims that it has been making huge publicity and education efforts over the years, but I believe many drivers have not yet formed the habit of switching off their engines while waiting. According to the information provided by a certain environmental protection organization, the volume of nitrogen dioxide emitted by the idle engines of 37 vehicles will be equal to the total emissions of 4 000 vehicles in motion. It can thus be seen that the problem is very serious indeed. For this reason, I agree that the Government should tighten the emissions control on private cars, government vehicles and vehicles parked within the premises of schools and hospitals, so as to reduce the emissions of idling engines. In addition, I support the enactment of legislation to mandate switching off vehicle engines while waiting. But care must be taken to balance the interests of different social sectors. In case it is really decided to enact a law, the Government must carefully assess the negative impacts on minibus and taxi drivers. I suggest the Government to consult the relevant trades first. And, it should also explore the feasibility of a phased exemption or total exemption for minibus and taxi drivers.

Finally, I urge the Government to request the two power companies to adhere strictly to the Environmental Protection Department's requirement and achieve the emissions reduction target before 2010. I also hope that the Government can take early actions to assist the two power companies in developing a renewable energy policy.

With these remarks, Madam President, I support the original motion and the amendment.

**DR KWOK KA-KI** (in Cantonese): Madam President, air pollution is a topic that this Council has discussed time and again. Every time when this topic is discussed, the Secretary will invariably state the various measures that the Government has already strenuously taken to reduce air pollution. However, whatever the Secretary says, we can still see that (or at least, it still appears to the public that) the air pollution problem in Hong Kong has not yet seen any significant alleviation.

The Government has recently announced a new development, the Pearl River Delta Regional Air Quality Monitoring Network. Apparently, this is a move from zero to one and hence something desirable, for we will thus be able to know the situation of air pollution in the PRD. But as pointed out by various environmental protection organizations, including Green Power, Friends of the Earth and Greenpeace, the five bands of air pollution published on the website are of very little use as reference because they cannot reflect the actual situation. I hope that the air quality monitoring system can follow the example of Hong Kong's Air Pollution Index, preferably with hourly announcements. Although environmental protection organizations often criticize that this approach is not entirely satisfactory, I nonetheless think that the Government has made a good start with this after all.

Economic impacts are not the only consequences of air pollution. In any discussions about Hong Kong, apart from mentioning our constitutional development, many chambers of commerce, including the American Chamber of Commerce in Hong Kong and the Hong Kong General Chamber of Commerce, will invariably express concern about the deteriorating problem of air pollution in Hong Kong. As a matter of fact, the health of Hong Kong people has suffered immensely as a result of air pollution.

As a medical doctor, I of course realize the impacts of air pollution on patients of chronic illness and people with cardiopulmonary function problems. We can see that over the past few years, there has been an incessant increase in the incidence of air pollution-related respiratory system diseases, ranging from serious lung problems to minor respiratory tract allergies. This has led to a high incidence of leave among certain employees. Therefore, I do not think Members will ever agree to the claim that Hong Kong has not suffered much as a result of air pollution. The reason is that both economically and health-wise, we have paid very high costs.

Very often, we hope that legislative control in the Mainland can help reduce the air pollution in Hong Kong and the Mainland. But Members who have been to the Mainland will all know that the problem there is not so much about the lack of any legislative control, but about the difficulties in making people law-abiding. The PRD sees many investments by many Hong Kong manufacturers. That is why in the original motion and the amendments today, it is proposed to offer tax relief to mainland manufacturers, including Hong Kong manufacturers with investments there, so as to help them install air cleansing systems. I think this is a very positive proposal.

Honestly speaking, despite all the monitoring from the Hong Kong Government and the mainland authorities, the most important thing should still be the reduction of air pollutants emitted by factories. In this regard, the most practical measure should be the provision of technical and financial assistance to manufacturers. I therefore think that the provision of tax relief should be actively pursued.

Sometime ago, the Legislative Council already gave its approval for the Government to employ additional manpower for the purpose of enhancing co-operation with the State Environmental Protection Administration and the Environmental Protection Bureau of Guangdong. I do expect the additional resources to yield some practical results. I also hope that the Secretary can show us some actual achievements when she gives her reply later on at this meeting or when we are asked to foot the bill in the end.

It is of course necessary to enact legislation to require drivers to switch off their vehicle engines while waiting. The various political parties, factions and Members of the Legislative Council all support such an idea. Unfortunately, however, the Government has still insisted that education is more important than

the enactment of legislation. I think the Government must give consideration to this idea instead of continuing to count on the voluntary co-operation of people.

As regards local emissions, especially the problems caused by the two power companies, I must express my great disappointment. Over the past few years, the two power companies have been pressured and requested by the Government and the public to make more use of natural gas and less use of coal in the generation of electricity, but all the statistics available so far, including those submitted by the two power companies to the Legislative Council, do not mention any commitment and concrete measures that can possibly result in the attainment of the emissions reduction target in 2010. I think that during the negotiations on new power supply agreements, the Government must adopt a firmer attitude and prescribe strict provisions in the agreements. The reason is that if we miss the chance this time around, we just do not know when there can be another opportunity for us to make the two power companies comply with the demands of the public, the Legislative Council and the Government.

In regard to the use of environment-friendly vehicles and LPG vehicles, the Government has actually failed to render sufficient support policy-wise. I think the Government should seriously consider the provision of tax rebate for environment-friendly vehicles. Many government vehicles, including those assigned to Bureau Directors, are still petrol-driven, not environment-friendly. This is indeed rather disappointing. Secretary Dr Sarah LIAO personally owns an environment-friendly vehicle, but this is basically not the case with her counterparts. I think the Government should take the lead and replace its existing fleet by environment-friendly vehicles as early as possible. It should also introduce LPG (*the buzzer sounded*) .....

Thank you, Madam President.

**MR ALAN LEONG** (in Cantonese): Madam President, once again, Mr James TIEN has so doggedly put forward yet another motion with the same topic of urging the Government to implement measures to improve air quality in Hong Kong. As in the case of many other topics, the legislature has found it necessary to raise this present topic for repeated debate. To a certain extent, it shows that the Government's progress of work has been very slow, so low that the people's representatives have time and again felt the need to urge the Government to do something concrete.

Madam President, it is an undisputed fact that air pollution in Hong Kong and the PRD has shown no signs of any improvements, or has even been continuously worsening, although time is running short before 2010, the year when the emissions reduction targets are supposed to be met. From the relevant statistics, we can notice that even in 2002, emissions reduction was already recorded for three of the four targets set for Guangdong and Hong Kong. But then in 2003, the decreases recorded for three of the targets suddenly stopped and increases started to emerge again. The emission of carbon dioxide and nitrogen oxides even increased by 35% and 12% respectively when compared with the corresponding figures in 2002. In regard to constitutional development, the Government may still be able to cover up its regression by advancing sophistry of all kinds. But in the case of air pollution, no embellishment will ever be possible because the regression is so obvious.

The mode of operation of power plants continues to be the culprit causing the increasing emission of particulates, sulphur dioxide and nitrogen oxides. It is now an incontestable fact that the Government is absolutely helpless before the two power companies, which accord priority to profits and totally disregard environmental protection. The Victoria Harbour is enveloped in smog time and again and the Air Pollution Index is ever so high, but the two power companies are totally unaffected by all this and they have even gone so far as to point out in their financial reports that it will not be possible for them to help Guangdong and Hong Kong achieve their emissions reduction targets before 2010. The attitude of these two franchised utility operators is really disappointing and irresponsible.

Madam President, we can no longer put up with the continuous deterioration of air quality. If the Government does not instruct the two power companies to take immediate, concrete and effective actions, the possibility of Hong Kong managing to fulfil its agreed obligation in 2010 will only become increasingly remote. The Government must not wait until the negotiations on the new scheme of control agreements in 2008 before it exerts pressure on the two power companies. Instead, it should implement stern measures immediately. The implementation of the Pilot Emissions Trading Scheme is an effective first step. On the one hand, it can provide an incentive for the two power companies to make active efforts to reduce their emission of pollutants. On the other hand, it also sets down rigid emissions reduction targets for the two power companies to follow.

However, I am still worried that the Government may continue to adopt a piecemeal approach to the air pollution problem instead of formulating a longer-term strategy on improving air quality. I hope that when the Government negotiates with the two power companies on new scheme of control agreements in 2008, it can prescribe some sterner provisions that can eradicate pollution more effectively at the production and operation levels.

For instance, if the Government continues to allow the two power companies to link profits computation with all their fixed assets such as machinery and plants, they will surely keep on constructing additional power plants and generating units, and as a result of this, power supply will continue to exceed the overall demand in society. In that case, how can we possibly reduce electricity wastage and even air pollution? At a time when the Government is laying so much emphasis on requiring the two power companies to bear responsibility, how can it just sit there with folded arms, allowing them to keep on generating an excessive supply of electricity and aggravate air pollution? I hope that the Government can promptly consider how to abolish the outdated and anti-environmental scheme of control agreements.

Madam President, the fact that the *modus operandi* of the two power companies has aggravated pollution has also enlightened Hong Kong in one important way: the over-emphasis on economic development and pursuit of profits will only bring greater damage to the natural environment. We really need to formulate a long-term environmental protection strategy and such a strategy will inevitably call for a reduction of energy consumption and even economic activities. Actually, countries all over the world have come to realize ever more deeply that it will not be possible to improve the natural environment if production and consumption are continually maintained at very high levels.

Madam President, I hope that the wide range of fields and Policy Bureaux involved in the motion today can make the Government understand that environmental protection is not the sole responsibility of Secretary Dr Sarah LIAO. All Policy Bureaux should have a part to play because they must all focus on their respective portfolios and consider how best to reduce the depletion of natural resources. It is only with the concerted efforts of all that an azure sky with white clouds and a silvery moon and brisk winds can ever return to Hong Kong.

Madam President, I so submit.

**MR VINCENT FANG** (in Cantonese): Madam President, the weather has been quite dry recently. By relying on my nose alone, I can already tell the rising level of suspended particulates in the air and deteriorating air pollution without referring to the environmental protection index because of my increasing incidence of nasal allergy.

Actually, the number of people with respiratory illnesses such as nasal allergy has been on the rise in Hong Kong. The Hong Kong Medical Association, quoting an overseas research report, deduced in October that one third of the adults and half of the children in Hong Kong are suffering from nasal allergy. For this reason, we in the wholesale and retail sector fully support the Government adopting reasonable measures to improve air quality.

During a recent discussion on food safety, we all agreed that it was imperative to strengthen source control. In my opinion, we should also start from the source in ameliorating air pollution. It is understood that there are two major sources leading to Hong Kong's worsening air quality: first, pollution caused by the factories in the Pearl River Delta, the world's largest production base; and second, emissions from the coal-fired power plants and vehicles in Hong Kong.

For these reasons, I fully support Hong Kong enhancing its communication and co-operation with the Mainland to promote the prevention and control of air pollution. In particular, I hope the Government can discuss with the mainland taxation authorities the possibility of offering tax concessions for air pollution control systems installed in plants with a view to encouraging the active participation of enterprises and ameliorating the pollution problems.

The sector represented by me has all along greatly supported the emissions reduction agreements signed between Hong Kong and the Mainland in respect of four types of pollutants including suspended particulates, VOCs, and so on. During the past year, the sectors affected by the Government's original proposal of controlling VOCs have engaged in frequent discussions with the Environment, Transport and Works Bureau in the hope of providing their assistance to improving air quality while minimizing as far as possible the impacts on them.

Having considered the factors on various fronts, the Bureau has narrowed the scope of control to six major sources of emission, namely hairsprays,

insecticides, insect repellents, air fresheners, floor wax strippers and multi-purpose lubricants.

Actually, some people in the sectors will still be affected by the control. However, considering the revelation by the Government's data that these products already account for about 80% of VOC emissions from consumer products, the sectors have accepted the Bureau's amended proposal.

Another reason for the acceptance of the proposal is that the Bureau has, with reference to the prevailing practice in California, United States of imposing a VOC cap on controlled products, replaced the original proposal of mandating importers to carry out tests and labelling on their own.

Given that more than 90% of our daily necessities are imported, the sectors will certainly have to bear a higher cost should they be required to conduct the tests. The Government's new proposal can eliminate unnecessary procedures and costs. Importers are only required to conduct a worldwide hunt for products in compliance with the standards according to the VOC cap imposed by the Bureau.

I therefore hope that the Government can make reference to its practice of controlling VOCs in the formulation of any other control measures in future:

- (a) the industrial and commercial sectors should not be labelled in such a way that they will definitely oppose any government measures considered to be beneficial to the general public;
- (b) the Government should discuss with the sectors and listen to the views expressed by the affected sectors before launching the ultimate proposal; and
- (c) the Government should make reference to relevant or similar measures which have been implemented in the international community, instead of seeking to surpass Britain and catch up with the United States on every occasion. In the case of VOCs, for instance, as VOC caps have been imposed in California, a lot of goods meeting the requirements are naturally available, thus enabling our sector to source suitable goods. In this respect, we must not seek to move ahead of the rest of the world, as in the case

of the anti-smoking law, for it is impractical to do so. It will cost the sector, and even the public, dearly as well.

In promoting any new initiative, we must start from education. Washing hands frequently, not to litter, and so on, are merely some of the prominent examples. Environmental protection requires long-term education. If there is a lack of public awareness of environmental protection, health and hygiene, the Government will only get half the results with twice the effort by forcing the general public to accept its compulsory initiatives.

Madam President, improving air quality is everyone's duty. With the weather getting cooler recently, I believe everyone will turn off idling engines as requested. However, I still hope that, when the temperatures reach 30 degrees Celsius or higher and the humidity 90% or higher in the summer, no one will forget turning off idling engines. I therefore hope that the Government can promote public awareness through publicity and education before launching its control measures.

With these remarks, I support the original motion. Thank you, Madam President.

**MS AUDREY EU** (in Cantonese): President, I recall last time when this Council held a debate on this topic, the Secretary made a very detailed response and she spoke for more than 45 minutes and it was close to one hour. She gave a detailed account of the lots and lots of work done by the Government in air pollution. President, it is not that we think that the Government is not doing anything, the question is no matter how hard the Government may have tried, the problem of air pollution seems to get more and more serious. Recently, the world-famous tenor PAVAROTTI came to Hong Kong for a concert and it was reported that he would rather stay in the hotel than go out. It was because he thought that air pollution in Hong Kong was too serious. Even when Chris PATTEN came to Hong Kong not long ago, he also remarked that the air quality in Hong Kong had deteriorated.

Christmas will come in a few weeks' time. That is why the motion today seems to be the usual Christmas tree motion and many Members would come and hang their wishing stars for air pollution on this Christmas tree. It makes the tree heavy as a lot of contents are added. Apart from striving to get this motion

passed, Members from different political parties and groups may set up a subcommittee under the Panel on Environmental Affairs to follow up the various issues of concern and look into how they can be put into practice. This would be more important than just getting a motion passed.

Though this motion is like a Christmas tree with many wishing stars hung on it, the most important thing is how to regulate coal-fired power plants in the Pearl River Delta (PRD) Region and Hong Kong. It is because they are the greatest source of air pollution in Hong Kong. Specifically, there is the question of emissions trading. Actually, before Dr Sarah LIAO took up the post of the Director of Bureau, she had been talking about emissions trading. I do not think at that time she would think that she would someday become the Director of Bureau in charge of environmental protection matters in Hong Kong. Now she has the means and the abilities to realize her ideas on that. Unfortunately, the policy concerned is still being studied and there is no timetable for implementation. I do not know if the Government can be asked to begin emissions trading in the two places after the expiry of the Scheme of Control Agreements of the two power companies in 2008.

