

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 30 May 2007

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.S.,  
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, G.B.S., J.P.

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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 KONG-WAH, J.P.

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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, S.B.S., 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., J.P.

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

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

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.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

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

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

**MEMBERS ABSENT:**

THE HONOURABLE LAU CHIN-SHEK, J.P.

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

THE HONOURABLE CHOY SO-YUK, J.P.

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

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

**PUBLIC OFFICERS ATTENDING:**

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

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

THE HONOURABLE AMBROSE LEE SIU-KWONG, I.D.S.M., J.P.  
SECRETARY FOR SECURITY

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

**CLERKS IN ATTENDANCE:**

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

## TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	L.N. No.
Fugitive Offenders (Corruption) Order .....	100/2007

### Other Paper

- No. 93 — Report of changes to the approved Estimates of Expenditure approved during the fourth quarter of 2006-2007 (Public Finance Ordinance : Section 8)

## ORAL ANSWERS TO QUESTIONS

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

### Monitoring of Mainland Companies Listed in Hong Kong

1. **MR ALBERT HO** (in Cantonese): *I have learnt that more than one third of the companies listed in Hong Kong are registered companies on the Mainland. As there are differences between the legal systems of Hong Kong and the Mainland, local monitoring authorities may encounter difficulties in monitoring such companies, thereby undermining the interests of local investors. In this connection, will the Government inform this Council:*

- (a) *whether it knows how the relevant authorities ensure that the contents of the prospectuses of mainland companies to be listed in Hong Kong are accurate; whether they have considered strengthening the regulation of sponsors, including requiring sponsors to bear legal liability in respect of the contents of the prospectuses;*
- (b) *whether it knows how the relevant authorities in Hong Kong collect evidence and take enforcement actions in respect of cases in which*

*the above companies are involved in illegal acts, such as disclosing false or misleading information, failing to disclose connected transactions and conducting insider dealings, and the offences concerned are partly or wholly committed on the Mainland; whether the Government will consider improving the regulatory framework in Hong Kong, such as by making some financial offences of a serious nature offences with extra-territorial effect, so that the persons concerned may also be convicted in Hong Kong for committing such financial crimes on the Mainland; and*

- (c) *given the discrepancies between the laws in Hong Kong and the Mainland on liquidation and receivership of companies, how the Government protects the interests of local investors when local receivers are unable to receive the assets of the above companies, which are mainly on the Mainland?*

**SECRETARY FOR SECURITY** (in the absence of Secretary for Financial Services and the Treasury) (in Cantonese): Madam President, the regulatory structure of the securities and futures industry is enshrined in the Securities and Futures Ordinance (SFO) (Cap. 571), as well as Parts II and XII of the Companies Ordinance (CO) (Cap. 32). Under this regulatory structure, the Securities and Futures Commission (SFC) is an independent statutory regulator responsible for, *inter alia*, maintaining and promoting the orderliness of the securities and futures industry, providing protection for members of the investing public and for minimizing crime and misconduct in the industry. To enable the SFC to discharge its statutory duties effectively, it has been vested with a wide range of investigative powers such as obtaining documents and explanations from listed companies and parties closely connected with them, and disciplinary powers in respect of its licensees, including sponsors.

Our reply to parts (a) to (c) of the question is set out below.

- (a) The CO imposes civil and criminal liability on directors of issuers for misstatements in prospectuses. In recent years, the SFC and the Stock Exchange of Hong Kong Limited (SEHK) have stepped up measures to ensure accuracy of the contents of prospectuses. These measures are set out below:

- (i) With the introduction of the SFO in 2003, under section 6 of the Securities and Futures (Stock Market Listing) Rules, the SFC may object to a listing application if, among other things, it appears to the SFC that the application is false or misleading as to a material fact or is false or misleading through the omission of a material fact.
- (ii) Listing applications submitted to the SEHK must also be filed with the SFC under the "dual filing regime". Any person who knowing or recklessly provides to the SFC information which is false or misleading in a material respect may commit an offence under section 384 of the SFO. Offenders are liable to criminal fines and imprisonment.
- (iii) Changes were made to the SEHK Listing Rules in 2005 to require a sponsor to, among other things, be closely involved in the preparation of the new applicant's listing document, and conduct reasonable due diligence inquiries having regard to the requirements of the Listing Rules to put itself in a position to be able to make the requisite declaration to the SEHK.
- (iv) A new sponsor regulatory regime was introduced on 1 January 2007 whereby only those intermediaries that have met the stringent eligibility requirements are allowed to continue to carry out sponsor/compliance adviser work. As of 31 March 2007, 190 Type 6 intermediaries<sup>1</sup> were imposed with a licensing condition barring them from acting as sponsors pursuant to the new sponsor regulatory regime.

The extension of prospectus liability to sponsors was explored in the SFC's Consultation Paper on Possible Reforms to the Prospectus Regime in 2005. Majority of the respondents commenting on the issue were strongly against the proposal. It was argued that to shift the burden to sponsors would misrepresent their role which was to assist the issuer with its application, not to guarantee the accuracy of the information provided by the issuer itself. In view of public

<sup>1</sup> Intermediaries who engage in "Type 6 — Advising on corporate finance" regulated activity.

comments, and the introduction of the new regulatory regime on sponsors, the SFC concluded that it would be premature to impose prospectus liability on sponsors.

- (b) The market manipulation provisions of the SFO already have extra-territorial effect: they apply to manipulation of Hong Kong exchange traded securities and futures by a person outside Hong Kong and manipulation of foreign exchange traded securities and futures by a person in Hong Kong.

The SFC's investigative powers operate within Hong Kong's borders. If part or all of the events relevant to a crime or misconduct occur outside Hong Kong, the SFC would have to rely on law-enforcement arrangements in that place for assistance. Whether assistance is forthcoming will depend on whether local law-enforcement authorities are empowered to provide assistance, or whether co-operative arrangements or Memorandum of Understandings (MOUs) have been concluded. This is the case regardless of whether the evidence is in the Mainland or any other jurisdictions.