I know that the Environmental Protection Subgroup of the Hong Kong Guangdong Co-operation Joint Conference will meet once a year to report on work done on each side. Judging from such a pace of work, no wonder people suspect that they would ever be able to see emissions trading put into practice and blue sky and white clouds once again during their lifetime — it is trendy to speak about one's lifetime these days. On top of this, under the existing Scheme of Control Agreements for the two power companies, the more electricity they generate, the more profits they will make. This has led to problems like excessive investment, too much power in reserve and pollution which can otherwise be avoided. I hope in future when the Government enters into Scheme of Control Agreements with the two power companies, it can prescribe some tax concessions and punitive clauses and urge the companies to reduce emissions by offering financial incentives.

In addition, sometime ago Greenpeace has released a research report entitled "Wind Guangdong". There it is pointed out that Guangdong Province has huge potentials of wind power resources and given supporting policies, annual generation of wind power in Guangdong in 2020 can meet Hong Kong's demand for electricity for one full year. It is my hope that in the paper for the second round of consultation on the electricity market which is about to be

released may put forward specific proposals on target consumptions of renewable energy, connections with grids, and so on.

President, not long after I became a Member of this Council, I had a chance to meet the then Chief Executive TUNG Chee-hwa. One of the key issues I discussed with him was about the air pollution indexes on the Mainland. We in Hong Kong did not know much about them and so I hoped that these could be made more transparent. After listening to this, Mr TUNG jotted that down seriously in his diary. Last week, the Government finally began to announce data on air quality in the PRD Region on the web. Unfortunately, these data are like a face half covered with a Chinese lute or *pi pa*, for data of a more precise nature, such as concentrations of each type of pollutants, and so on, are meant only for internal use in the relevant departments of the two places. For some unknown reasons, they are not released to the public and for reference by green groups, scholars and the public. Actually, such information is of vital use and it can serve as indicators for us to adjust the schedule of our activities. For example, on a day when pollutant concentrations have significantly exceeded air quality standards, we can generate less power or ask Disneyland not to stage a pyrotechnic display at night, and so on. Many adjustments can in fact be made to our life.

I would like to mention in passing the point mentioned by the Secretary about 2.5 microns, that is, the so-called PM 2.5 particulates when responding to speeches made during the motion debate on the subject last time. She said that they could drift in the air for a very long time, polluting the atmosphere and damaging people's health. I do not know why the Secretary called this kind of substance mist and the Chinese term for that sounds rather poetic as well. But actually this is just some fog, dusty smoke and exhaust. I hope therefore that the Government can revise the air quality targets drawn up in 1987.

As a matter of fact, 70% of our time is spent indoors. That is why indoor air quality is also very important. But for the Indoor Air Quality Certification Scheme launched by the Government in 2003, only a total of 108 certificates have been issued all through these two years since its introduction, and most of these certificates are issued to government office towers. Response from outside the Government has not been enthusiastic. The reason is that companies joining the Scheme are required to engage people at their own expenses to make the assessment and a certificate is awarded after the findings have met the targets. So the Scheme is not attractive at all. I hope the Government can improve this Scheme.

The most controversial point raised today is the setting up of a fund proposed by Mr SIN Chung-kai in his amendment. As a general rule, we would support by all means all proposals raised by Members which do not run counter to principles, but as his suggestion is rather controversial and it has not gone through any discussion, so at this present juncture, the safest thing to do is to remain neutral, that is, neither opposing to it nor agreeing to it. We hope that after more discussions made and when it is proved that it can really reduce pollution, then we would consider it. Thank you, President.

**MR ANDREW LEUNG** (in Cantonese): Madam President, located on a foothill fronting the picturesque Victoria Harbour, Hong Kong used to be called the Pearl of the Orient. But this Pearl of the Orient has by now lost all its lustre because the two sides of the Victoria Harbour are often enveloped in murky smog that sometimes hides even the bright sun.

Air pollution is a serious problem in Hong Kong. Its environmental efforts of course leave much to be desired. But one must note that its air quality is also affected by its location in the regional geographical setting. Hong Kong and the Pearl River Delta (PRD) are situated in the same air-flow zone. According to some experts, since the PRD is surrounded by mountains on three sides, it is virtually like an enclosed area. And, owing to its position in the PRD Region, Hong Kong is basically susceptible to pollution because nitrogen dioxides, sulphur dioxide and respirable suspended particulates are blown towards it by air currents. As a result of the undesirable effects of both internal and external factors, air quality in Hong Kong has become a worrying problem.

One of the main causes of air pollution in Hong Kong is vehicle emissions. Of the 600 000 or so registered vehicles in Hong Kong, 23% are driven by diesel which contains a comparatively high level of pollutants. Such a percentage is higher than that of Britain by as much as 10%. As a result, the amounts of respirable suspended particulates in the air have kept on rising. Since the roads in Hong Kong are narrow and surrounded by numerous high rises, the air has turned extremely stuffy. Pedestrians are thus reduced to "human vacuum cleaners".

In order to improve air quality, the Government should introduce hybrid vehicles. Mr Jeffrey LAM has already made lots of suggestion in this connection.

Secretary Dr Sarah LIAO has set a good example because she has taken the lead to purchase a vehicle of this type. I may as well add one point here. Although there is just one brand of right-hand-drive hybrid vehicles for sale in Hong Kong and supply is therefore limited, large numbers of such vehicles manufactured by other brands will be put on the market of Hong Kong in 2006 and 2007. If we also consider the possibility of allowing left-hand-drive hybrid vehicles to run on the roads of Hong Kong, the number of such vehicles available for sale will increase greatly. I hope that the Government can take active steps to introduce such vehicles, so as to increase the supply of environmentally-friendly vehicles more quickly and improve the deteriorating air quality in Hong Kong. The Government should also actively consider the offer of various concessions to purchasers of this type of vehicles, such as remission of the First Registration Fee and Licence Fee for environmentally-friendly vehicle.

Mr Jeffrey LAM has also mentioned that a greater number of environmentally-friendly vehicles driven by natural gas should be introduced. I am not going to dwell on this. Rather, I would like to point out that we should actively consider the introduction of bio-fuel. Consideration should be given to the active introduction of blends of fuel with 10% to 15% bio-fuel. Bio-fuel contains almost no sulphur, so the emission of sulphur dioxide is very low. And, when compared with conventional diesel, it also contains less of other pollutants such as carbon monoxide, dust and hydroxide. Besides, bio-fuel can be blended with conventional fuels in any formulas. We hope that the Government can take active steps to introduce bio-fuel.

Furthermore, it is equally important to upgrade the quality of vehicles. The Government must expedite the mandatory conversion to Euro III and Euro VI engines. What is more, for the purpose of effectively controlling vehicle emissions, the Government should consider the idea of requiring the installation of emissions control devices for the exhaust pipes of heavy vehicles, with a view to reducing the emission of sulphur dioxide and nitrogen oxides.

We have noticed that the rising oil prices these days have led to a drastic increase in the demand for cheap oil in the PRD. Since there is no regulation in the Mainland, many unscrupulous merchants have been trying to transport waste oil purchased in Hong Kong to the Mainland. In Hong Kong, waste oil must be recycled to reduce the content of pollutants and heavy metals before it can be used again. But some unscrupulous merchants have been using river trade vessels to smuggle waste oil into the PRD for burning. The burning of

untreated waste oil will release large quantities of sulphur and heavy metals into the atmosphere and result in the formation of acid rain. And, the pollutants thus released will also be blown back to Hong Kong by winds. I therefore hope that the Environmental Protection Department and the Customs and Excise Department can take joint actions to clamp down on such smuggling activities and stop the illicit export of waste oil, so as to prevent the further deterioration of air pollution in Hong Kong.

In view of the serious air pollution in the PRD, the Federation of Hong Kong Industries launched a programme entitled "The One Factory-One Year-One Environmental Project" early this year. Under this programme, manufacturers, especially small and medium enterprises (SMEs), are encouraged to take concrete environmental protection actions in the seven areas of energy conservation, sewage treatment, waste treatment and reduction, resource recycling, emissions, noise abatement and green management. This programme has received the strong support of the SAR Government and Secretary Dr Sarah LIAO and the latter even officiated at the opening ceremony of the programme. I hope that the SAR Government will continue to render its strong support, conduct active publicity and assist SMEs in joining this environmental campaign, so as to upgrade air quality in the region.

The Governments of Guangdong and Hong Kong have recently commissioned the PRD Regional Air Quality Monitoring Network and started the daily reporting of the PRD Regional Air Quality Index. The Air Quality Index of Hong Kong on the first day of reporting was the yellow Grade III. This means that in case of any deterioration, Hong Kong may become a city unsuitable for human habitation. This will certainly produce negative impacts on the Hong Kong economy.

Madam President, it is not at all easy to understand the age-old problem of air pollution. The Government should learn from other advanced cities, such as London, which was once called the Capital of Fog, and also Los Angeles. Or, it may study the successful example of the once heavily polluted Mexico City. In any case, the Government must actively explore various options of improving air quality, so that the people of Hong Kong can literally "dispel the clouds and see the blue sky"!

I so submit.

**MR PATRICK LAU** (in Cantonese): Madam President, the PRD Regional Air Quality Indices announced last week for various places in Guangdong and Hong Kong, including Tsuen Wan and Tung Chung, were generally Grade III. This means that the air pollutants in these places already exceeded the air quality standards. What is even more worrying is that some environmentalists in the region have pointed out that the actual impact of air pollution on the health of people in the region may even be worse than expected because the compilation of these air quality indices has not taken account of PM2.5, a kind of carcinogenic micro-particulates present in the air.

I therefore think Members will all agree that the motion today on improving air quality is very important. I think that any ways which can help alleviate the problem, whether advanced by the Government or the various sectors of society, should all be implemented as early as possible. What is most important after all is that we must first set a good example and rely on our own efforts and commitment to actively upgrade air quality in Hong Kong. Then, we may share information and experience with the relevant mainland authorities. This is the only way to achieve a situation of mutual encouragement and mutual help.

Madam President, about a year ago, when we discussed another motion also moved by Mr James TIEN on actively reducing air pollution, I already pointed out that improvements to community planning, coupled with building designs geared to air current circulation, would be the most effective means of improving air quality. I can remember that at that time, I emphasized that the Government should seek to increase air current circulation and reduce the concentration of pollutants in downtown areas by amending the Buildings Ordinance to remove the defect that once there is a five-storeyed building in a site, the lower floors of all the other buildings there can be granted a 100% site coverage. May I ask the Government whether it has given any thoughts to or considered this proposal to date? What is the position of the Government? I sincerely hope to hear some indications today.

Besides, I insist that the relevant authorities must step up their liaison with the universities. The universities have conducted many studies on improving air quality, so they should be encouraged to organize academic conferences for the purpose of having exchanges and co-operating with experts from other countries. That way, their research findings can be effectively utilized to reduce pollutants in urban areas. I understand that the Physics and Materials

Science Department of the City University of Hong Kong once organized a workshop on meteorology and climate over South China. The first day of the workshop was devoted precisely to air pollution. The research projects of other universities are also of immense development potentials. For example, the Mobile Real-time Air Monitoring Platform developed by the Institute for Environment & Sustainable Development of The Hong Kong University of Science and Technology is able to take more accurate measurements of the actual air quality in the streets and roads of different districts.

Madam President, besides doing serious harm to people's health, air pollution will also affect the economic benefits that may be derived from our tourism industry and inward investments. It has been reported by the media that some top executives of foreign companies have given up posting offers to Hong Kong. In view of this, we should all join hands to tackle the problem of air pollution as soon as possible.

Thank you, Madam President.

**MS MIRIAM LAU** (in Cantonese): Madam President, a good part of the original motion and amendments today is connected with the transport industry. I would therefore like to say a few words on what the transport industry can do in order to achieve the aim of improving air quality.

In December last year, when Mr James TIEN moved a motion on the same topic, I already pointed out that we cannot possibly protect the environment by chanting empty slogans, and that concrete actions must be taken. Over the past 10 years, the industry has been taking concrete actions to support the Government actively. For instance, LPG is now being used by almost all taxis running on the road and this is also the case with nearly 80% of all the newly registered public light buses. In addition, ultra low sulphur diesel is also widely used in the industry. But very often, problems are caused not so much by the unwillingness of the industry to render its support or do a better job but by the shortage of supporting measures from the Government. For instance, the industry has repeatedly complained about the shortage of LPG filling stations.

There are currently 53 LPG filling stations in Hong Kong and 12 of them are dedicated filling stations. The Government has been claiming that there are already enough LPG filling stations for all taxis and public light buses. But

even the Government itself has noticed that at certain dedicated LPG filling stations, there are frequently long queues of vehicles waiting for refilling. Very often, the situation is really intolerable because the waiting time can be as long as 20 minutes, which is almost as long as a minibus or taxi trip. Besides, LPG filling stations are often located in remote areas, thus many minibus operators simply refuse to join the LPG minibus subsidy because of all the inconvenience involved. Therefore, I support the amendment of Mr Jeffrey LAM. In other words, I agree that the Government must not only conduct studies but must also expedite the granting of lands for the purpose of constructing additional LPG filling stations.

Miss CHOY So-yuk's amendment urges the Government to actively explore the possibility of increasing the penalty for smoky vehicles. I wish to point out that according to the statistics of the Environmental Protection Department, the number of reports made annually by spotters of smoky vehicles has in fact witnessed a steady decline over the past 10 years, dropping from the highest record of some 68 000 vehicles a year to the 13 200 last year. Of course, I am not saying that the result is already very satisfactory. But still, we cannot totally gainsay the present result. Besides, as I have repeatedly emphasized, if a heavier penalty for smoky vehicles alone could already improve air quality, it would not have been necessary for the transport industry and the Government to make so many efforts in the past 10 years. While we simplistically ask for studies on increasing the penalty for smoky vehicles, should we not also explore various ways of further reducing the cases of smoky vehicles, such as the enhancement of vehicle emissions tests to ensure compliance with Hong Kong emissions standards? I believe that this should be the most important way of reducing the emission of black smoke. As I have repeatedly pointed out, if we want to achieve this goal, we must first implement a satisfactory registration scheme for vehicle mechanics because this is the only best way of ensuring maintenance quality and minimizing vehicle emissions. If we do not so, if vehicle mechanics are not good enough, then even after vehicle owners have arranged repairs of their smoky vehicles, they may still be penalized because their vehicles may continue to emit black smoke soon afterwards.

Lastly, the original motion of Mr James TIEN proposes the enactment of legislation to require drivers to switch off their vehicle engines while waiting. I wish to point out that many people in the transport industry have been doing so for a very long time. In the case of bus companies, for example, drivers are basically instructed to do so upon arrival at bus termini; they are instructed to

switch on the engines of their buses again only when the time for departure draws near. This explains why we can see that the air quality at bus termini in recent years has already improved. And, even minibuses and taxis waiting at their stands are also doing the same of their own accord. Only those vehicles at the front of a queue will keep their engine idling.

Understandably, there should be certain difficulties in enforcing the law proposed. For instance, minibuses usually have to pick up passengers along the way and at some busy taxi stands, it is simply impossible for taxi drivers to switch off their vehicle engines waiting for their turns to pick up passengers. Furthermore, the tempo of life in Hong Kong is very fast and everybody wants to do things quickly, so it is in a way rather difficult to require drivers of commercial vehicles to strictly comply with a law on switching off their vehicle engines while waiting. Therefore, as far as the problem of idling engines is concerned, we think that private cars and government vehicles should be subject to regulation as a start.