The SFC's capacity to secure evidence in the Mainland has improved significantly in recent months and is now on a par with the SFC's capacity to secure evidence in other jurisdictions. In early April 2007, the SFC and China Securities Regulatory Commission (CSRC) entered into an improved enforcement co-operation arrangement under which the CSRC could assist the SFC by compelling assistance from people and entities on the Mainland from whom the SFC needed information. The standard of assistance is equal to that available under the IOSCO Multilateral Memorandum of Understanding (MMOU) which is the first global information-sharing arrangement among securities regulators for the purpose of combating violations of securities and derivatives laws. Shortly after entering into enhanced bilateral arrangements with the SFC, the CSRC also became a signatory to the IOSCO MMOU in April 2007. The SFC expects the new investigative co-operation arrangements to improve its ability to take action against crimes or misconduct that have a mainland element.



On the domestic front, the SFC maintains regular communication and good co-operation with local enforcement agencies such as the police and the Independent Commission Against Corruption (ICAC), and such co-operation facilitates information sharing among the authorities and co-ordinated investigations on corporate crimes including cross-boundary cases.

- (c) Cross-boundary insolvency proceedings is a complex subject involving the recognition of other jurisdiction's insolvency proceedings and the enforceability of rights and claims under that jurisdiction's domestic legal regime. In general, a liquidator should comply with all the legal requirements of the jurisdiction concerned. The Administration notes the difficulties facing each and every jurisdiction, including Hong Kong, the Mainland and other jurisdictions, and will continue to monitor international legal developments to promote greater co-ordination and co-operation among jurisdictions to address effectively instances of cross-boundary insolvency, and the recognition of liquidators and receivers from other jurisdictions.

**MR ALBERT HO** (in Cantonese): *Madam President, the Secretary mentioned in part (b) of the main reply that only offences concerning market manipulation will have an extra-territorial effect. However, there are still many Listing Rules requirements such as those on the disclosure of false or misleading information or the disclosure of connected transactions, and so on, which do not have any extra-territorial effect. Let me cite one more example. Although under the present system, the Financial Reporting Council (FRC) has the power to require listed companies to surrender information, if the information is in the Mainland or if the person in charge is in the Mainland, does the FRC have any power to demand a person who is in the Mainland to surrender information which is also in the Mainland? If even this cannot be done, there is no way that the regulatory bodies in Hong Kong can start making investigations or play their role. So my supplementary question is: Does the Administration have any plans to conduct an overall examination of the situation to see what kinds of serious offence or enforcement provisions should be given extra-territorial legal effect? If so, is there a timetable to inform us when this review will complete?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, there is no such thing as a so-called extra-territorial effect for the disclosure of false information. The Government when drafting the SFO which I have just talked about conducted extensive consultation on the issue. The view obtained was that as the improper conduct concerned involved the publication of information and so it was a rather complicated matter. Hence, it might not be appropriate to add extra-territorial effect to these provisions. Such was the consultation we had at that time.

On Mr HO's comment that we should seek assistance from extra-territorial law-enforcement agencies, actually we have such contacts. In cases involving crimes committed in Hong Kong, for example, the police and the ICAC in Hong Kong do have a mechanism in place to request their counterparts on the Mainland or even overseas to offer assistance under the established mechanism.

**MR ALBERT HO** (in Cantonese): *Does the Government have a timetable for a review to see how all the important provisions in this respect can be extended to cover extra-territorial scenarios? Does a timetable for such a review exist? Can the Secretary give us a reply on that?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, please let me talk with my colleagues on that point and I will give a reply in writing later. (Appendix I)

**MR CHIM PUI-CHUNG** (in Cantonese): *Madam President, I wish to ask a question on part (c) of the main reply given by the Secretary. How many listed companies have been struck off the list by the SEHK during the past three years? With respect to these delisted companies, what was done about their assets on the Mainland? How were the interests of the investors protected? The Secretary may not have such information at hand but I hope he can give a written reply for our reference in detail.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I do not have such information at hand but I will give a reply to Members after consulting the SFC. (Appendix II)

**MR SIN CHUNG-KAI** (in Cantonese): *President, the Secretary said in the main reply that the Mainland would be asked to offer assistance to our police and the ICAC. This I can understand very well. But as there is no the so-called extradition arrangement between Hong Kong and the Mainland and this is I think something the Secretary must know, therefore some of the offenders of more serious economic crimes, or rather, those who may be involved in non-compliance acts for listed companies, will actually be put on the wanted list and can never return to Hong Kong to face prosecution. May I ask the Secretary, with respect to this issue, what the Government plans to do, such as amending the legislation to prescribe stronger statutory arrangements? Can the Secretary talk about this?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, indeed we do not have any agreement with the Mainland for the time being on the surrender of fugitive offenders. As a matter of fact, however, we are working on this. Although there is no statutory arrangement now, if as Mr SIN has said, we have a need to enact a law on that, there should be an agreement between the parties concerned before any law can be enacted. Right? Nevertheless, we have an administrative arrangement with the Mainland whereby the Mainland can repatriate fugitive offenders who are Hong Kong residents and whose crimes are entirely committed in Hong Kong for follow-up and handling here. However, if the Mainland has the right to try the case concerned, then the administrative arrangement shall not apply.

In addition, if it is the mainland authorities which have arrested the suspect concerned in the first place, then the law Courts on the Mainland shall have the priority to handle the suspect in respect of the offence he has committed on the Mainland and to try the case. So under this administrative arrangement, there was indeed surrender of fugitive offenders to Hong Kong previously, including those who committed murder or robbery. It was possible because all the crimes took place in Hong Kong and these people are Hong Kong residents. However, as I have just said, if the fugitive offender commits an offence on the Mainland and for which the mainland Courts have a right to try the case, then the Mainland shall have the priority in handling the case concerned.

**MR SIN CHUNG-KAI** (in Cantonese): *President, there is a case about an offender who has served his term of imprisonment on the Mainland and has been*

*released but nothing can be done to extradite him although he is still wanted in Hong Kong.....*

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai, it seems that this is not part of the question you raised earlier.