I believe that the transport industry will certainly continue to join hands with the various sectors and even the Government to make the air on our roads yet fresher.

Madam President, I so submit.

**MR FREDERICK FUNG** (in Cantonese): President, air quality in Hong Kong has always been a cause of great concern for the people. In recent years, the Air Pollution Indices have remained high. In some areas, they have reached very high levels. This has seriously affected people's lives and their health, and indirectly this has increased their health care bill. Both the Hong Kong Association for Democracy and People's Livelihood (ADPL) and I demand that the Government must take immediate actions to step up air quality improvement measures.

With respect to Guangdong and Hong Kong co-operation, last Wednesday the two places began to announce the Pearl River Delta Regional Air Quality Index (RAQI). However, there are no detailed announcements on the types of pollutants with concentrations exceeding air quality standards and the margin of excess. We have no idea as to whether the new RAQI is different in calculation from the Air Pollution Index currently used in Hong Kong and Guangdong areas.

Therefore, I hope the authorities can explain this point later as to whether or not the new data are the same as the data that we have had before. What are the differences? What can be done to present them in a way that is comprehensible to members of the public?

Besides, we can read from the newspapers that the mainland authorities tried at one time to cover up the recent incident in which Heilongjiang River was polluted by oil spills. The people in that area were not cautioned to take any contingency measures. Actually, both air and water pollutions are the same in that they are not confined to any location or boundary. That is why both the ADPL and I hope that when the Hong Kong Government and the national authorities discuss environmental protection issues, they must remain open and transparent in order that the people's right to know will be protected and incidents will not happen.

Locally, the ADPL conducted a survey in early October on air quality. A total of 700 people were interviewed, of whom 97% said that air quality had deteriorated and close to 90% agreed that the Government should impose greater restrictions on the height and density of buildings in order to prevent the construction of barrier-type buildings, thus facilitating ventilation and reducing the accumulation of emissions. The findings show that the people have worries about barrier-type buildings constructed along the shore. The ADPL therefore demands that the Government should address the problem of air quality in the community and take active steps to eliminate the consequences of policy blunders.

The Town Planning Board gave its approval to many development projects of high density during the time when the housing policy of building 85 000 units a year was implemented. One such project is located at the Nam Cheong Station of the West Rail. It includes 10 blocks of residential buildings each about 50 storeys tall. The original design spreads out these blocks in a straight line right in front of the public housing estate Fu Cheong Estate on the waterfront of Sham Shui Po. Wind in the Sham Shui Po area is south-westerly due to the effect of monsoons. That is to say, wind will blow from the Victoria Harbour to Sham Shui Po. The Hong Kong Institute of Architects has confirmed that such a design would create a barrier effect and cause grave consequences like the following: first, when a strong wind blows, wind will be particularly strong in front of these 10 blocks of buildings; second, wind velocity will decrease as it is blocked by the cluster of buildings, hence emissions close to the ground level

will tend to accumulate; and third, there is insufficient ventilation on the leeward side behind the cluster of buildings. The area will result in a rise in temperature, sunlight will be blocked and it would be hard for bacteria to disperse. If the Government will not learn from these lessons, the results could be disastrous.

In view of these problems, we met and discussed with the Kowloon-Canton Railway Corporation (KCRC), the Housing, Planning and Lands Bureau as well as Secretary Dr Sarah LIAO. Besides, we also discussed the problems with the Financial Services and the Treasury Bureau. However, all these bureaux told us that no Policy Bureau had the right to make the decision that a building plan should be revised. In the end, we were told that if this building plan was to be revised, it would result in a drop in government revenue. Therefore, at last we had to discuss with the Secretary for Financial Services and the Treasury. It is beyond my wildest imagination that this environmental protection issue would be passed on from one bureau to the other and finally lands in a bureau which is concerned primarily with money matters. This really is a difficult issue to handle. What then will become of issues related to environmental protection? This event leaves an impression on me that Secretary Dr Sarah LIAO is having so little power despite her high position and for us, we are humble in position and our words carry no weight. I hope that when the Secretary occupies such an elevated position, she would also have great powers that are commensurate with her status. For if not, environmental protection work will never become any more than just words.

The Planning Department will issue assessment guidelines on air ventilation for compliance by the industry. Legislation is also being contemplated to mandate ventilation assessments of all private buildings. However, development projects given approval but which construction has not yet begun will not be required to do so. In July, the ADPL and I submitted a discussion paper to the Sham Shui Po District Council, which was endorsed unanimously by members of the District Council. The motion urges the Government and the KCRC to revise the development project at the Nam Cheong Station and its design in order that ventilation and air quality in Sham Shui Po can be maintained. Now the Nam Cheong Station project has been postponed as a result of opposition from residents in the district. The KCRC has undertaken that it would look into how the total floor area can be reduced in order to increase the ventilation points. But the problem is we have not yet seen the revised building plan. I hope that the Secretary can keep an interest in the

issue and ensure that the Government will not make the people suffer for the sake of money or increase in revenue.

With respect to the problem of vehicle exhaust in Hong Kong, I think that it is very serious. Vehicle exhaust emitted will cause a constant increase in suspended particulates in the air. In September 2005, the Environmental Protection Department commissioned The Hong Kong Polytechnic University to conduct a survey on the emission of exhaust by cars. It was discovered that in many locations in Hong Kong, the concentration of respirable suspended particulates (RSP) which can be breathed into the lungs was 3.4 times more than the standard permitted by the environmental protection agency of the United States and such intake would be harmful to the human body. According to the survey conducted by the ADPL, almost 90% of the people think that air pollution has affected them seriously and caused deterioration in their health, thereby indirectly adding to their medical expenses. As for monitoring the air, 90% of the people agree that as a condition of licence renewal, the power companies should be required to use cleaner fuels such as renewable energy to generate power up to a certain proportion of their total power generation.

In sum, the ADPL demands that the Government must address the problem of air pollution squarely, step up co-operation with the mainland authorities in environmental protection and increase transparency. It should take active steps to address the impact of blunders in housing policy on air quality in the community, and reduce the plot ratio and building heights of this kind of residential development projects. This will prevent the creation of a barrier effect. Lastly, efforts must be made to step up the control on vehicle emissions.

With these remarks, I support the motion and all the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, when it comes to dealing with vehicle exhaust emissions, I think government performance has been far from satisfactory. This is because what it has been doing is merely to persuade taxi drivers to use liquefied petroleum gas (LPG) but the result is some people have been given special favours and these people are businessmen to whom the Government has leased land for building dual use petroleum and LPG

filling stations. And some of these bosses of filling stations, thinking that the LPG prices are too low, have turned off some fuel dispensers deliberately. I staged a protest together with some taxi drivers because of this and this was a fact: When we went with the media to the filling stations, they just turned on the fuel dispensers once they saw the reporters. What is the Government doing? Actually, their way of doing things has been widely known for a long time. We need to know that if the Government wants people to do something or if some advantage is given to some people to induce them to do something, such as in environmental protection, then it must hold onto it fast from beginning to end. It must refrain from doing what the Mainland has often been criticized for, that is, wavering and changing all the time. I hope that both Secretary Stephen IP and Secretary Dr Sarah LIAO will pay attention to this problem, for if not, the whole policy would become nothing but a joke.

The next thing is that the problem of pollution in Hong Kong is actually our own making. In just a couple of months after I was returned a Member of this Council, a group of residents from Tai Kok Tsui told me that the street on which they lived had experienced the barrier effect described by Mr Frederick FUNG. The street is totally sealed off. This is an effect caused by the kind of town planning undertaken by the Government, so how on earth can the people follow the Government's advice? What grounds does it have to tell others what to do if it is not doing the right thing? This is especially the case in this city when a handful of giant developers are cooed and cuddled with special favours. Honestly, I have never seen a city which has blocks after blocks of buildings lining the shores like rows of tombstones. Just go out and see. All these skyscrapers are standing there like tombstones. The only explanation that there can ever be for such a way of building is the benefit of the developers. These giant consortia that dominate the property market are constantly striving to reap more profits by exploiting the so-called panoramic sea view. That is why we see graves built by developers to amass exorbitant profits. What a spectacle it is! In every place where there is any sea view, we will see rows after rows of tombstones. It is simply sickening.

I know that my Honourable colleague, Mr Patrick LAU, is a core member of the Town Planning Board. He should really urge the Government to improve this state of affairs. Of course I have no doubts about his character and integrity. But I think he should set an example by putting up strong opposition to this practice.

As for the plot ratio thing, I can see that Mr LEUNG Chin-man is graciously generous to the developers and he even hands out a handsome gift to them. This is really a problem that cannot be solved. If the Government allows this inclination of benefits and if its mentality of fattening the giant developers first before the interests of the Hong Kong people are looked after remains unchanged, there can never be a solution to this problem.

Talking about pollution, recently I went to visit the Mainland. I found that it was really different from Hong Kong. They do not have the tombstones just described by me. Or I may say, they rarely have these tombstones. There are some in Zhuhai and Shenzhen. In other places, there are just vast and boundless stretches of land. But one also has breathing problems there and people there wear face masks. Why? Because there is no restriction on the emission of exhausts on the Mainland. From a long distance, I could see that the chimneys of the houses are very low. I do not think they will meet the standards. When the polluted air emitted every day has no chance of dissipating, that forms the phenomenon we see now. So there is no way to make things better when this foul air is blown into Hong Kong. I think, insofar as this point is concerned, we should work with the mainland environmental hygiene units — they do not call themselves environmental protection units there. Actually, what we are suffering is only second-hand pollution and that makes us moan and grumble. Our compatriots on the Mainland who labour in the fields and toil outdoors are much worse off. Even if we are not doing this for our sake, we should do something for them, for they are our compatriots. Therefore, just as I have said repeatedly, if a place or a country does not have democracy and if the people cannot monitor their government, the result would just be teeming flaws and glaring blunders in administration. This state of affairs in the environmental hygiene of the Mainland is in fact related to China's lack of democracy. This is the fact.

The only exception is the United States which is a country that has democracy. I must condemn this man BUSH. In the Kyoto Protocol, BUSH acted abhorrently, utterly appalling and despicable. He knew that he had caused so many catastrophes but he refused to do something good in return as a remedy. This is BUSH. I have scolded him a few times here for this. He has set a very bad example. Why? Because that vice president of his is an oil businessman. Just imagine a government, regardless of whether it is democratic or not, if it allows the monopolizing consortia to have a hand in the market, then serious problems can be caused. However, I can tell Members

that if there is no democracy in the United States, BUSH may stay on for 20 years as the President and there is no use scolding him every day. A presidential term he is serving only lasts four years and he must step down if his administration is ineffective. So I can tell Members that things like environmental hygiene are related to whether or not there is democracy. The problem of environmental hygiene has profoundly displayed democracy as an essential universal value, and without it we will all perish. This is because people can abuse powers to injure others simply to advance their self-interest. This is just the same case with the spread of avian flu, people without such value are no better than the migrant birds.

I therefore speak up to condemn BUSH as well as the mainland authorities which act in blatant disregard of the environmental hygiene of mankind. I also hope Members can remember this: No democracy means no environmental hygiene.

**MR LEE WING-TAT** (in Cantonese): President, I noticed that the Secretary looked deeply worried all the time when she was listening to our debate just now. She did not show a smile until Mr LEUNG Kwok-hung started to speak. Perhaps, environmental problems are really very worrying. When I chatted with the Secretary on one or two casual occasions in the past, I told her that I also loved hiking, but that after becoming the Chairman of the Democratic Party, I have gone hiking much less frequently than before. Once cycling near Tai Mo Shan, when I looked up, all I saw was just a murky sky. Lovers of hiking will understandably be very unhappy at the sight of this.

About one or two years ago, or about several years ago, perhaps because the Government was not doing enough, Mr James TIEN brought Members together to form an eight-party coalition. Perhaps, Jimmy thinks that although we cannot come to any agreement on constitutional development, we should still be able to co-operate with one another over environmental issues, so he has encouraged the Secretary to make more efforts and co-operate with Guangdong, with a view to improving the natural environment. I hope that Jimmy can consider this because all Hong Kong people will benefit. There must be something very unsatisfactory in Hong Kong if the General Chamber of Commerce, the American Chamber of Commerce and the British Chamber of Commerce all complain about this or that whenever we meet with them.

I shall spend some time on explaining the matching fund mentioned by Mr SIN Chung-kai just now. Ms Audrey EU remarked that she had not heard much about this, so while she would not object to the idea of conducting studies or discussions, she would abstain from voting. However, I can tell Ms Audrey EU that the idea of matching fund is actually advocated by the Conservancy Association and supported by Mr LAI Kwong-tak. Mr LAI will soon join the new party to be formed by them, so I hope that Ms EU can have more communication with Mr LAI. That way, she will know that a matching fund is workable.

Honestly speaking, we cannot criticize local environmental protection organizations and the Hong Kong Government for doing nothing. The Government has in fact made some efforts in connection with taxis and minibuses, and considerable resources are invested in environmental protection every year. Besides, the efforts we have made in connection with buses and others have turned the air in Hong Kong, which was badly polluted 10 to 20 years ago, a bit fresher.

After conducting an economic analysis, we found out that in Hong Kong, if we invest \$1 in environmental protection, the return may just be 10%. But if \$1 is invested in the factories in Guangdong, the return may be as high as 50% or even 100% because the standards adopted in the Mainland are much too low. For instance, vehicles in Guangdong are still driven by diesel that is comparatively high in sulphur content. And, if we want to look for a factory (as those operating factories in the Mainland already know), we need only to walk in the direction of the sooty chimneys we see.

Some Members may wonder, "How can we possibly ask the Government to subsidize organizations in Guangdong with our public money?" But they must realize that pollution knows no boundaries. From the perspective of economics, this proposal of the Democratic Party is justified. And, many green groups also support the idea of a matching fund.

If we do not do so, then even if we spend \$1 billion in Hong Kong — I know that the CLP Power Hong Kong Limited must now spend \$900 million on improvement works and I support this — the Government may also have to spend money on this. The business sector, the General Chamber of Commerce, other trade associations, Mr Vincent FANG's retail sector and Mr Andrew LEUNG's

chamber of commerce — in brief, all those Members representing the business sector — should also encourage members of other chambers of commerce to join hands with the Guangdong Provincial Government to set up funds for the purpose of purchasing equipment to improve the factories there.

Our analysis indicates that if the money is spent on purchasing equipment to improve the factories in Hong Kong, not much can be done because most of our factories have already shifted northward to the Mainland. If we spend the money on easing the problem of vehicle emissions, there will be some improvement in air quality but the extent of improvement will diminish gradually because we have switched to a less-polluting diesel; our buses have also adopted this type of diesel. And, another reason is that most of the pollutants found here actually come from Guangdong. We of course know that the Secretary has reached an agreement with the Mainland on reducing the emission of various pollutants to certain levels, that is, reducing the emission volume by 30% to 40%. But if we do not adopt a target-specific approach, I am afraid the scheme will simply fall flat.

We know that the PRD Regional Air Monitoring Stations have started operation, so I wish to receive more information about them. Despite their operation, it will still be very difficult to achieve the desired objective if we do not co-operate with the Guangdong Provincial Government and manufacturers in the Mainland. Therefore, I hope that Members can explore this idea. Will there really be any great problems for the Hong Kong Government to provide subsidies? We have granted funds to encourage taxi drivers to switch to LPG and there is also subsidization for minibuses — Ms Miriam LAU needs not worry because I will support all these proposals. I will definitely support them. If no subsidy is provided, they will have no incentive to proceed. Therefore, the economic externalities will have to be shouldered by members of the public — whether in terms of their health or quality of life.