**MR SIN CHUNG-KAI** (in Cantonese): *I was talking about the same person. What could be done to secure his return to Hong Kong to face a trial? This is my point?*

**PRESIDENT** (in Cantonese): Then what would you like the Secretary to answer?

**MR SIN CHUNG-KAI** (in Cantonese): *What I want the Secretary to answer is..... The Secretary has said in his reply that if someone commits an offence on the Mainland, then the Mainland will deal with the case first, that is, try the case first. This is a point I understand. But the question is, there are instances where the cases are tried and the offenders have served their time, but no arrangement can be made to secure their return.*

**PRESIDENT** (in Cantonese): I think you have to pursue the question on another occasion for this cannot be considered part of the original supplementary question that you have asked. We have spent more than 16 minutes on this question. Last supplementary question now.

**MR ALAN LEONG** (in Cantonese): *President, part (b) of the main reply mentions that the SFC and CSRC entered into an improved enforcement co-operation arrangement in early April 2007. It is also mentioned that under this agreement, the CSRC can compel assistance from people and entities concerned. May I ask the Secretary what is the form of such compulsion is and what the means involved are and to whom the assistance is offered?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, such a measure on compelling assistance is a mainland measure and not that of Hong Kong. In general, it means that if the SFC of Hong Kong wants assistance from the Mainland to get hold of some information from someone, the CSRC may compel the mainland people and entities to do so. As for the details, I will have to ask the SFC if it has got information on this. If it has, I will give Mr Alan LEONG a reply in writing. (Appendix III)

**MR ALAN LEONG** (in Cantonese): *President, it seems that this is a bilateral agreement. Actually, such compulsory measures should have existed on the Mainland before that and there would not be any need for such compulsory measures to be enforced on the Mainland after discussing and agreeing on the matter with Hong Kong. I just want to make a clarification here. I would wait for the written reply from the Secretary.*

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

### **Commerce and Economic Development Bureau**

2. **DR LUI MING-WAH** (in Cantonese): *In its proposal to reorganize the Policy Bureaux of the Government Secretariat, the Government proposes to replace the existing Commerce, Industry and Technology Bureau by a new "Commerce and Economic Development Bureau". In this connection, will the Government inform this Council:*

- (a) *whether it has assessed if the exclusion of "Industry" in the name of the new Policy Bureau reflects a neglect by the Government of the contribution of industries to society and their importance to the economy;*
- (b) *as many countries have ministries of industry or technology and their economic developments are very often driven by industries and technological innovations, whether it has assessed if the exclusion of "Industry" and "Technology" in the name of the new Policy Bureau will give people the impression that Hong Kong's economic policy is*

*out of tune with this global trend, and that the Government does not attach importance to industries and technological innovations; and*

- (c) *whether it will consider retitling the new Policy Bureau as the "Commerce, Industry, Technology and Economy Bureau", so as to reflect the functions and importance of commerce, industries and technologies in economic development?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in the absence of Secretary for Commerce, Industry and Technology) (in Cantonese): President, my reply to the three-part question is as follows:

- (a) That the name of the new Policy Bureau does not include the word "industry", does not mean any neglect by the SAR Government of the contribution of industries to society and their importance to the economy. The proposed Commerce and Economic Development Bureau, will continue to be responsible for formulating policies to support our manufacturing industries, similar to the existing Commerce, Industry and Technology Bureau. The Government's allocation of resources to this area of work will not be reduced. In fact, in the Report on the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong", the Action Agenda contains a number of proposed measures in relation to manufacturing industries, including assisting Hong Kong-owned factories in Guangdong to further develop in the Mainland. The new Policy Bureau will continue to provide appropriate support to Hong Kong industries to facilitate their continued development.
- (b) The proposed "Commerce and Economic Development Bureau" will be responsible for various economy-related areas, and the term "Economic Development" already reflects a portfolio overseeing policy matters on industries (including traditional industries, creative industries and the film industry), tourism, communications (including telecommunications and broadcasting), technology (including information technology), fair competition, intellectual property, consumer rights protection, and so on. As always, the SAR Government attaches importance to our industries and to technological innovation.

- (c) It is impracticable for the name of the new Policy Bureau to reflect all its policy areas. We believe that the proposed name of the new Policy Bureau is appropriate and have no plan to change it.

**DR LUI MING-WAH** (in Cantonese): *President, I very much agree with the Secretary in pointing out in part (b) of the main reply that economic activities cover very wide areas. However, as Members are aware, economic activities include primary, secondary and tertiary industries, with commerce and manufacturing industries falling under the tertiary industry and secondary industry respectively. If commerce can be brought on a par with economic development, why can industry not follow suit? Why can the new bureau not be renamed as the "Industry, Commerce, Technology and Economy Bureau"? May I have an explanation from the Government?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, the most straightforward explanation is that all these policy areas relating to commerce, industry, technology, economic development are vital to Hong Kong's economic prospects. Hence, our substantial policies and resources injected will not be the least bit reduced. As regards the issue of naming, our view is that economic development can indeed cover the various economic and policy areas of interest to Dr LUI Wah-ming and other Honourable Members.

**PRESIDENT** (in Cantonese): I have to rectify a name. I know you are Dr "LUI" Ming-wah, not Dr "LI" Ming-wah.

**DR LUI MING-WAH** (in Cantonese): *Right. The Secretary addressed me as "LUI Wah-ming" just now.*

**PRESIDENT** (in Cantonese): Fine, not Dr "LUI Wah-ming". Is your supplementary question not yet answered?

**DR LUI MING-WAH** (in Cantonese): *President, the Secretary has not answered my supplementary question. My supplementary question is: Given*

*that commerce and industry are part of economic activities, why is that commerce can be brought on a par with economy, whereas industry is excluded in the new title? Why is it that only "commerce" is included? The Secretary has not answered this part of my question.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): First of all, President, I have to apologize for Dr LUI is Dr LUI. I cannot put him beside Mr LI because the numbers of strokes of their Chinese names are different.

Commerce is not only on a par with industry. For the Government, commerce, industry, technology and other economic development areas are equally important to Hong Kong. During the past decades, the industrial sector has indeed enabled Hong Kong economy to take off. Since the '80s, Hong Kong's development on the Mainland has enabled Hong Kong to, on the one hand, develop industries and manufacturing industries on the Mainland and, on the other, develop service industries locally. Over the past decades, these sectors have indeed made tremendous contribution to Hong Kong. We certainly will continue with our efforts and policies in this area.

**DR LUI MING-WAH** (in Cantonese): *President, the Government has still not answered my supplementary question. Could you request the Secretary to give me a reply? If the name is not correct, the words will not ring true. Despite the Secretary's remarks that commerce and industry are equally important, why has he been reluctant to include "Industry" in the title while allowing the inclusion of "Commerce" only?*

**PRESIDENT** (in Cantonese): Instead of expressing your opinion, you only need to raise your question direct. Secretary for Constitutional Affairs, do you have anything to add?

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): I have all long maintained communication with Dr LUI in various aspects. We can continue to do so.



**MR ANDREW LEUNG** (in Cantonese): *The Secretary has indicated in both parts (a) and (b) of the main reply that industries will be taken seriously. However, as a representative of the Federation of Hong Kong Industries, I have to point out that industries in Hong Kong, mostly small and medium enterprises (SMEs), lack professionalism. It is only after years of operating in difficult conditions that they are finally hailed by society as industrialists. Today, industry and technology are not put at the forefront of the Government's reorganization of bureaux. Instead, they are put under the new Commerce and Economic Development Bureau. Although the Secretary stated in the main reply that economic development already covers such functions, the existing Economic Development and Labour Bureau has not accomplished anything in this area.....*

**PRESIDENT** (in Cantonese): What is your supplementary question?

**MR ANDREW LEUNG** (in Cantonese): *I would like to ask the Secretary.....*

**PRESIDENT** (in Cantonese): What supplementary question do you wish to raise?

**MR ANDREW LEUNG** (in Cantonese): *May I ask the Secretary how Hong Kong industries can have confidence in developing innovative industries and high technologies in Hong Kong, given that industry and technology are put under economic development, thus becoming a supplementary tool, even though it is stated explicitly in China's 11th Five-Year Plan that priority will be given to innovative technology development?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, I would like to thank Mr LEUNG for his supplementary question. First of all, I have to highlight the fact that a couple of Members here have contributed, for more than one generation, to Hong Kong's industries for decades in the post-war period.

Following the reorganization of bureaux, a Permanent Secretary will still head a team of civil servants and work with our colleagues in the Trade and Industry Department to continue with their solicitude for and promotion of Hong Kong's industrial policies and development work. The Permanent Secretary, known as Permanent Secretary for Commerce and Economic Development (Commerce, Industry and Tourism), will be responsible for work relating to commerce, industry and tourism.

As regards the emphases of the SAR Government in industries, President, I have to give a more detailed reply in this regard because a lot of efforts have been made in promoting work in this area. For instance, it is now no longer suitable for Hong Kong to engage in massive labour-intensive production. However, the industry is encouraged to switch from OEM to ODM, and further to OBM. We have been working jointly with the industry in this regard.

Furthermore, we will continue to work with SMEs to promote the development of Hong Kong in industry and many other areas. In this connection, a Support and Consultation Centre for SMEs (SUCCESS) has been set up. In addition, we have striven to promote industries and work in other areas through offering assistance to SMEs. More than \$10 billion in credit and cash assistance has been approved, benefiting 48 000 SMEs under the SUCCESS.

As regards the 11th Five-Year Plan mentioned by Mr LEUNG in his supplementary question, we considered in the Action Agenda of "China's 11th Five-Year Plan and the Development of Hong Kong" that the culture of establishing Hong Kong brand names should be promoted. At the policy level, the SAR Government will maintain close liaison with the Ministry of Commerce of the Central Authorities. The Hong Kong Economic and Trade Office in Guangdong will also liaise with the departments in relevant provinces and cities in the hope of offering assistance to Hong Kong businessmen and manufacturers operating on the Mainland. The Hong Kong Productivity Council has also begun providing Hong Kong-owned factories with consultancy and technical support services in relation to their development in Guangdong.

Furthermore, Hong Kong manufacturers have been assisted by the introduction of the Mainland/Hong Kong Closer Economic Partnership Arrangement in 2003, for goods produced in Hong Kong can then enter the mainland market at zero tariff. On the other hand, we are committed to promoting Science and Technology Parks and the Cyberport in Hong Kong.

We believe this is helpful to the development of high-quality technology industries in Hong Kong.

Apart from these, we have the \$5 billion Innovation and Technology Fund (ITF) to complement the promotion of technology mentioned by Mr LEUNG earlier. Furthermore, we can make joint efforts to take forward various policies and schemes under the \$250 million Designsmart Initiative. For these reasons, I believe Hong Kong industrialists can still scale new heights, whether within or without the territory. Our efforts will not be affected by the titles of the Bureaux.

**MR HOWARD YOUNG** (in Cantonese): *President, although the Secretary indicated that no functions would be reduced, he had pointed out at the same time that it was impracticable to reflect all the functions in the title. Has the Secretary considered that although the "Commerce, Industry, Technology and Economy Bureau" proposed by the Honourable Member is one word shorter than the "Commerce and Economic Development Bureau" in Chinese originally proposed by the Secretary, the scope of the former title is even larger, thus making it a desirable title?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, this is a matter of personal opinion.

Our prime consideration is that there were previously the Commerce, Industry and Technology Bureau and the Economic Development and Labour Bureau. From a certain perspective, a merger of the functions of these two Policy Bureaux makes it necessary for part of their titles to be retained to cover their previous work.

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

**MR HOWARD YOUNG** (in Cantonese): *No. I wish to wait for another turn.*

**PRESIDENT** (in Cantonese): Fine.

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, insofar as the full title is concerned, does the fact that the authorities have not proposed to name the new Bureau as "Commerce, Industry, Technology and Economy Bureau" reflects neglect by the Government of commerce, industry and technology or excessive haste in reorganizing the three Secretaries of Departments and 12 Directors of Bureaux, just like the mispronunciation by the Secretary of the surname of Dr LUI?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, I have to make an elucidation. I did say "LUI" when I mentioned the surname of Dr LUI earlier. Perhaps there was a sudden slip of the tongue. Given that I am well acquainted with Dr LUI, there is no reason for me to pronounce his surname wrongly.