I hope that the Secretary can stop shaking her head because many green groups also think that the idea of a matching fund can work. I of course know that the Secretary prefers emissions trading. I do not object to this as long as it can work. But I hope that Members can refrain from treating alternative approaches as mutually exclusive. They must consider this proposal with an open attitude. At the same time, they should support the proposal of Mr SIN Chung-kai (that is, the proposal of the Democratic Party). Thank you.

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

**MRS SELINA CHOW** (in Cantonese): President, when we mention the most affected area, many people will invariably think of Tung Chung. However, a number of areas in New Territories West are very seriously affected too, such as Yuen Long, Kwai Chung and Tsuen Wan. Furthermore, we have frequently heard many people complaining about the serious air pollution in other locations, including Discovery Bay. According to them, their children are often affected by air pollution and display symptoms like respiratory tract allergy, running nose and coughing, and so on. Of course, these are considerations from a health perspective.

There are also the considerations from a landscape perspective. I believe we all remember the book entitled *Lonely Planet*. When we come across the photo in the book featuring our beautiful and world-renowned Victoria Harbour, we are taken aback, because we actually cannot have a clear vision of the view of the other side of the harbour. If this happens frequently, I believe we will become more and more worried.

We do, however, understand that this is not a problem Hong Kong can solve on its own. Although it is helpful for us to discuss the matter with the Guangdong authorities and to promote relevant initiatives in the industrial sector, we do earnestly hope to see that certain concrete results can be achieved through the co-operation between our Government and the Guangdong Provincial Government. We do not want to see all the smoke without the fire; we want to see direct and concrete results.

The Liberal Party had done our part. We had travelled to Guangdong to discuss the matter with Mr HUANG Huahua, Governor of Guangdong Province, and we had invited the Director of the Guangdong Environmental Protection Bureau to visit Hong Kong. Nevertheless, the Director did not have much time to discuss the matter with political parties during his stay in Hong Kong. We had even made arrangements to enable members of the business sector to meet with the Director to discuss the issue, but that was not an official meeting after all. Actually, the most significant corresponding party is the Government. Therefore, we earnestly hope that the Government can actively respond to our aspirations in this regard. Instead of telling us what will not work at all, we wish to be told more on what will really work.

For example, we once discussed the issue of taxis. I remember when the issue was debated in this Council, the Environmental Protection Department (EPD) kept saying that nothing could be done except the proposal of using gasoline as a replacement fuel for diesel. But we were very united, and we told the Government that the situation could not go on like that. Subsequent to the debate, Ms Miriam LAU visited Japan with representatives of the taxi trade and eventually put forward a counter-proposal. As a result of their counter-proposal, the pollution caused by taxis running on the roads has been reduced significantly. This is the power originated from the non-government sector. Therefore, I earnestly hope that the Government can listen more extensively to valuable opinions of the people and take more proactive actions in tackling the problems. Instead of saying what will not work at all, perhaps it is a good idea for the Government to examine what will really work.

We are aware that, if we want to tackle a large part of the air pollution problem, a lot of work has to be done by the authorities in the Pearl River Delta. We also hope that the Government can act with greater transparency when it tackles the problem together with the corresponding authorities, so as to let us know how we can provide assistance in the process. In spite of this, there is still a lot of work that can be done in Hong Kong.

Members have contributed a lot to the motion today. It is true that some of the suggestions are rather controversial, such as the one on setting up a fund, with which we also disagree. However, some of the suggestions were raised by us previously and many different Members had also raised many suggestions in the past; and some Members have also moved certain amendments today in order to reiterate their viewpoints. In this regard, I hope the Secretary can do something to promote the cause, so as to show us that certain results can be achieved within a specific timeframe. Of course, on the one hand, we should consider which approach we should adopt, but on the other, we are unhappy with the slow pace in attaining the goals as scheduled in the timetable.

If the Government can act more proactively — in the past, the fiscal deficit slowed down the pace of progress of many such efforts, but this problem appears not to be affecting us so much these days — then the Government should formulate more proposals. For example, it should study what are the measures that can be applied to heavy vehicles, or implement other schemes. If such endeavours have a charging effect, I think the Secretary should still face the

matter squarely and try to convince the Financial Secretary to support her initiatives. I believe this Council will lend her our great support as well. However, I hope she can take some concrete actions, so as to show the people what actually has been done, and there should be some proactive measures as well. Only by doing so can she stop the people from feeling aggrieved about this. Let us all work together to overcome this problem.

Thank you, President.

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

**MISS CHAN YUEN-HAN** (in Cantonese): Madam President, it is actually unnecessary for me to prepare a script for my speech today. The many points made in the original motion and in the amendments can already serve as a script for speech.

The original motion mentions co-operation between Hong Kong and the Pearl River Delta (PRD) Region and proposes measures to improve the air pollution situation in Hong Kong, and its contents are already very detailed. With regard to the original motion and the amendments, Mr SIN Chung-kai's amendment is most controversial, but I think that it is still worthy of our consideration. I am not voicing objection to his amendment, just that I have misgivings about whether the problem is that simple. I think his proposal in the amendment merits further discussion, and I hope that this can be further discussed with the green groups.

Madam President, I think in today's Hong Kong, all people, whether they are poor or rich, old or young, men or women, will agree that good air quality is essential to Hong Kong. In fact, I think everyone hopes that there is good air quality in Hong Kong. I hope that Secretary Dr Sarah LIAO will deeply understand this feeling, and I think she must feel it very profoundly too.

It is precisely because of this big problem with the air in Hong Kong — the situation was better in the last couple of days — that some 10 days ago, we did not see the sun every day when we got up and the whole sky was murky, and this had persisted for a long time. When I went up the hill, the air that I breathed was very bad. Even when I went further uphill, the air was still bad.

Sometimes we may ask: Why do we have these days in Hong Kong? A few years ago, we said that the development in the Mainland had polluted the air in Hong Kong. Recently, measures have already been taken by both sides respectively and particularly, Shenzhen, which is nearest to us, is already aware that these problems are undesirable and so, restrictions have been imposed on the development of the polluting industries. Besides, policies on environmental protection have been drawn up with the objective of maintaining a blue sky and bright sunshine. I think after they have attached importance to the situation, there seemed to be some improvements in some aspects. But before long, the dusky days continued. I know that Hong Kong people really very much wish to go back to the old days when they could see the sun, a blue sky, white clouds and bright sunshine on sunny days. We do not wish to see that Hong Kong is still murky and hazy even on sunny days. Such days are really detestable.

Madam President, I found that the governments in neighbouring places have started discussions on collaboration with Hong Kong. For instance, the monitoring stations set up recently have come into operation. Certainly, I know that colleagues in the Legislative Council have made many suggestions in respect of co-operation with the Mainland, asking the Government to do better. We in the Federation of Trade Unions support this. But sometimes, I have a question in mind because in some cases, it has nothing to do with others. For example, in Guangzhou, for a long time in the past, we could not see a blue sky, white clouds and the sun but now, we can see them. In the past when I had stayed in Guangzhou for two or three days, I would find it hard to keep my eyes open, but in recent years, the situation has improved considerably. The air there has significantly improved but on the contrary, the air quality in Hong Kong has deteriorated.

I often go hiking in the countryside. Earlier on, some colleagues mentioned Tung Chung. Tung Chung is a typical place. Just take a look at the new buildings there — certainly, Tung Chung's proximity to the PRD Region is also a problem — and we will see that the buildings there form a barrier, and even though factories in the PRD Region are closed on holidays, it is still difficult to have a clear vision there. Developers in Hong Kong are always going after land at the waterfront. When they find a waterfront lot, they will employ all means to get it and then erect high-rise buildings of a high density.

After the year 2000, the Government began to notice the problem and came to realize that importance must be attached to the problem. So, the Government proposed such ideas as ridgelines, view corridors and breezeways. However, Secretary, these ideas are only your wishful thinking, because nobody is paying heed to them.

The district to which I belong used to have very few high-rise buildings owing to its proximity to the airport. The environment there was very good, and one had a very comfortable feeling looking downwards from the Tung Tau Cottage Area. But now, if you look downwards from there, you can only see several pillars being erected in a way as if they are digging into your heart. It is learnt that "the girl in two plaits" now plans erect 10-storey buildings at the two sites in Sa Po Road acquired by her, while Sun Hung Kai has bought the site where the government building was located and plans to erect buildings with tens of storeys. Property developers are exerting themselves to vie for the best location to erect the highest possible buildings.

Since the time when Donald was the Financial Secretary and subsequently, the Chief Secretary for Administration, I have repeatedly asked the Government this question in this Chamber: Why did it still allow skyscrapers to be erected one after another since it had made such stipulations as ridgelines, and so on? Sometimes, I would feel very angry, and I found that the high-rise buildings being put up there first were not built by private developers, but by the Government to provide Home Ownership Scheme (HOS) flats. Choi Yee Gardens is a case in point. When several high-rise buildings suddenly appeared on the site adjacent to Choi Hung Estate, I found that they are HOS flats built by the Government. It seemed that the Government was worried about the buildings not being tall enough, as it has taken the lead to put up high-rise buildings one after another.

On the one hand, in the course of town planning by the Government, the relevant government departments are required to consider such factors as ridgelines and to provide breezeways and view corridors, and so on, in the planning of land and in their proposals submitted to the Town Planning Board. But why could the Government completely neglect all these stipulations when it constructed buildings? Since the Government can do so, private developers will follow suit. Worse still, whenever there is good land, private developers will start earmarking such land. For instance, there is a very good site in West Kowloon or Southeast Kowloon where the ridgeline on the Hong Kong side can

be seen and the old airport site in Kowloon Bay below the Kowloon ridgeline can also be seen. But private developers are planning to erect high-rise buildings there.

Imagine: When a line of high-rise buildings is built along the shore, as in the case of Tung Chung, what will happen? Even in the Government's three proposals with regard to the Southeast Kowloon project recently, the factor of breezeways has not been considered in the development plan up to the corners of the 13 streets in To Kwa Wan. We asked the District Lands Officer how could they be designed as such. He then replied, "Right. A lack of breezeways there would render those 13 streets affected."

Madam President, if the Government does not comply with these stipulations in its town planning process, then even the Housing Authority, the Urban Renewal Authority, and so on, will not have regard to these stipulations, and they will seek only to achieve cost-effectiveness or to redevelop the old areas and simply erect buildings with the highest plot ratio at the waterfront at any cost. What can we do?

When the air pollution problem is properly dealt with in other places, we might need to pull down many buildings at the waterfront. Madam President, before many things become facts, I hope that Secretary Dr Sarah LIAO and other Bureau Directors will really hold joint meetings to study this issue. I do not know who should take the helm. I do not know if it should be Chief Secretary Rafael HUI or Financial Secretary Henry TANG. I can only ask them to deal with this in concert. Do not consider the profit to be made by developers. They may reap profits up to ten billion dollars or more, but in the long term, the air in Hong Kong will be sacrificed; breezeways will be sacrificed; our quality of living will be sacrificed.....*(the buzzer sounded)*

**PRESIDENT** (in Cantonese): Miss CHAN, your speaking time is up. Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): President, the motion moved by Mr James TIEN covers an entire page and there must be 400 or 500 words in it. He has certainly spent a lot of time and efforts to put forward many proposals. But surprisingly this is not enough and Miss CHOY So-yuk proposes an amendment

and adds the list up to 16 items, making it a total of 1 000 words, longer than the declaration given in any rally. If this motion together with the amendment is passed, it may be the longest motion passed by the Legislative Council in history.

President, when the wording of a motion gets so long, Members should really think about it when they are to propose amendments later. This is because often times a motion is an expression of an intention, a direction and in the present case, many proposals are added by way of amendments. Why do we not add items 17 and 18 at the end to say that daddy is a man and mom is a woman? Why not? If this goes on, Members will find it hard to hold a debate, for they are just given seven minutes each to speak. For my part, I do not know how to respond to these 16 recommendations and contents like "formulating a comprehensive and effective", "Government taking the lead", "expeditiously implementing", "stepping up the testing of" and "expediting the implementation of", and so on.

President, for such an amendment, if we are to oppose it, then it would seem that the recommendations made in the amendment are not entirely without any justification; but if we are to support it, then the contents would seem to be too general. President, what can I do with an amendment of this quality? I can only shake my head and sigh. Honestly, I cannot find any reason to support an amendment of this sort.

President, the problem of air pollution has been discussed in this Chamber on a number of occasions. Each time when I rose to speak I would talk about the situation in Tung Chung because Tung Chung is the most badly affected area. There are emissions from the aeroplanes. Despite the denial made by the Secretary every time the problem is raised, the data collected have shown clearly that the problem does exist. An aeroplane emits a lot of pollutants and carbon dioxide. The amount of exhaust emitted by an aeroplane is equal to the exhaust emitted by more than 1 000 container trucks, which is staggering. I would not argue with the Secretary over this point any more. The view of this Council and that of the public on this is clear enough. Reports by the international media also think that the air pollution problem in Hong Kong is like the package of constitutional reform proposals that we have — they are both a big and total mess.

Apart from caring for the air quality, Members may also like to care more about the constitutional reform, because both are a big and total mess. Things

should be done to improve these two together. Some democratic communities like the Los Angeles used to be in a big mess before. In those days if you flew to Los Angeles, all you could see was the smog and you could not see the city. But after efforts done by the local government, the smog problem has been improving in recent years. However, in Hong Kong, owing to the collusion between the Government and businesses and the transfer of benefits, these have resulted in the lack of progress in areas where the public would want to see improvements. Why is the air pollution problem on the Mainland so serious? Because many Hong Kong people have gone to the Mainland to invest and though these investors from Hong Kong have made money from the Mainland, they have contaminated the air there. They used to think that they can bring the money back to Hong Kong to enjoy themselves, but unexpectedly they are affected by the pollutants of their own making.

We can see this is happening in the factories in Dongguan. Of course, these factories are not all set up by Hong Kong people. There are factories set up by people from Taiwan and other overseas groups as well. They are all playing a part in polluting the air on the Mainland. Recently, the mainland economy is surging ahead by leaps and bounds and many mainland investors and industrialists have emerged. This happens also in my native place Shunde. Many of the factories in Shunde are set up by mainland capital. Hong Kong is a place with no democratic system to exercise monitoring and there is collusion between the Government and businesses. The same things are found on the Mainland. For the same reason that there is no democratic system, the Mainland has no monitoring in pollution matters and no one is held accountable. A lot of these pollution incidents have happened because of corruption. In those days the building plans of some factories on the Mainland might not have been approved. I recall when I went to the Mainland more than a decade ago for a study tour, I learned that if someone wanted to build a factory, all he needed was to copy a building plan and there was no need to get an approval from the authorities. Things were the same in Dongguan, Huizhou and many other places. If anyone wanted to build a factory, all he needed was to fix up the mainland leaders, there was no need to apply for approval for a building plan. Then the person could just copy from the building plan of the factory already built next doors and start to build accordingly. No one would regulate the drainage pipes, the chimneys and which direction they point to. All that was needed was to fix up the local leaders. About these things, I think Members from the business and industrial sectors would know better than I do. I do not know if they also played a part in this.

Pollutants from factories may contaminate rivers and affect potable water. In view of the many kinds of illegal emissions from the factories and illegal burning, the air pollution problem has gone from bad to worse. Of course, this kind of factories which have never gained official approval are getting less in number recently, but the legacy of the problem is still felt and it is causing harm to Hong Kong people, especially those who have never earned any money on the Mainland. It is due to the fact that for many years, no one had done anything on co-ordinating, vetting and approval work in line with the principle of sustainable development. That is why these bad consequences have appeared.

Having said that, the motives behind Mr James TIEN's motion and its contents are worthy of our support. This shows that they have learned from the bitter lessons. The problem of pollution is affecting everyone in Hong Kong, be they the super billionaires or otherwise. It is fair because no matter how rich you are, you still need to breathe air. People living in Tung Chung are not that lucky. So, President, I would suggest that the Government Headquarters, the premises of the industrialists and super billionaires, and even the Legislative Council, should all be moved to Tung Chung. This will make the people experience how polluted the air in Tung Chung is. During the time from 12 noon to 2 pm, the problem of air pollution is the most serious. This is due to reasons of the position of the sun and the heat, making the problem of air pollution during these two hours the worst. If we can hold our meetings there during these two hours, we will understand the hardship faced by the people there. I think this hardship will not be mitigated in the next three to five years. It would be good if the problem can be completely alleviated in eight to 10 years' time.

In my opinion, the recommendations made in the motion may not be able to address this problem fully, as there must be a government taking the lead in these matters and one which is accountable to the people and capable of solving their problems. I hope that besides solving the air pollution problem, the system of a polluted democracy may likewise see improvement at the same time.

Thank you, President.

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

**MR HOWARD YOUNG** (in Cantonese): Madam President, as to whether or not there is necessarily any relationship between democracy and pollution, I cannot tell. But the subject of pollution is definitely related to tourism. Mr James TIEN was right when he talked about the problem of the tour coaches earlier. He said that he failed to see any reason why tour coaches should not have their idling engines switched off when the tourists had alighted from the coaches for shopping or sightseeing. This is a point which I agree. As far as I can recall, as early as in the 1990s, that is, when the Kai Tak Airport was still in use, there was a campaign to ask the tour coaches to have their idling engines turned off. It was only that later on work on this had become lax. Recently, I have appealed to the trade again and if a law is passed in Hong Kong requiring vehicles to turn off their idling engines, I think that the tour coach companies would surely comply with it.

The problem facing tour coaches is that most if not all of the cross-boundary tour coaches running in Hong Kong have their tanks topped up on the Mainland. Mr James TIEN mentioned earlier that there might be difficulties if ultra low sulphur diesel (ULSD) is used in Guangdong Province as some of this fuel may cross the boundary and come into Hong Kong. However, I think that judging by the nature of tour coaches coming into Hong Kong, only a very small number of them would travel beyond Guangdong Province. Tour coaches in Hong Kong would only need to go beyond the Pearl River Delta. I think that if certain places on the Mainland really use diesel and only ULSD, even if its price is more expensive, the tour coaches will use it if there is no other choice available.

Recently I visited Hainan Island and found that the gasoline price there was much more expensive than that in Guangdong Province. At first, I thought it was environmentally-friendly fuel, but I found out later that it was not. The price was high only because the toll of the super highways was included in the gasoline price. Therefore, there are great differences in petroleum prices even among the provinces in China. The reason for this may not necessarily be due to the fact that no stringent measures are adopted along the boundaries of the provinces and so the plan concerned does not work. I think this problem should certainly be considered by the PRD and Guangdong Province.

But what does this have to do with tourism? I recall just six years ago when the Hong Kong Government signed an agreement with Disney Company to build a theme park in Hong Kong, both sides had held talks on many occasions,

and at that time I was worried that Hong Kong would not be able to win the right to develop this project. My worry at that time was not about Hong Kong not having an aviation hub, that it had no competitive edges over others, that it had no capital, intention or market. I was worried was that every time Disney Company came to Hong Kong for the talks, it could not see a blue sky and white clouds and they might doubt whether or not it was worthwhile to invest in this place. Of course, in the end they entered into a deal. That was my greatest worry at that time.

The tourist industry in Hong Kong and the Hong Kong Tourism Board often attempt to find out the impressions of tourists coming to Hong Kong. Though in many ways the tourists are very satisfied with Hong Kong, they have also listed out some dissatisfactions about Hong Kong. These include a few things as expected, such as rude manners of the taxi drivers, the improper practices of some retail outlets, and so on. When it comes to air in Hong Kong, the tourists often have negative views. So from the angle of the industry, I think if the Government can launch some measures to solve the problem or co-operate with Guangdong Province, I think that the industry will certainly lend its full co-operation.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, then Mr James TIEN, you may speak on the amendment. Your speaking time is five minutes.

**MR JAMES TIEN** (in Cantonese): Madam President, I am not going to respond again as Mr Jeffrey LAM has already responded to Miss CHOY So-yuk's amendment, which is supported by us. Although Mr Albert CHAN holds that the Christmas tree has been dressed up in excessive decorative lighting, every Member has his or her right to do so.

We examined the feasibility of Mr SIN Chung-kai's amendment when it was proposed. We have also consulted business operators through the Economic Affairs Department of the Liaison Office of the Central People's Government in the HKSAR on the idea of setting up a matching grant fund with

donations from the business sector. Mr SIN Chung-kai's amendment has sought to include this point as item (f) after the five items set out in the original motion under the sub-heading "On the co-operation between Hong Kong and Guangdong". By including this item under the sub-heading, he should mean that the donations from the business sector include those from Guangdong and Hong Kong manufacturers. However, does he mean that the Guangdong Provincial Government also has to make matching contribution or only the Hong Kong Government is required to do so for he has included the proposal of using the Government's matching grant fund to improve the equipment in the PRD in the same paragraph? This point is ambiguous as it is included under "On the co-operation between Hong Kong and Guangdong" instead of "On the local front".

The Mainland has not yet set up any fund of this sort to assist any endeavour. Mainland factories, whether set up by Hong Kong people or mainlanders, simply do not have such ideas in tackling the air pollution problem. Moreover, the motion passed last year merely required them to take certain actions without mentioning anything in this respect. Given that they have accepted items one to five, we should let them try every possible means to accomplish these five items first. If a new item, newly introduced this year but not mentioned last year, is included today, they will probably encounter enormous difficulties in implementation. This will be quite difficult to achieve in concrete terms.

Conceptually, what sort of people in the Hong Kong business sector are we referring to if Hong Kong business operators are required to make donations, given that some businessmen do not own any factories on the Mainland? Is every member of the business sector in Hong Kong required to donate to help mainland business operators? Yet, mainland factories may or may not be operated by Hong Kong people. Will any business sectors be willing to do such thing? Some people might agree if the donations were used to ameliorate Hong Kong's air pollution problem. Furthermore, I believe the Government will have reservations about this proposal. Requiring the Hong Kong Government to make matching contribution to every \$1 for dealing with mainland affairs could lead to serious or trivial consequences. Although the number of factories set up by Hong Kong people on the Mainland is enormous, not all factories on the Mainland are set up by Hong Kong businessmen. Earlier in the debate, some Members also mentioned Taiwanese and mainland manufacturers. Should the Hong Kong Government use the Hong Kong taxpayers' money to provide matching assistance to all mainland factories?

The last sentence of Mr SIN Chung-kai's amendment, namely "establishing a dedicated committee to manage the fund", if retained in the amendment, sounds like requiring mainland officials to manage the fund jointly with Hong Kong officials. But yet, the Mainland simply does not have this mechanism. I therefore hold the view that this proposal is still infeasible in the prevailing circumstances.

For the abovementioned reasons, the Liberal Party opposes Mr SIN Chung-kai's amendment. Thank you, President.

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): President, I would like to thank Members for their concern about the problem of air pollution and the opinions from different sectors across society which they have conveyed in the debate today. As the Government of the Hong Kong Special Administrative Region (SAR), our mission is clearly spelt out in the policy address delivered by the Chief Executive which states: "As Asia's world city, Hong Kong cannot tolerate foul air." The policy address also reaffirms the Government's determination to fully achieve the emissions reduction targets in 2010.

In the discussions held today, I would often consider the issues from these few points. Mr James TIEN has mentioned that when we ask the manufacturers to do something, normally they would think that it is very important to apply a fair hand. It is because in the world of business, we cannot have a set of rules and not ask everyone to abide by it and that only some particular people should follow some particular rules. Therefore, when I think over the problem of the control of air pollution, the first point that comes to my mind is what should be done in policy terms and by policy I also mean laws. In fact, all along as we have been working closely with the Mainland, I find out that in terms of institution strengthening, that is in terms of strengthening the institutional framework and the procedures, they should work harder so that the enforcement actions can be effective and the targets reached. Besides, in terms of capacity building, the organizations should have enough support in manpower and technology. All the world is hoping that in terms of technology, we can find some methods which make use of technology to resolve the environmental problems brought about by economic development. However, I do not think we should rely entirely on technology. Everyone should do the best they can in this respect. They should have the determination to achieve this goal instead of just relying on legislation passed by the Government or technology to resolve the problem of pollution.

Let me first talk about the work currently done by the two administrations in partnership. This is because an important focus in the motion moved by Mr James TIEN is how to maintain close co-operation with the relevant authorities in Guangdong Province and the State Environmental Protection Administration of China in order to improve air quality in the Pearl River Delta (PRD) Region. Such co-operation between the two places is a long-term challenge to meet, for the reason that the systems and laws of both places are different from each other.

Many Members have referred to the discontent voiced by the American Chamber of Commerce about Hong Kong. I have been following closely up the practice in the State of California on air pollution. Mexico and South California have an agreement on working together to reduce air pollution. The agreement would last for 10 years. It was signed in 2002 and will expire in 2012. The place does not meet many of its targets set and it cannot offer any data whatsoever. I will explain on that point later on. They have compliance, attainment and non-attainment. I do not understand these too well. They have a special explanation for "compliance". In other words, any project involving the reduction of air pollution in two places would, as a general rule, need eight to 10 years. This plan of ours also started in 2002. But we are more ambitious and we hope that in 2010, the standards and targets with respect to emissions reduction will be met. Members hope that these emissions reduction targets can be met expeditiously.

Actually, the rapid economic growth in the PRD is way ahead of that in Mexico and so it would be a great challenge to attain the emissions reduction targets. We must make sure that both sides will co-operate before these targets can be met. We are gradually implementing various items of work specified under the PRD Regional Air Quality Management Plan (the Management Plan). It is not true that we only meet once a year. As a matter of fact, our colleagues would have a meeting with them almost every month. There is also co-operation between the technical teams and irrespective of whether it is monitoring work or emissions reduction technology, we would hold regular meetings and the frequency of such meetings is high. During these meetings, we will discuss with the business associations in Guangdong Province and study how co-operation projects can be launched. The Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection will meet in mid-December this year. In the middle of each year, the Director of the

Environmental Protection Bureau of Guangdong Province will visit Hong Kong and I will go to Guangzhou at the end of each year. We will review the progress and main areas of work in the Management Plan.

The Regional PRD Air Quality Monitoring Network came into operation officially last week. I do not know how many Members have browsed that website and after doing so, whether or not they think it helps them know more about air pollution in the region, for example, whether or not the results of monitoring can show the distribution of air pollution in the region. Mr Albert CHAN has left the Chamber. He has seen clearly that apart from listing the five grades in the website, there are also explanations on which grades would mean that the air quality standards are exceeded, which grades would mean that the pollutant concentrations may approach or exceed air quality standards and which grades would mean the concentrations are within air quality standards. In addition, we can also learn from the map where the pollutants are concentrated and we will have some insights if we read the map more often, for example, when after pollutants have accumulated in places at the Pearl River estuary like Shunde and Foshan for a few days, the weather in Hong Kong in the next few days will be very bad. This is especially the case when the wind direction changes.

I hope Members will appreciate that there is a well-established air pollution index on the Mainland which is like the Air Pollution Index (API) in Hong Kong, and every day readings of API are made public. We will not tell the public in detail the concentration of sulphur dioxide or nitrogen oxides in the air, because members of the public will not understand the kinds of air quality condition as represented by the concentrations of various kinds of pollutants. That is why we have simplified these figures into an index. In more than 40 cities on the Mainland, there are public announcements of air pollution index. There is a need for comparison among these. If in a city another system is used for some special reason, it would be difficult to achieve a fair comparison with the other cities on the Mainland. I therefore hope that this kind of air pollution indexes should be implemented as a first step. As we are prepared to engage in co-operation, so do not just make disparaging remarks on other people, such as saying that what they do is worthless. Actually, such information is enormously useful to us.

The environmental protection authorities of both places will submit a detailed report every six months, the contents of which would include results of

monitoring work and analyses of the trend of the pollutants because we think the most important thing is making analyses. These will enable us to know the causes of the pollution. We will make the reports public so that people on both sides of the boundary will know about conditions of air quality in the entire region.

When we are to consider these problems with the Mainland, at times we will take part in some technological exchanges in Guangdong Province through the efforts of some non-official bodies. These may be mainland business organizations like the federation of industries and chamber of commerce. We will discuss the problem of air pollution. For example, if in a bid to generate electricity at times of power shortage, some factories may employ some small power generators, then what should be done to control the large amount of pollutants emitted by these small power generators? Can some improvements be made? All these are topics we have discussed. The Environmental Protection Department (EPD) of Hong Kong is hence burdened with an important task. As we may have more technical information, during the discussions, apart from gaining an understanding of the emission of pollutants in their industries, we would also provide some technical information as well.

In launching the Pilot Emissions Trading Scheme, we are exploring some workable plans with the Environmental Protection Bureau of Guangdong Province. These plans will enable the thermal power plants joining the plan to look for trading partners and to enter into emissions trading agreements. Why is such a long time needed? This is because there should be a feasible plan agreed by both parties with respect to management and legal matters of emissions trading. The second problem is that on the caps for total emissions, there should be a suitable quota allocated to the power plants on the Mainland. This is a keynote problem that has to be handled in Guangdong. For when there is a cap on emissions in place, then they can use what is left in the quota for emissions trading.

Now I would like to talk about the amendment proposed by Mr SIN Chung-kai. He hopes that a fund on environmental protection for both places can be set up. But I think this may make things more complicated. This is because emissions trading is already a plan and if on top of it, a fund managed by both places is set up and the two places will make joint decisions on which factories are eligible for subsidy, I think this will further delay the emissions trading plan. It will confuse the two things. Another consideration is that, under the major principle of "polluter pays", if there is a fund to subsidize

commercial operation, it would be difficult to pass the principle test. As for subsidies for taxis and cars, as a one-off payment is made, the case of public interest involved is obvious. This is because it belongs to the public transport trade. We have spent \$800 million on it. The efficiency is high and the method is simple. It can be done in one go and an across-the-board approach can be adopted. Like the public light buses, the applications concerned are treated in a uniform manner. However, it is a different case with using money to assist factories. Take the example of power plants, the desulphurization facilities in a factory will require as much as \$800 million. Then what about the other 90-odd power plants? Should the fund be allocated selectively? Therefore, there must be detailed consideration about the setting up of this fund. Now we are planning about trading emissions rights and I do not want to confuse such matters. We all want to reach a target and that is to shift resources from an economically more advanced place to another place which is not so advanced economically. In foreign countries, this emissions trading method was found only after a lot of disputes. There are at least previous examples for emissions trading and local laws must be complied with and there should be studies on total emissions caps. If this is operated in the form of a fund, then, it would be very hard to distribute various kinds of subsidies equally. We need to consider in detail things like whether or not there is any bias, whether it is fair and how it should operate. All these questions require detailed consideration, and it does not meet our requirement of a simple method which will enable funds to be equally distributed and can be completed at one time like the subsidy we have given to the liquefied petroleum gas (LPG) taxis.