The SAR Government has all along taken issues relating to technology very seriously, and efforts in promoting technology have been made in all sectors too. Firstly, the \$5 billion ITF was set up in 1999. By end April 2007, \$2.9 billion has been earmarked to finance more than 900 projects. Secondly, five R&D centres were set up in April 2006 to focus on automotive parts; information and communications technologies; logistics and supply chain management enabling technologies; nanotechnology and advanced materials; and textiles and clothing. As at end March this year, the R&D centres had supported more than 30 R&D projects, and the resources allocated amounted to nearly \$200 million. Thirdly, with the commissioning of the first phase of the Science Park to cater for the clusters of electronics, information technology, telecommunications, precision engineering and biotechnology, the occupancy rate of the Science Park has reached 96%. The construction of the second phase of the Science Park has already launched for phased completion between 2007 and 2009. Fourthly, we have been offering a price close to the cost in industrial estates in Tai Po, Yuen Long and Tseung Kwan O separately to encourage different industries to introduce new technology and skills to enter the market in Hong Kong.

The Applied Science and Technology Research Institute set up in 2000 has been operating for several years. As pointed out by me earlier, we have been providing SMEs with incentives and financial assistance. The Small Enterprises Research Assistance Programme has benefited more than 250 companies with financial assistance reaching \$200 million. I have mentioned all these to prove

that we have actually been continuing with our efforts and will remain so, whether under the old or a new framework. Hence, regardless of the titles, the promotion of our policies will not be affected.

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

**MR LAU KONG-WAH** (in Cantonese): *President, as pointed out by the Secretary just now, name rectification is very important. Although mispronunciation does not really matter, it is unacceptable if "LUI Ming-wah" is called "LUI Wah". "Commerce, Industry, Technology and Economy Bureau" is actually not bad. However, the omission of "Technology" will be problematic. Does it reflect neglect on the part of the Government? Therefore, for the sake of name rectification, can the Secretary reconsider retaining "Technology" in the original title? Will the Secretary reconsider this?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): President, I certainly appreciate the views expressed by Mr LAU Kong-wah and Honourable Members and will relay their views to the authorities concerned.

However, I have to relay once again to Honourable Members the fact that, given the wide scope of the "Commerce and Economic Development Bureau" to cover commerce, industry, technology in addition to other areas such as work relating to tourism, consumer protection, fair competition, and so on, there is no way for the title, however it is expanded, to reflect all the areas covered by it.

Nevertheless, I will faithfully reflect the views expressed by Honourable Members today, and I have explained to Members our thinking today.

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

### **Communication Between China and Hong Kong**

3. **MS EMILY LAU** (in Cantonese): *President, it has been reported that state leaders will visit Hong Kong during the 10th anniversary of the*

*establishment of the Hong Kong Special Administrative Region (SAR). On the other hand, a number of people from the pro-democracy camp in Hong Kong (including 10-odd Members of this Council — President, I am also one of them) have for years been denied issuance of the Home Visit Permits (HVPs) by the mainland authorities, and hence are unable to go to the Mainland. In this connection, will the executive authorities inform this Council whether:*

- (a) they have assessed if the Central Authorities' forbidding representatives of public opinion in Hong Kong to go to the Mainland and refusing to hold dialogues with them will hinder communication between China and Hong Kong and undermine the image of the Central Authorities in the heart of the people of Hong Kong; if they have and the assessment result is in the affirmative, whether they have reflected such situations to the Central Authorities;*
- (b) they have proposed to the Central Authorities that the state leaders should meet with all Members of this Council during their visit to Hong Kong to discuss issues of mutual concern; if so, of the details; if not, the reasons for that; and*
- (c) they have urged the Central Authorities to expeditiously issue HVPs to those Chinese nationals who are currently denied issuance of HVPs; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in response to the question raised by Ms LAU, my overall reply is as follows.

All along, we appreciate that different political parties would wish to have more opportunities to understand developments in the Mainland. Hence, we have made use of suitable opportunities to make arrangements on various occasions for Legislative Council Members of different political parties and groups, including those of the opposition camp, to meet the officials of Central Authorities and to make study visits to the Mainland. Some of recent examples which may have left deep impression in Members include:

- (i) in September 2005, the Chief Executive and Legislative Council Members of various political parties and groups visited the Pearl River Delta;

- (ii) in December 2005, when the community was discussing the 2007 and 2008 electoral package put forth by the Government, we made arrangements for members from different sectors of the community, including Legislative Council Members of the opposition camp and other Members, to attend the forum on constitutional development of Hong Kong in Shenzhen, and to reflect their views to the relevant departments of the Central Authorities;
- (iii) in March 2007, the Security Bureau arranged a study visit to Shenzhen Bay Port for Legislative Council Members who participated in scrutinizing the Bill relating to the "co-location arrangement" and those from the relevant Legislative Council panels to see for themselves the facilities at the Hong Kong-Shenzhen Western Corridor.

In accordance with the principle of "one country, two systems", the mainland authorities are responsible for the immigration matters of the Mainland, and the arrangements for issuing HVPs. The SAR Government should respect the relevant systems and arrangements.

In overall terms, the SAR Government hopes that members of different political parties and groups can enhance their understanding of the Mainland, but this would hinge on efforts to be made by all parties concerned.

**MS EMILY LAU** (in Cantonese): *President, not only is the Secretary not eloquent today, he has even forgotten how to answer questions. He said that the authorities have the right to forbid anyone from going to the Mainland, which is understood by all Members, but the question is: Is it reasonable for the authorities to exercise such a right?*

*President, I asked if the authorities have assessed whether the Central Authorities' unreasonable act had hindered communication between Hong Kong and China, and undermined its image in the heart of the Hong Kong people. Also, I asked if the Secretary has proposed a meeting of state leaders with all Legislative Council Members during the former's visit to Hong Kong towards the end of next month. Yet, the Secretary has not answered it at all. Is it because the Central Authorities are so powerful that the SAR Government dares not utter a word?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, it is the established practice of the SAR Government to serve Hong Kong by all means whenever there is room for doing so, which includes arranging for Members of the opposition camp to visit the Mainland.