We have set up a new Special Panel on promoting energy saving measures and clean production amongst the commercial and industrial sector in the PRD Region. The Special Panel is presently gathering information and implementation details on clean production on the Mainland, including tax concessions related to the installation of emissions reduction facilities which can reduce air pollution. On the Mainland, concessions are given to clean production. As this involves taxation matters, it is relatively complicated. This Special Panel we have set up is especially tasked with studying clean production measures and encouraging enterprises on both sides to implement these measures. But the most important thing is that through these activities, Hong Kong manufacturers on the Mainland can fulfil their duties as good corporate citizens and strictly comply with local standards and requirements of environmental protection laws and regulations. We would of course happy to see Hong Kong manufacturers achieve better at their own initiative.

In addition, in May the State Environmental Protection Administration signed an agreement with the EPD of Hong Kong on air pollution prevention and control, and co-operation in this respect has commenced. With respect to monitoring the regional air quality and the quality of vehicular fuels, representatives from Hong Kong took part in the exchange sessions held in Beijing in July and October. We are further discussing how both sides can join hands and start with researches on these topics. In terms of policy, for example in public transport, we always discourage people from driving private cars and we insist that fuels should catch up with the latest standards of the European Union. In terms of technology, we would also discuss and study into the latest technologies during these exchange sessions.

In order to help enterprises in the PRD to launch emissions control and clean production projects, we have devised specific measures for different trades. In the toys industry, for example, I think Mr Jeffrey LAM could help us understand better, with respect to spray painting technology, whether there could be some emissions reduction facilities for that, because a lot of VOCs (volatile organic compounds) will be released when paints are sprayed? Manufacturers are very interested in this and some of them are using water-based paints. But in terms of business operations, the cost of production will be higher. So how can they stay being competitive? We cannot just think of one aspect and we must have the full support of the industrial sector. When it comes to developing and promoting these facilities, the Innovation and Technology Fund under the Innovation and Technology Commission offers funding for this and it would be quite simple for manufacturers to apply for subsidies from this Fund. It is only reasonable for the Government to offer subsidies if a new method or technology can be developed for use by everyone. As at 31 October 2005, the Fund has subsidized 32 research projects on environmental protection technologies. The amount of subsidies involved is \$60 million. Three of these projects are specifically on emissions abatement technologies and devices. Therefore, with respect to this, we will continue with our efforts in this direction. The EPD will make recommendations to the industrial sector by carrying out some consultancy studies in certain key areas.

As for work on the Hong Kong side, we know that the subject on switching off idling engines while waiting has been discussed many times and we have briefed the Legislative Council Panel on Environmental Affairs on the findings of a consultation exercise carried out in 2001. It is not that we do not

want to legislate on this, and many Members have proposed that legislation should be enacted on private cars and even coaches for tourists but exemption should be given to tools of the trade like taxis and public light buses. I have considered all these and discussed with my colleagues many times. We are afraid that an exemption may give the wrong signal. We often ask the public light bus drivers to switch off their engines while waiting. Some environmentalists are working as volunteers and they appeal on the streets on my behalf that the taxis in waiting should have their idling engines switched off. The taxi drivers are willing to do this. We are not saying that no change will be made, but we must know that it is only with stronger environmental protection consciousness that the public will find legislation on the regulation of these matters more acceptable. So we will conduct a detailed study and a consultation before deciding on the way forward. However, after the discussions held last time, we have issued guidelines to all drivers of government vehicles and these guidelines even contain punitive measures that require them to switch off the idling engines. In June, we aired a new series of APIs on the TV to urge drivers to switch off idling engines while waiting in the vicinity of schools, hospitals and old age homes. Another new series of APIs was aired at the end of November. We are discussing with the Education and Manpower Bureau on formulating some guidelines for distribution to all schools and parent-teacher associations across the territory to appeal to school buses and private cars waiting outside schools to pick up school children to turn off the idling engines. That is to say, we have taken the first step that can be done. According to records kept by the EPD and the Transport Department, the present approach, that is, publicity and education efforts, have gained good results. We have received close to no complaints on this. All drivers do have self-discipline and they will turn off idling engines if only they are reminded to do so.

As for power companies, many Members have also expressed concern for that. In August 2005, we took the opportunity of the application for licence renewal of the Castle Peak power station from the CLP Power Hong Kong Limited (CLP) to impose a clause on emissions caps. I would like to make a response in this connection. Some Members have pointed out earlier that statistics from 1997 to 2003 have shown increases in all aspects. Actually, sulphur dioxide for 2003 increased by 41%. But nitrogen dioxides decreased by 12% and suspended particulates decreased by 34% and VOCs by 23%. Why has sulphur dioxide increased so much? This is due to problems in the transmission of natural gas in the CLP in 2003. While the sulphur content of the coal purchased by it meets the standards, it is still on the high side. The

emission of sulphur dioxide increased when the CLP turned on its generating units at its Castle Peak power station. In the previous licence, the company is allowed to measure its emissions in terms of a rate, that is, concentration. It would be fine provided that the concentration will not exceed a certain level. But in the licence issued in 2005, a clause on emissions caps was included for the first time. This means whatever the level of concentration, the total amount of emissions will be subject to control. For example, if the emissions from the generating units at Castle Peak power station have increased, then emissions from the other generating units will have to be reduced. We will add the same requirements when the licence renewal of other power plants becomes due. We are now discussing with the two power companies on the timetable to accelerate the emissions reduction projects. The two power companies have been invited to set up a task force to work out a scheme for emissions trading. This will ensure the supply of electricity by these two companies will not be disrupted when the existing Scheme of Control Agreements expire and that the emissions reduction targets will be met by 2010. We will require the power companies to use natural gas in power generation. However, an adequate capacity for power generation by natural gas as well as its supply must be ensured, and work on the liquefied natural gas reception station project must be stepped up.

As for the Scheme of Control Agreements for the two power companies due to expire in 2008, when new Scheme of Control Agreements are to be worked out, we will require the power companies to continue to work on achieving the emissions reduction targets and we will make the meeting of emission levels stipulated a priority condition for licence issuance.

The Government is determined to promote the use of renewable energy. We will require the power companies to make the amount of power generated by renewable energy take up 1% to 2% of their total power generation. We hope that in the process of discussion, such a requirement will be made one of the terms. The Chief Executive has in the policy address this year stated clearly that in formulating new Scheme of Control Agreements, the Government will require the power companies to use renewable energy to generate electricity.

Policy-wise, we will create favourable conditions to facilitate the development of small-scale renewable energy systems for self-use. This would include working out together with the power companies a set of safety specifications for connection with grids to facilitate the installation of such systems in buildings and their access to the grids.

Technology-wise, we will assist in conducting tests related to renewable energy, for example, in the use of photovoltaic systems in buildings, wind power measurement tests and studies of the impact of wind farms on the environment, and so on.

For government works projects, we would require all government works projects to take the lead to use renewable energy where circumstances permit. At present, the total volume of renewable energy used by government projects is more than 1 400 kW and each year 2 000 W of electricity can be reduced, that will be equal to the annual power consumption of 460 families. The Government will continue to pursue such a policy.

In terms of education and publicity, we will strive to promote energy-saving awareness among the public and commercial organizations. As we say all the time that the problem of air pollution is worsening, have we ever thought about what responsibilities we have to bear? In the period from 1993 to 2003, our consumption of electricity rose by 39%. On one hand we want an increase in the capacity for power generation while on the other we want to reduce emissions. We need to think whether we have done our best in energy conservation. If we have the chance to mitigate air pollution, I trust everyone will be willing to do it. In this connection, we work through the Environmental Campaign Committee to promote green schools. Hundreds of schools have joined the campaign. There is a competition in saving energy and the results last year were good. I hope they can learn to do this while they are young. I also hope that the commercial organizations and government bodies can keep up with this energy conservation campaign.

In respect of motor vehicles, I think Members will think that at this time when oil prices are high, there is some advantage of LPG vehicles in terms of costs. With respect to reducing the local emission volume, through the roadside monitoring stations we can see that there have been significant reductions in nitrogen oxides and suspended particulates. Now there are about 24 000 taxis and public light buses in Hong Kong, of these 21 000 have switched to using LPG. Apart from taxis and public light buses, speaking from the technological level, soon there will be supplies of suitable models of light vans using LPG. Members have talked about compressed natural gas and even some other fuels. But the key to this is the provision of the right kinds of infrastructure and that there will be enough gas filling stations for use by these vehicles. Currently, the 53 existing LPG filling stations have been over-stretched and there are

always vehicles queuing at certain LPG filling stations popular with the drivers. The reason for this is that the filling stations were imposed different conditions at licence issue and so their prices may vary. It is understandable that those stations charging a lower price are immensely popular with the drivers. Recently, the Transport Department and the Electrical and Mechanical Services Department (EMSD) have held a meeting with them. We know what the aspirations of the trade are. We know that in some filling stations, not all the fuel dispensers are used. This leads to long waiting times. This is a problem in operation and we will endeavour to solve it. Actually, it is very difficult to identify a location for a filling station because certain requirements in gas safety must be met. In some residential areas such as in the neighbourhood of schools, old age homes, hospitals, and so on, it would be inappropriate to set up a natural gas or LPG filling station, for the reason that these gases have a greater power when they explode and they carry a greater risk of an accident. I have urged the EMSD to look for suitable locations and review the safety standards we use to see if they are in line with world standards and whether new storage drums can reduce the risk of an accident. This will help us identify more suitable places to build gas terminals.

There are environmentally-friendly vehicles available in the local market. Recently, the Ocean Park has test-run a hybrid bus. I know that the German company Bosch has produced a zero-emission diesel engine. But inventions like this would not be produced on a commercial scale until after some time. The bus used by Ocean Park is actually very expensive. One such single-deck bus carries a price tag of \$3.5 million. That Bosch engine is likewise very expensive. But I believe once there is demand, these products will be made widely available due to the economies of scale.

I think I will not talk about the Euro IV standards any more. This is because starting from 1 January 2005, we have adopted Euro IV standards and we are actively looking into the possibility of upgrading to Euro V standards.

Biodiesel is another kind of renewable energy. Mr Alan LEONG has mentioned this fuel. We are keeping a close watch on the technological developments in this aspect. Smog is called "煙霞" in Hong Kong — Ms Audrey EU has left this Chamber — this term is not used deliberately. Even as it sounds so nice, it is actually a scientific term. Smog is mainly caused by nitrogen dioxides and in biodiesel, a large amount of nitrogen dioxides is produced. We will therefore need to see how nitrogen dioxides can be reduced

when hybrid diesel is used. If this can be done, we will certainly welcome the use of this kind of renewable fuel.

With respect to implementing a scheme to regulate products containing VOCs, Mr Vincent FANG has talked about it at length earlier. I am very grateful to the trades and it is because of their full co-operation that we were able to report to the Legislative Council Panel on Environmental Affairs the results on 28 November. The Panel agreed unanimously that regulations on this should be introduced in 2006. The cap stipulated in the regulations should come into force on 1 January 2007. The passage of the new regulations will help reduce about 8 000 tonnes of VOCs. To further reduce the emission of VOCs, we will study on industrial solvents which are a very important area on the Mainland. We will study into how their industrial application can be reduced significantly, as for example in the furniture manufacturing industry in Shunde and in the printing industry, as well as in the toy-making industry which I have referred to earlier. All these industries use a lot of solvents. We will continue to work hard on this.

As for the reduction of VOCs, an attempt had been made in Los Angeles, California, for many years and it was not successful. In the end the State of California decided to ban the use of solvents in all construction materials for both the external and internal walls. This is a breakthrough in the studies of air pollution. In this regard, we hope to work hard on the control of the key pollutants and hence reduce the formation of smog. Actually, from 1993 to 2003, there were reductions in the other kinds of pollutants, but we may not be aware of this as the regional smog has shown no signs of abatement. The people are still denied blue skies and white clouds. Therefore, we must continue to work hard. As I have said before, there has actually been a drop in our pollution sources by some 10% to 20% all through these years. I hope Members, in passing this motion, will give their total support to the Government. I also hope that there can be clean and fresh air in Hong Kong and a good environment, in order that we can stay competitive in the world. This will not only improve the living of the people but also keep up our image as an international city. Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Miss CHOY So-yuk to move her amendment to the motion.

**MISS CHOY SO-YUK** (in Cantonese): President, I move that Mr James TIEN's motion be amended.

**Miss CHOY So-yuk moved the following amendment: (Translation)**

"To add ", as amended by other Members," after "'Vigorously reducing air pollution'"; to add "and enhancing the transparency in the dissemination of the monitoring information," after "effective measures,"; to add "and the Guangdong Environmental Protection Bureau" after "State Environmental Protection Administration of China"; to add "as well as idling engines of vehicles in school and hospital premises" after "government vehicles"; to delete "and" before "(g)"; and to add "; (h) further promoting the incentive scheme for liquefied petroleum gas (LPG) light buses and extending it to light goods vehicles; (i) considering the provision of additional sites for setting up LPG filling stations; (j) actively engaging in research and development regarding the utilization of renewable energy, formulating a policy on renewable energy, setting utilization targets for renewable energy, requesting the two power companies to follow such policy and targets, stipulating in the Scheme of Control Agreements with the power companies the proportion of renewable energy to be used in electricity generation, and providing economic incentives to encourage the power companies to use more renewable energy; at the same time, formulating measures to promote the incorporation of renewable energy equipment into the power supply network; (k) vigorously introducing other types of environmentally friendly vehicles and environmentally friendly fuels, and formulating related incentive measures; (l) actively studying the feasibility of increasing the fines for smoky vehicles; (m) formulating a comprehensive and effective policy on energy conservation, with the Government taking the lead in implementing energy conservation measures in various departments and setting higher energy conservation targets, with a view to promoting community-wide involvement in energy conservation; (n) expeditiously implementing the regulatory scheme for products containing volatile organic compounds on which the Government and the trades have reached a consensus; (o) stepping up the testing of emissions from vehicles to ensure their compliance with Hong Kong's emission standards; and (p) expediting the implementation of the 'Indoor Air Quality Management Programme' and joining hands with the industrial and commercial sectors in actively promoting the programme, thereby preventing poor indoor air quality from harming the public's health" after "environmentally friendly fuels"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss CHOY So-yuk to Mr James TIEN's motion, be passed.

**PRESIDENT** (in Cantonese): I now call upon Mr Jeffrey LAM to move his amendment to Miss CHOY So-yuk's amendment.

**MR JEFFREY LAM** (in Cantonese): Madam President, I move that Miss CHOY So-yuk's amendment be amended.

**Mr Jeffrey LAM moved the following amendment to Miss CHOY So-yuk's amendment: (Translation)**

"To delete "further promoting" after "(h)" and substitute with "prolonging"; to delete "extending it to" after "light buses and" and substitute with "promoting the switch of"; to add "to LPG" after "light goods vehicles"; to delete "considering" after "(i)" and substitute with "expediting"; to delete "other types of" after "vigorously introducing"; and to delete "and" after "environmentally friendly vehicles" and substitute with "which run on a combination of petrol and electricity, hydrogen or natural gas, etc, including heavy and medium goods vehicles as well as buses; offering tax concessions and introducing". "

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Jeffrey LAM to Miss CHOY So-yuk'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 SIN Chung-kai rose to claim a division.

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai 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, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Mr WONG Ting-kwong and Mr Patrick LAU voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN and Mr Abraham SHEK voted against the amendment.

Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Dr Fernando CHEUNG abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Ms Emily LAU, Miss

CHOY So-yuk, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr LI Kwok-ying, Mr Alan LEONG and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert CHENG voted against the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr Albert CHAN, Mr LEE Wing-tat 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, 23 were present, 16 were in favour of the amendment, four against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 14 were in favour of the amendment, one against it and nine 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.

**MS MIRIAM LAU** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Endeavouring to improve air quality" 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 "Endeavouring to improve air quality" 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 put the question to you and that is: That Miss CHOY So-yuk's amendment, as amended by Mr Jeffrey LAM, to Mr James TIEN's motion, 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)

**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 SIN Chung-kai, as Miss CHOY So-yuk's amendment, as amended by Mr Jeffrey LAM, has been passed, I have given you leave to revise the terms of your amendment, as set out in the paper which has been circularized to Members on 5 December. In accordance with the House Committee's recommendation which I have also accepted, when you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

**MR SIN CHUNG-KAI** (in Cantonese): President, I move that Mr James TIEN's motion as amended by Miss CHOY So-yuk and Mr Jeffrey LAM, be further amended by my revised amendment.

President, there is nothing much I can add because our proposal will not be supported by various major parties and factions. *(Laughter)* However, people of wisdom very often have to walk far ahead of others. *(Laughter)* I so submit. *(Laughter)*

**Mr SIN Chung-kai moved the following further amendment to the motion as amended by Miss CHOY So-yuk and Mr Jeffrey LAM: (Translation)**

"To add "; furthermore, this Council also urges the Government to enhance cooperation between Hong Kong and Guangdong with a view to unifying the fuel standards and regulatory regimes between Hong Kong and Guangdong, set up a matching grant fund, which can accept donations from the business sector, with the objectives of encouraging and subsidizing business operators in the PRD Region to develop and promote emission treatment equipment, and take forward projects that can help clean the air in the PRD Region, while at the same time establish a dedicated committee to manage the fund" after "the public's health"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr SIN Chung-kai's amendment to Mr James TIEN's motion as amended by Miss CHOY So-yuk and Mr Jeffrey LAM, 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)

Miss CHOY So-yuk rose to claim a division.

**PRESIDENT** (in Cantonese): Miss CHOY So-yuk 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:

Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr Joseph LEE, Dr KWOK Ka-ki and Dr Fernando CHEUNG voted for the amendment.

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 Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong and Mr Patrick LAU voted against the amendment.

Mr WONG Kwok-hing abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr Frederick FUNG, Mr LEE Wing-tat and Mr Albert CHENG voted for the amendment.

Mr James TIEN, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the amendment.

Miss CHAN Yuen-han, Ms Emily LAU, Mr Albert CHAN 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, 22 were present, five were in favour of the amendment, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, nine were in favour of the amendment, eight against it and four 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.

**PRESIDENT** (in Cantonese): Mr James TIEN, you may now reply and you have one minute 14 seconds.

**MR JAMES TIEN** (in Cantonese): President, I am very grateful to nearly 20 Members for speaking in support of the motion proposed by me today. I am also grateful to the Government for co-operating with Guangdong Province and implementing other measures for reducing air pollution to improve the air in Hong Kong.

I am thankful to Members for their speeches, though the reference to democracy made by some Members in this motion debate has baffled me, for I really have no idea why democracy is involved. Thank you, President.  
(*Laughter*)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr James TIEN, as amended by Miss CHOY So-yuk and Mr Jeffrey LAM, 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)

**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, 14 December 2005. I wish Members a happy evening.  
(*Laughter*)

*Adjourned accordingly at twenty-nine minutes to Seven o'clock.*

**Appendix 1****REQUEST FOR POST-MEETING AMENDMENTS**

**The Secretary for the Environment, Transport and Works requested the following post-meeting amendment**

**Line 5, sixth paragraph, page 41 of the Confirmed version**

To amend "..... When this percentage is added to the existing 55%, we estimate that by then more than half of the PLBs will have been installed with seat belts, and it will actually be over 70%." as "..... When this percentage is added to the existing 38%, we estimate that by then more than half of the PLBs will have been installed with seat belts." (Translation)

(Please refer to line 9, second paragraph, page 2758 of this Translated version)

## Appendix I

**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Dr KWOK Ka-ki's supplementary question to Question 3**

As regards information on the reorganization of clinical services within the Hong Kong East Hospital Cluster over the past three years, established in June 2001, Hong Kong East Hospital Cluster is made up of six hospitals, namely Pamela Youde Nethersole Eastern Hospital (PYNEH), Ruttonjee & Tang Siu Kin Hospital (RTSKH), Tung Wah Eastern Hospital (TWEH), Wong Chuk Hang Hospital, Cheshire Home in Chung Hom Kok and Saint John Hospital. Hong Kong East Hospital Cluster provides residents of Hong Kong East, Wan Chai and the islands (except Lantau) with comprehensive in-patient, ambulatory and community medical services.

The objective of establishing the Cluster is to facilitate the reorganization and rationalization of services, so that resources can be put to more effective use for greater efficiency and more sustainable development. Under the overall direction of cluster development, Hong Kong East Hospital Cluster has been enhancing its service level, refining its service model and improving resources allocation through the reorganization and rationalization of services within the cluster. The areas of major reorganization with the cluster in recent years include pathological services, diagnostic radiology services, urological services and orthopaedic services.

*Pathological Services*

In order to eliminate service redundancies, the Cluster began a consolidation of the services provided by hospital laboratories under its control. The Cluster established a network for its laboratory testing services, with each hospital being responsible for certain testing work. For example, the automated laboratory and microbiology department of PYNEH is responsible for supporting all hospitals within the Cluster (except Saint John Hospital), while all testing work relating to tuberculosis are conducted by RTSKH. In addition, the Cluster merged the cytology and histology departments and centralized all pathologic autopsy at PYNEH in 2004.

**WRITTEN ANSWER — Continued***Diagnostic Radiology*

In the light of variances in workload, manpower, equipment and patient waiting times that existed amongst the department of diagnostic radiology in the six hospitals, the Cluster began a consolidation of the relevant services, waiting time and resource allocation. The Cluster was successful in reducing the difference in waiting time for non-emergency diagnostic radiological services between PYNEH and RTSKH. Resources for emergency diagnostic radiological services were increased, which enabled the cluster to extend the availability of services for interventional treatment to 24 hours a day, providing patients in critical conditions in the two acute hospitals with diagnostic radiological and therapeutic services in a timely manner.

*Urological Services*

According to the requirements of the College of Surgeons of Hong Kong, a urological training centre must have at least two specialists in urology. Since there was only one urology specialist in RTSKH, the hospital could not conduct the relevant training activities. In order to make better use of all training resources at its disposal, the Cluster transferred the said urology specialist in RTSKH to PYNEH in April 2003. Since then, patients in Hong Kong East who require specialist care in urology have been largely taken care of by the urological centre in PYNEH, although RTSKH still offers limited out-patient services for the continued care of existing patients.

*Changes in Orthopaedic Services*

At present, both PYNEH and RTSKH offer out-patient and in-patient services in orthopaedics, with similar waiting times for new cases. However, the orthopaedic department with the Cluster had faced a shortage of doctor manpower due to the implementation of the Voluntary Early Retirement Scheme by the HA and the resignation of some doctors. In particular, an Associate Consultant post in RTSKH was left vacant for 2004 and the first half of 2005. It was not until the second half of 2005 did the Cluster successfully fill the post. That Associate Consultant in RTSKH is now responsible for overseeing orthopaedic services in both RTSKH and TWEH.

**Appendix II****WRITTEN ANSWER****Written answer by the Secretary for Home Affairs to Ms Emily LAU's supplementary question to Question 5**

According to the Constitutional Affairs Bureau, prior to the release of its Fifth Report (the Report), the Constitutional Development Task Force (the Task Force) commissioned an opinion poll on the package of proposals to ascertain the level of public support for, and acceptance of, the major elements of the package. The results of the poll were published in the Report. After the release of the Report, the Task Force has been monitoring various polls conducted by different academic and media organizations in respect of the proposed package and issues relating to constitutional development.

## Appendix III

## WRITTEN ANSWER

**Written answer by the Secretary for Home Affairs to Miss TAM Heung-man's supplementary question to Question 5**

The following sets out some examples on the public consultations and opinion surveys conducted by the Government which have had an impact on the relevant government policies.

*Civil Services Bureau*

(a) Review of Policy Governing the Taking Up of Outside Work by Directorate Civil Servants After Ceasing Active Government Service

The Bureau conducted a review of the policy on post-service outside work of directorate civil servants in 2004-05. The purpose is to improve the regulatory system governing post-service outside work of civil servants with a view to avoiding conflict of interest and negative public perception. In accordance with the established procedures, the Bureau consulted the staff side and departmental management on the review findings and preliminary proposals between March and April 2005. After having carefully considered the comments received, the Bureau made suitable revisions to the proposals and promulgated the revised arrangement in December 2005.

(b) Pay Level Survey for the Civil Service

From November 2004 to January 2005, the Bureau conducted an extensive consultation on the methodology of the pay level survey for the Civil Service. Having regard to the consultation feedback, the consultant engaged by the Bureau has made refinements to the survey methodology. The Bureau is currently proceeding with the pay level survey for the Civil Service in accordance with the refined survey methodology.

**WRITTEN ANSWER** — *Continued**Commerce, Industry and Technology Bureau*

## (a) Digital Terrestrial Broadcasting

The Communications and Technology Branch of the Bureau conducted a second consultation on digital terrestrial broadcasting in Hong Kong from December 2003 to March 2004. Taking into account the views received, the Government announced the implementation framework for digital terrestrial television broadcasting in July 2004.

## (b) Internet Protocol (IP) Telephony

The Office of the Telecommunications Authority (OFTA) issued a public consultation paper on "Regulation of Internet Protocol (IP) Telephony" in October 2004 to solicit views and comments from the industry and interested party on IP telephony services (a new type of public telecommunications services for voice transmission over the Internet or managed IP-based networks). Major issues covered in the consultation include policy and licensing of IP telephony, numbering resources, interconnection and charge settlement, and consumer-related and other issues. Having considered the submissions, the OFTA issued a statement "Regulation of Internet Protocol (IP) Telephony" in June 2005 announcing the decisions on the regulatory framework for IP telephony services.

To implement the regulatory framework for IP telephony services, the OFTA issued in August 2005 another consultation paper on the creation of a service-based operator licence for the provision of IP telephony services and invited comments from the public on the licensing conditions and fee structure of the licence. Having considered the views received during the consultation, the OFTA issued a statement in January 2006 announcing the details of the licensing conditions of the service-based operator licence and the implementation arrangements.

**WRITTEN ANSWER — Continued****(c) The Problem of Unsolicited Electronic Messages**

The OFTA issued a consultation paper on "Proposals to contain the problem of unsolicited electronic messages" in June 2004 with a view to ascertaining the size of the problem of unsolicited electronic messages and soliciting views from stakeholders on how the problem should be tackled. Having regard to the views received during consultation and recent developments, the Government announced in February 2005 the launch of a campaign entitled "STEPS" to tackle the problem of unsolicited electronic messages in collaboration with the industry and the community, including a specific measure to enact a new anti-spam legislation.

**(d) Development of Innovation and Technology**

The Innovation and Technology Commission conducted a public consultation in June 2004 on the Government's new strategy to promote the development of innovation and technology. The consultation exercise involved soliciting views from stakeholders and the public through, for example, consultation meetings and the publication of consultation documents. After considering the feedback received, the Government in December 2004 decided to set up Research and Development Centres for five technology focus areas.

**(e) Atrium Link Proposal of the Hong Kong Convention and Exhibition Centre (HKCEC)**

In 2004, the Trade Development Council proposed to the Government expanding the atrium link between Phases I and II of the HKCEC. In response, the Bureau commissioned an independent consultant to conduct a study on the demand and supply of exhibition facilities in Hong Kong in the coming five to 10 years. During the consultancy study, the consultant consulted the industry including exhibitors, exhibition organizers, exhibition contractors and the industry association.

**WRITTEN ANSWER — *Continued***

With the views of the industry players as part of the input for the study, the consultant came to the conclusion that there is an unmet demand of exhibition space and recommended that the Atrium Link Extension proposed by the Trade Development Council should be supported to meet the projected unmet demand. Having regard to the findings, the Government agreed to the consultant's recommendation and gave policy support to the proposal.

**(f) Review of the Small and Medium Enterprises (SME) Funding Scheme**

In March 2005, the Trade and Industry Department commissioned The Hong Kong Polytechnic University to conduct a survey on the beneficiaries of the SME Export Marketing Fund in order to understand the effectiveness of the scheme. During the review of the SME funding schemes in May 2005, part of the survey result was quoted in the Finance Committee paper.

**(g) Copyright Amendment Bill**

The Government conducted a public consultation on the review of certain provisions of the Copyright Ordinance from mid-December 2004 to mid-February 2005. The issues covered in the consultation document include the scope of business end-user criminal liability, copyright exemption, rental rights, parallel importation, and so on. We received about 430 submissions, of which more than 120 were from organizations in various sectors and about 300 were from individual members of the public. Three District Councils invited us to give a briefing on the consultation document at their Council/Committee meetings. We also organized a public forum in February 2005 to gauge the public's views.

Having carefully considered the views received and further discussed with concerned stakeholder groups, we put forward in June 2005 a package of preliminary proposals on various copyright-related issues for further consultation with the relevant panel of the Legislative Council, which subsequently met deputations from the concerned stakeholder groups and received around 60 written submissions. The Government also solicited views from major copyright work user groups (including chambers of commerce, SME associations, the Consumer Council, the 18 District Councils, educational

**WRITTEN ANSWER — *Continued***

establishments not subvented by the Government, welfare organizations and major religious bodies) and held discussion with copyright owners. After having carefully considered all the views expressed, the Government proposed some refinements to the preliminary proposals in November 2005. The Government is now preparing the necessary amendment bill based on the proposals as refined.

*Education and Manpower Bureau*

- (a) Public Consultation on the New Senior Secondary Academic Structure ("334") — A Multiple Stage, Multiple Strategy and Multiple Stakeholder Approach

**Background**

In 2000, the Education Commission (EC) recommended the adoption of a three-year senior secondary academic system to facilitate the implementation of a more flexible, coherent and diversified senior secondary curriculum. The Chief Executive, in his 2004 policy address, endorsed the direction and undertook to consult the public on the implementation details.

The Bureau has adopted a multiple stage, multiple strategy, and multiple stakeholder approach to consult the public. The three stages launched and planned so far include:

- (a) First Consultation (October 2004 to January 2005) — comprehensive consultation
- (b) Second Consultation (June 2005 to September 2005) — further consultation on details of curriculum and assessment frameworks
- (c) Ongoing dialogue — further consultation on Career-oriented Studies and Senior Secondary Education for Students with Special Educational Needs and continuous communication with stakeholders

**WRITTEN ANSWER — *Continued*****First Consultation**

The first consultation has made use of a variety of published materials to suit different target audience. The Main Document entitled "Reforming the Academic Structure for Senior Secondary Education and Higher Education — Actions for Investing in the Future" was issued on 20 October 2004 to solicit community feedback on the implementation details including the design blueprint, timetable and financial arrangements for the proposed changes. The targets were mainly professionals in the field of education. An executive summary was available for the general public while a pamphlet was prepared for parents. Over 20 000 copies of the Main Document and executive summary and over 1 million copies of the pamphlet were issued during the three-month consultation period. In addition, a pamphlet on Liberal Studies was issued to parents of all students in response to the main concerns expressed at the beginning of the consultation in 2005.