It is true that the authority of immigration control of the Mainland lies with the relevant mainland authorities, just as the control of entry and exit in Hong Kong lies in the hands of the SAR Government. Under "one country, two systems", mutual respect is necessary. For the arrangements of state leaders' visit to Hong Kong at the end of or early next month, planning is still ongoing and has yet to be finalized in view of the short duration and very tight schedule. However, given the tight schedule, I think that the possibility of arranging individual meetings between state leaders and Members is pretty remote. Nonetheless, colleagues who are tasked to organize the various events of the 10th anniversary of the reunification do hope that Members could be invited for participation. And yet, the necessary arrangements are subject to finalization by the departments concerned.

**MS EMILY LAU** (in Cantonese): *The Secretary has not answered my supplementary question. I asked if he had assessed whether the Central Authorities' refusal to communicate with us and forbidding our entry into the Mainland had brought about any adverse effects. Why did the Secretary not answer this? Does he dare not conduct such an assessment? Or was it better to leave the result in the dark?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I have actually answered Ms Emily LAU's question.

In the last paragraph of the main reply, I said that the communication should be strengthened as far as we could. It is good to pay more visits to the Mainland so as to gain a better understanding of it, yet, this can be achieved only with the concerted effort of all parties.

**PRESIDENT** (in Cantonese): There are altogether 12 Members waiting for their turns to raise supplementaries. Will Members who have the chance to ask a



supplementary please be as concise as possible in order to enable more Members to ask supplementary questions.

**MR FREDERICK FUNG** (in Cantonese): *President, the constitutional review to be conducted by the Government also covers, inter alia, the relationship between the Central Authorities and the local government, that is, the SAR Government. Next year, China will be hosting a major event, the Olympic Games, and I consider this an appropriate occasion for all the 60 Legislative Council Members — whether or not they are in the opposition camp — to discuss these two questions with the officials of the Central Authorities in either Hong Kong or China. Will this issue be included in the future constitutional review of the Government? Or will it become one of the promotional initiatives of the Olympic Games as it involves the issuance of HVPs?*

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, I really do not get it. Why did you suddenly mention the Olympic Games while we were talking about the HVPs?

**MR FREDERICK FUNG** (in Cantonese): *No, the issue also relates to the issuance of HVPs as it involves entry into the Mainland.*

**PRESIDENT** (in Cantonese): That is, as a result of the hosting of the Olympic Games and the constitutional reform.....

**MR FREDERICK FUNG** (in Cantonese): *I think that all Members, whether or not they are in the opposition camp, wish to watch the Olympic Games.*

**PRESIDENT** (in Cantonese): Are you citing this as a reason?

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I think that the Green Paper on Constitutional Development is one matter and the Olympic Games are another. Election is certainly a kind of

competition, but I do not think that the Olympic Games would become another battlefield. It is indeed the stance of the SAR Government to seize opportunities to strengthen the communication between Hong Kong and China when such room is available. Therefore, I have mentioned the visit to Guangdong by all Members and the Chief Executive in September 2005 and the seminar on constitutional development held in Shenzhen in December. We will act on any opportunity presented to us. I believe with the concerted effort of all political parties and groupings, it is possible that new opportunities can be explored.

**MR MARTIN LEE** (in Cantonese): *Madam President, the Secretary mentioned in the last paragraph that the resolution of this problem would hinge on efforts to be made by all parties concerned. May I ask the Secretary what efforts have been made by his Bureau or anyone in the Government to remove our names from the black list? If his reply is brief and concise, he may give a reply now; but if he has much to say, a written reply is also welcomed.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, we will certainly convey to the relevant mainland authorities the wish of Members of different political parties and groupings to visit the Mainland whenever such an opportunity arises.

**DR YEUNG SUM** (in Cantonese): *Madam President, 10-odd Members of this Council were blacklisted for supporting the 1989 pro-democracy movement, and have been deprived of the chance to go to the Mainland for nearly 17 or 18 years.*

*Will the Secretary advise us — he may give a written reply if he does not have the relevant information on hand — whether the Chief Executive, as the bridge between China and Hong Kong, has ever mentioned the need to strengthen communication between the two places and get back the HVPs of Members of the pro-democratic camp when he reported duty to state leaders? If he has, how many times has he mentioned them? Will the Secretary please provide a written reply if he does not have the relevant information on hand?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, just as I said earlier, Members' wish will be conveyed when such an

opportunity arises. Though the communication between the SAR Government and the relevant ministries or commissions of the Central Authorities will not be openly discussed in detail, follow-up actions have nonetheless been taken in respect of the overall effort and the wish of Members was also conveyed.

**DR YEUNG SUM** (in Cantonese): *My supplementary was actually asked in a very specific way. Has the Chief Executive ever mentioned those issues during his duty visits? How many times has he mentioned them? The Secretary may provide a written reply if he does not have the relevant information on hand.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, since we do not comment in detail our communication with the Central Government openly, it is therefore not appropriate to provide a written reply either.

**MR CHEUNG MAN-KWONG** (in Cantonese): *President, it has been 10 years since the reunification of Hong Kong, yet Legislative Council Members elected by Hong Kong people were still denied issuance of the HVPs. They are also Chinese and have not committed any crimes. The Central Authorities have not publicly stated the reason for the denial, but they have merely prevented Members from exercising their rights to go to China year after year without giving any reason. Does the SAR Government not find this ridiculous? Is the SAR Government satisfied with the practice of bringing Members to China occasionally, and does it consider it acceptable to have such ridiculous phenomenon of refusal of issuance of HVPs to Members by the Central Government recurring year after year without any change within the 10 years since the reunification?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the immigration control of all places around the world is subject to law, and Hong Kong also exercises immigration control in accordance with the Immigration Ordinance. Being a part of the "one country, two systems", the SAR Government must respect the fact that the immigration control of the Mainland is also subject to its law.