To arouse public awareness of the reform, three announcements of public interest were broadcast on television and radio during the consultation period. A series of television and radio programmes, including a mini programme on the RoadShow, were also produced to introduce the new academic structure.

Apart from these dissemination activities, interactive activities such as consultation sessions/forums, meetings, school visits, media programmes and telephone conversations were also organized. The Bureau conducted a total of 115 briefing sessions, seminars or focus group discussions for principals, teachers, parents, school sponsoring bodies, Legislative Councillors and District Councillors. In general the responses were active and constructive. In addition, the Bureau representatives attended about 60 consultation events organized by various parties including the Legislative Council, Parent-teacher Associations, non-government organizations, tertiary institutions, educational, business and professional organizations. Over 20 meetings with staff and students of individual schools as well as representatives from school councils and educational bodies were also arranged. In total, the Bureau met about 30 000 stakeholders to share their views and comments on the reform.

**WRITTEN ANSWER — Continued**

The Bureau received nearly 3 300 written submissions through mails, e-mails and fax from various stakeholders in the school sector, educational bodies, business and professional organizations, voluntary organizations and members of the public.

The "334" reform generated a great deal of public interest and discussion and was widely publicized and reported in the media. There were more than 360 editorial and featured articles in major Chinese and English newspapers. A daily column on the *Hong Kong Economic Times* was run to address the common concerns. Members of the public also expressed their views on the reform through the phone-in radio programmes.

To help individual schools prepare for the implementation of the new academic structure and senior secondary curriculum, officers from the Bureau's Regional Education Offices (REO) visited every aided secondary school to hear the views of principals and teachers, understand their concerns and discuss with them the projected class structures of their schools and the year of implementation.

To ensure the reliability of feedback from schools required for policy formulation, the Bureau conducted a questionnaire survey to collect the views of principals and teachers on the New Senior Secondary (NSS) structure, plans for offering proposed NSS subjects, the subject curriculum frameworks and the training needs of teachers. A total of 476 questionnaires were sent out and 471 questionnaires (that is, 98.7%) were returned.

The consultation ended on 19 January 2005 and a report named "The New Academic Structure for Senior Secondary Education and Higher Education — Action Plan for Investing in the Future of Hong Kong" (the "334" Report) was disseminated on 18 May 2005. All published materials are available on <<http://www.emb.gov.hk>> and a "334" web-bulletin is developed to inform the public of the latest development.

**WRITTEN ANSWER — *Continued*****Second Consultation**

In view of the complexity of the issues and the far-reaching implications for our senior secondary and higher education, it was recognized that a single-round consultation would not be sufficient. The first consultation exercise, which ended in January 2005, focused on the design blueprint including the curriculum and assessment framework, together with the broad frameworks for individual subjects. A second consultation exercise focusing on the curriculum and assessment details for each NSS subject was conducted from June to September 2005 after the publication of the "334" Report in May. Second drafts of the curriculum and assessment frameworks for the proposed NSS subjects were disseminated to schools in early June 2005. Consultation forums were conducted at the same time for teachers and curriculum developers to exchange views on the NSS Curriculum.

Simultaneously, two sets of questionnaires, one for principals/vice-principals focusing on curriculum planning and supporting measures (including the professional development needs of teachers), and the other for teachers and panel chairpersons on curriculum details and assessment modes of the 24 subjects, were sent to all secondary schools for their feedback. By 30 September 2005, 463 secondary schools have responded. The survey results were compiled and analysed, and a summary of the findings has been uploaded onto the Bureau's website at <<http://www.emb.gov.hk>> in early December 2005. Schools' feedback helps Bureau plan ahead for teachers' professional development and revise the curricula of individual NSS subjects.

**Ongoing Dialogue**

An ongoing dialogue with relevant stakeholders is also maintained for the development of Career-oriented Studies (COS), special education under the NSS structure, university admission criteria, implementation strategies and details. The measures being used include liaison group meeting with school councils and post-secondary institutions; "334" web-bulletin; focus group meetings with different personnel in schools and parents; REO office to collect feedback, and so on.

**WRITTEN ANSWER — *Continued***

As regards the development of COS, ongoing discussion with stakeholders including the Federation for Continuing Education in Tertiary Institutions, Hong Kong Council for Academic Accreditation, Hong Kong Examinations and Assessment Authority and the Vocational Training Council was made since May 2005 to work out further details for consultation. A survey was also conducted in November 2005 to collect schools' information on professional development needs of their teachers for COS.

For education of the students with Special Educational Needs (SEN), the Bureau has held a series of consultative meetings with schools, teachers, parents and professional bodies to solicit feedback on proposals covering a viable academic structure, curriculum design, learning outcomes, assessment mechanism, supporting measures and exit pathways for students with SEN, in particular the intellectually disabled.

A document on "Actions for the Future — Further Consultation on Career-oriented Studies and the New Senior Secondary Education for Students with Special Educational Needs" will be disseminated at end January 2006 to release the details of COS and the NSS Education for students with SEN and to seek views of various parties including schools and parents on these two issues.

(b) **Medium of Instruction (MOI) and Secondary School Places Allocation (SSPA)**

In 2000, the Government accepted the Education Reform proposals recommended by the EC, including the reform of the SSPA mechanism. The Government undertook to review the SSPA arrangements in the 2003-04 school year. Separately, the Government started implementing the "Medium of Instruction Guidance for Secondary Schools (Guidance)" in 1998. In 2000, the Government accepted the recommendation of a joint working group set up by the former Board of Education and the Standing Committee on Language Education and Research that the MOI arrangements for secondary schools should be considered alongside the review of the SSPA mechanism in the 2003-04 school year.

**WRITTEN ANSWER — *Continued***

The EC hence set up the Working Group on Review of SSPA and MOI for Secondary Schools (the Working Group) in July 2003 to take forward the review. Drawing reference from the results of the studies/surveys conducted by the Government and universities, quality assurance inspections conducted by the Bureau, analyses of the results of the Hong Kong Certificate of Education Examination and school visits conducted by the Working Group, the Working Group published the "Review of Medium of Instruction for Secondary Schools and Secondary School Places Allocation — Consultation Document" in February 2005 and conducted a public consultation of its proposals on the two topics. The consultation ended in July 2005.

The Working Group adopted a multi-pronged approach in launching the consultation. Publications, announcements of public interest on the radio/television, roadshow films and VCDs were produced, and similar information was provided on the Internet. Media interviews and promotional activities were arranged. The Working Group attended interactive activities such as consultation sessions, forums and meetings to collect views from different sectors of the community. Relevant materials were also uploaded onto the EC website. During the five months of consultation, more than 100 000 copies of the consultation document and its executive summary and over 1.2 million leaflets were distributed to the education sector, parents and other members of the community. The Working Group also attended a number of radio and television programmes to brief the public on the conceptual framework and the direction of the proposals. A VCD was produced to answer parents' most frequently asked questions.

The Working Group members attended over 60 consultative functions including briefing sessions for school principals, teachers and parents, as well as consultation sessions organized by the Legislative Council, District Councils, parent-teacher associations, educational bodies, business community, and so on. The Working Group also reached out to seek direct dialogue with parents of the 18 districts as well as teachers and students from Secondary One to university levels. About 3 200 submissions from various sectors were received via mail,

**WRITTEN ANSWER — *Continued***

e-mail and fax during the consultation period. These submissions came mainly from the educational bodies, teachers, parents, students, as well as the business sector, professional bodies, voluntary organizations and other members of the public. Different sectors of the community also expressed their views via telephone and radio programmes. Besides, the Working Group collected more than 200 featured articles from the newspapers.

The Working Group carefully examined the views collected from different sectors of the community, and where appropriate, adapted the original proposals contained in the consultation document. Subsequently, the EC submitted the "Report on Review of Medium of Instruction for Secondary Schools and Secondary School Places Allocation" to the Bureau in early December 2005, and the Bureau has accepted all the recommendations contained in the report. The Bureau has also briefed the Legislative Council Panel on Education on the long-term arrangements in respect of the MOI for secondary schools and SSPA mechanism and the major issues of concern during the public consultation.

*Environment, Transport and Works Bureau*

## (a) Bus Fare Adjustment Arrangement

The Bureau commissioned The Hong Kong Polytechnic University to conduct a public opinion poll on the fare adjustment arrangement for franchised buses in August 2005, to gauge public views and opinions on the formulation of a new bus fare adjustment arrangement (or known as "Fare Adjustment Mechanism for franchised buses"). The poll results concerned has been published. In November 2005, the Bureau issued a discussion paper on "Review of the Basis for Considering Bus Fare Adjustments" to consult the Legislative Council Panel on Transport on the new bus fare adjustment arrangement. The poll results were quoted and referred to in the paper.

**WRITTEN ANSWER — *Continued***

Survey results show that the majority (72%) of the respondents considered there was a need to establish a fare adjustment mechanism which could adjust the bus fares upward or downward. Out of these 72% of the respondents, about 85% supported the Government to retain the control on bus fare changes to ensure that the prevailing economic conditions, public affordability and employment situation could be taken into account when bus fares were determined. As regards the factors to be included in the mechanism, over 80% of the respondents who saw a need for a fare adjustment mechanism agreed that indicators reflecting inflation or deflation as well as median household income reflecting public affordability should be incorporated in the mechanism. The Government has taken into account the above poll results thoroughly when formulating the new bus fare adjustment arrangement. The proposed fare adjustment arrangement is in line with the views expressed by the majority of the respondents of the opinion poll.

**(b) Raising the Penalties for Disobeying Traffic Lights**

In the light of the concern raised by the transport trade about raising the driving offence points for red light jumping, and considering the importance of enhancing road safety, the Bureau considered it desirable to further gauge public opinions on the issue.

The Bureau commissioned the Public Opinion Programme of the University of Hong Kong to conduct an opinion survey on red light jumping and the level of penalties in early 2005. The survey sought to collect public views on the severity of red light jumping activities and the appropriate level of penalties for the offence. The survey results show that the majority of the respondents supported raising the penalties for red light jumping.

The Bureau submitted a summary of the survey results and a paper on measures to enhance road safety to the Legislative Council Panel on Transport in March 2005, and enacted legislative amendments to raise the penalties for disobeying traffic lights in July 2005.

**WRITTEN ANSWER — Continued****(c) Registration Scheme for Vehicle Mechanics**

Proper maintenance of vehicles is an effective means to prevent accidents and is conducive to the enhancement of road safety. Therefore, the Government considers it necessary to enhance the standard of the vehicle maintenance trade through a registration scheme for vehicle mechanics. To gauge the views of the trade on different aspects of the registration scheme, the Bureau commissioned Mercado Solutions Associates Limited to conduct a survey on the trade in late 2004.

The survey results show that the majority of vehicle maintenance workshop operators supported a registration scheme for vehicle mechanics and would encourage the mechanics in their workshops to register. The majority of vehicle mechanics expressed that they would join a registration scheme. Moreover, the majority of vehicle workshop operators and mechanics preferred to adopt an incremental approach by first launching a voluntary scheme.

Based on the survey results and after consulting the Legislative Council Panel on Transport, we are now working to put the voluntary registration scheme in place in 2006. We will then review the scheme in 2008 and decide how a mandatory scheme could be introduced. This would facilitate early implementation of the scheme, which would be beneficial to both the trade and the community, and would minimize the impact on the employment situation of the trade.

*Home Affairs Bureau***(a) Study on Hong Kong People's Participation in Gambling Activities**

In early 2001, the Bureau commissioned The Hong Kong Polytechnic University to conduct a study on Hong Kong People's Participation in Gambling Activities. It aimed to study the participation of the public, particularly young students, in gambling activities. The report of the study has been released. In June 2001, the Bureau issued the Public Consultation on Gambling Review in order to seek comments from various sectors of society. The conclusion of the above report was used as reference and quoted in this consultation paper.

**WRITTEN ANSWER — *Continued***

In October 2001, the Bureau commissioned the Marketing Decision Research Technology Limited to conduct an opinion survey on the Public Consultation on Gambling Review. In July 2002, the same consultant was commissioned to conduct a survey on Hong Kong people's participation in gambling activities and gauge their views on authorized football betting. In considering and formulating the policy on authorized football betting, the Government took into account the findings of the above surveys. They were also quoted in the announcement of the decision to regulate football betting.

In early 2004, the Bureau commissioned the University of Hong Kong to conduct a study on Hong Kong People's Participation in Gambling Activities in order to follow up the same study made by The Hong Kong Polytechnic University in 2001. It sought to find out the latest situation of the public's participation in gambling activities, its related problems and the prevalence of pathological gambling. In the course of the study, the Ping Wo Fund Advisory Committee gave useful advice on its scope and framework. The Bureau has also discussed with interested bodies like the Hong Kong Gambling Watch about the structure and design of the questionnaire.

**(b) Racial Discrimination**

In 1996-97, the Bureau conducted a study and a consultation on racial discrimination in Hong Kong with a view to identifying the issues and proposing ways of addressing them. On the basis of the findings, the Government took the view that racial discrimination was not so serious as to warrant the enactment of legislation. Nevertheless, the matter was kept in view and the position to be reconsidered as and when necessary. Since 1997, the Government introduced a number of public education initiatives, including, among others, an Equal Opportunities (Race) Funding Scheme for community-based projects, publications for adults and children as well as advertising campaigns. In June 2002, the Committee on the Promotion of Racial Harmony and the Race Relations Unit were established to improve our services to the ethnic minorities. The Committee advises the Government on public education and promotional activities concerning racial harmony. It also promotes mutual understanding among people of different races. Recently, there has been increasing calls from

**WRITTEN ANSWER — *Continued***

organizations representing Hong Kong's ethnic minorities and some legislators for the introduction of legislation prohibiting racial discrimination in the private sector. Those calls have been echoed by the United Nations Human Rights Committee (Treaty Monitoring Body for the International Covenant on Civil and Political Rights), the United Nations Committee on Economic, Social and Cultural Rights (Treaty Monitoring Body for the International Covenant on Economic, Social and Cultural Rights), and the United Nations Committee on the Elimination of Racial Discrimination (Treaty Monitoring Body for the International Convention on the Elimination of All Forms of Racial Discrimination).

In view of the above, the Bureau consulted the relevant parties in 2001 and announced the decision to legislate against racial discrimination in June 2003. In September 2004, we issued a Consultation Paper on Legislating Against Racial Discrimination. Before the publication of the consultation paper, we consulted commercial bodies, non-government organizations and relevant parties on the subject in 2001-02. In February 2004, a public opinion survey on racial discrimination was conducted. Findings of the consultation and the survey were incorporated in the aforementioned consultation paper. The public consultation was followed by a second opinion survey in March 2005 and the findings have earlier been submitted to the Legislative Council Panel on Home Affairs.

*Housing, Planning and Lands Bureau*

The Housing Department has been conducting the "Public Housing Recurrent Survey" annually since 1992 to collect salient socio-economic data of households in public rental estates, Tenants Purchase Scheme estates and Home Ownership Scheme courts as well as their views towards various housing-related topics such as their future housing plans and opinions towards estate management. The information collected is used for reviewing current arrangements and formulating relevant housing policies.

**WRITTEN ANSWER** — *Continued*

Since 1999, the Housing Department has also commissioned independent market research agencies or universities to conduct the annual "Survey on Waiting List Applicants for Public Rental Housing", which aims to collect information on the socio-economic characteristics of applicants on the Waiting List and their views on housing-related topics to facilitate formulation and review of public housing policy.

The findings of these surveys are submitted for the information of Members of the Housing Authority and its relevant Committees.