With regard to Mr CHEUNG Man-kwong's question about whether or not we are satisfied with the status quo, what I can say is that the communication between Hong Kong and the Mainland will be promoted and strengthened when such room is available. Not only will the communication between Hong Kong and Beijing be promoted, but also that between Hong Kong and other provinces and municipalities. But, continuous improvements in this respect can be achieved only through the efforts of different parties. For instance, in 2005, an opportunity had actually been created for a consensus to be reached on the constitutional reform package for 2007 and 2008, which I believe would enable us to have achieved greater progress today.

Despite that we failed to seize the opportunity at that time, but the SAR Government's effort in this regard has not ceased. A visit to the Mainland was arranged by the Security Bureau in March this year for Members to see for themselves projects that were of great concern to them — the Western Corridor and the co-location arrangement.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, not only did the Secretary fail to answer supplementary questions, what he said was like matching a horse's jaw to a cow's head. While the main question raised by Ms Emily LAU concerns a number of people from the pro-democracy camp, the Secretary's reply has only mentioned the opposition camp. I wonder if he was referring to the pro-democracy camp.*

*In fact, there is one thing which I wish to ask the Secretary. According to the definition in political science, in places where the governments and the legislative councils — the legislatures — are returned by election, the opposition camp may change. In other words, the ruling party can be eliminated by universal suffrage on the basis of "one person, one vote". Is the opposition camp mentioned by the Secretary of this kind? This is, however, not the case in Hong Kong. If it is not of that kind, should the Secretary state whether the opposition camp mentioned by him is a camp opposing autocracy, opposing collusion between businesses and the Government or opposing coterie elections? Since the reply of the Secretary is so ambiguous, I really have no idea..... I failed to get what he has replied in response to the main question on the whole. Members said that people from the pro-democracy camp did not have the HVPs, but the Secretary talked about the opposition camp instead. Was he saying that the Liberal Party opposes the Government, or the Democratic Alliance for the*

*Betterment and Progress of Hong Kong opposes the Central Government? This makes no sense at all. Therefore, I can only ask a follow-up question after the Secretary has made an elucidation.*

**PRESIDENT** (in Cantonese): Is this your supplementary question? Are you requesting the Secretary to elucidate "opposition camp"?

**MR LEUNG KWOK-HUNG** (in Cantonese): *No, I want him to make an elucidation first as he has failed to answer.....*

**PRESIDENT** (in Cantonese): We have rules in the Legislative Council under which Members can only raise one supplementary question at a time. May I now ask you whether this is the supplementary question you wish to ask?

**MR LEUNG KWOK-HUNG** (in Cantonese): *Yes, I have to see how he is going to reply before I follow it up. Right.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I am no "cow's head" and he is no "horse's jaw", we therefore certainly do not match. Yet, I still have to answer his supplementary question.

I need not explain to Members in detail what is meant by an opposition camp, but I can say that competition does exist in the election system of Hong Kong. There will be competition in the election of the third term Chief Executive to be held in March too. Competition is like the sun shining upon all alike, whereby the two candidates may compete and solicit support from members of the Election Committee. As a result, elections in Hong Kong are fair, open and impartial.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *I could hear that. I heard that though a reply has been given by the Secretary, my supplementary question is still not answered. I said that the opposition camp might change by way of election, and yet no response has been given in this regard. There is nothing I can do about it.*

*I wish to ask the Secretary: Having said so much about the opposition camp, were those people denied issuance of the HVPs simply because they are in the opposition camp? The Secretary has mentioned this a number of times.*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, just now I have actually hinted that you should mention this point in your supplementary question raised earlier on, because Members may ask follow-up questions if the Secretary fails to answer their supplementary questions. But now you have instead asked whether those people were denied issuance of the HVPs because they were in the opposition camp, and this is not part of the supplementary question you raised earlier.

**MR LEUNG KWOK-HUNG** (in Cantonese): *He did not answer what "opposition camp" means.*

**PRESIDENT** (in Cantonese): Fine. Please be seated and let the Secretary give a reply.

**MR LEUNG KWOK-HUNG** (in Cantonese): *OK.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I am not going to add any explanatory note.

**MR ALBERT CHAN** (in Cantonese): *President, the Government's understanding of the opposition camp is indeed its political position. President, however, we have learnt what is a "lackey camp" from the Secretary's reply. Looking at the second last paragraph of the main reply, "the SAR Government*

*should respect the relevant systems and arrangements", it has, in fact, fully demonstrated the overall mentality of servitude.*

*President, all governments have an obligation to their people to uphold their fundamental rights, regardless of what they oppose and whether or not they are of the opposition camp. Being a senior official of the Government, he should serve all Hong Kong people regardless of their political background. Being the Government, it has a fundamental obligation to protect the people's right to enter and leave, and receive fair treatment in Hong Kong — as well as in other countries, including our sovereign. Our people should receive reasonable and fair treatment. Should a government — especially the Hong Kong Government, have an obligation to uphold the basic principle of fair treatment to all people in spite of its servitude mentality? Does the Secretary know this concept?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the most important thing that we need to safeguard and steadfastly uphold is the freedom pertaining to all systems in Hong Kong in accordance with the Basic Law, and to promote the further development of democracy in Hong Kong. We have been doing this for all these years.

As we all know, a set of law has been developed in Hong Kong under "one country, two systems", which is founded on the Basic Law. While all relevant departments, including the Immigration Department, have to act in accordance with the law, the existing mainland systems and the practice of mainland authorities acting in accordance with their laws should also be respected. Since we have demanded that "river water will not interfere with well water", so why do we not do the same?

**MR ALBERT CHAN** (in Cantonese): *President, the Secretary has not answered my supplementary question at all. I asked whether or not the Hong Kong Government had an obligation to safeguard Hong Kong people's right to receive fair and reasonable treatment in other places — including our sovereign. Should the Secretary not understand or have no idea of what this concept is, I think that he had better take some courses in a university to learn what the Government is responsible for in the context of public administration and political science.*

**PRESIDENT** (in Cantonese): Mr CHAN, you need not say so much of your personal view because the more you say, the fewer Members can have a chance of raising supplementaries.....

**MR ALBERT CHAN** (in Cantonese): *Sorry, President, the Secretary has not answered my supplementary question at all. President, does he actually know these basic concepts?*

**PRESIDENT** (in Cantonese): Please be seated. Secretary, please give a reply.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I fully appreciate the views and complaints that Mr CHAN wished to present. The most straightforward answer for him is: firstly, all acts done in Hong Kong must comply with the law; secondly, all acts done by the relevant mainland authorities in accordance with their laws must be respected, and thirdly, Members' wishes have been conveyed by the SAR Government on different occasions and at different times.

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

**MR RONNY TONG** (in Cantonese): *President, I found that the Secretary has not answered part (a) of Ms LAU's main question at all. The Secretary should be well aware of our concern for regular, concrete and official contacts. It is not our wish to visit Shenzhen across the boundary for a quick look or meet with state leaders. These are not regular and concrete arrangements.*

*May I ask the Secretary to give a direct reply regarding the specific policy and action agenda that have been drawn up for establishing concrete, regular and official contacts?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in order to bring changes to a situation, we must start with the bits and



pieces. New channels will therefore be added as long as we can seize the opportunities.

**MR RONNY TONG** (in Cantonese): *My supplementary question is actually very simple and the Secretary is only required to answer "yes" or "no". Is there any specific policy or action agenda that will enable the Legislative Council to establish regular and official contacts?*

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

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, it is of paramount importance that we all have a positive attitude towards our way forward. Provided that we remain positive in our hearts, I believe progress will definitely be made in the future.

**MR RONNY TONG** (in Cantonese): *President, in other words, there is none, right?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I have already given an answer.

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

### **Poverty Alleviation**

4. **MR FREDERICK FUNG** (in Cantonese): *President, my question is: At the Legislative Council meeting on 3 May this year, the Chief Executive said that the most important objectives of the work in alleviating poverty were to increase employment opportunities, reduce unemployment rate and increase the income of people at grass-roots level. He did not rule out the possibility of continuing to take forward the work in alleviating poverty in the form of a committee and reorganizing the Commission on Poverty (CoP) if necessary, and he would*

*personally be involved in promoting the development of social enterprises. In this connection, will the Government inform this Council:*

- (a) given that the Government originally intended to publish the latest information on indicators of poverty in around March or April each year, but the information for both last year and this year was not published at the originally scheduled time, of the reasons for the delay in the publication for this year, how such an arrangement can be improved, the progress of updating the indicators of poverty, the exact date for the publication of the information for this year;*
- (b) whether it will consider setting objectives in eradicating poverty with time limits, so that the latest indicators of poverty can better help the Chief Executive achieve his objectives in alleviating poverty; and*
- (c) given that the term of office of the CoP will expire at the end of next month, and promoting the development of social enterprises has all along been its task, whether the Government will consider reorganizing the CoP, with the Chief Executive taking over its chairmanship, so as to enhance its powers and functions; if not, whether the Government will consider extending the term of office of the CoP, or entrusting the Family Commission, which is being established, with the responsibility of co-ordinating the work in alleviating poverty in future, in order to ensure the continuation of the work in alleviating poverty?*

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

Madam President, the Government of the Hong Kong Special Administrative Region (SAR) attaches great importance to preventing and alleviating poverty. Besides ensuring basic social protection and support, the Government seeks to provide individuals with opportunities to develop and enhance themselves and free themselves from poverty through economic development, employment, education and training.

During the past two years or so, the CoP raised various issues and carried out a number of projects. My reply to the various parts of the question raised by Mr Frederick FUNG is as follows:

- (a) As the Government needs more time to collate the relevant information with different departments in updating the indicators of poverty, in particular those related to district-based statistics, an update of the indicators cannot be published before the end of April. We understand that the community is deeply concerned about the poverty alleviation work and the relevant issues. We shall therefore update the indicators as soon as possible and publish them before the middle of this year.

In order to capture more comprehensively and accurately the detailed information collected from the 2006 Population By-census, it was not until recently that we came up with the results of this year's updating work. Analysis is being conducted by the Government Economist and the Census and Statistics Department. According to the information available, there was almost an across-the-board improvement for the indicators related to employment and earnings in 2006. As for the six district-based indicators, they continued to attain general improvements. This was mainly due to a further decline in the unemployment rate and a rise in wages as underpinned by the sustained and robust economic growth.

We shall discuss the latest performance of the indicators of poverty at the CoP meeting to be held this Friday. After listening to the views of members on the analysis, we shall release the updated poverty indicators and the relevant analysis as soon as practicable. Relevant information will be uploaded to the CoP's website for the public's reference. Comments from the public are welcome.

- (b) A single income-based indicator is insufficient for the purpose of defining poverty and assessing the effectiveness of poverty alleviation work, nor can it provide a contextual understanding of the actual situation. Thus, the CoP has developed a set of more comprehensive indicators which provides an overview of how the poverty situation evolves over time and highlights the areas for more focused study for reference during policy formulation. We should formulate measures to address the needs of various social groups taking into account the actual situation and their specific needs, instead of fixing poverty eradication targets with time limits.

- (c) The SAR Government is committed to preventing and alleviating poverty and addressing the needs of the disadvantaged in society. The Chief Executive has reiterated that alleviating poverty through promoting employment will be one of the major tasks of the next Administration. The SAR Government will, therefore, take forward the work on poverty alleviation and the next Administration will also continue to support the work through an appropriate institutional structure.

The CoP has, in the past two years or so, played a positive and active role in poverty alleviation. By conducting studies and consolidating views from various sectors, the CoP has examined all major poverty alleviation policies, identified existing services that have to be improved and further co-ordinated, and explored new strategies and directions for poverty alleviation. The activities of the CoP include:

- (i) compiling a set of indicators of poverty and conducting researches and studies to enhance the understanding of poverty;
- (ii) promoting employment and the direction of "From Welfare to Self-reliance" in alleviating poverty, facilitating the development of social enterprises as well as supporting an integrated approach to deliver training and employment assistance to help the unemployed and low-income earners who are difficult to employ;
- (iii) enhancing support to children from a disadvantaged background, including the establishment of a Child Development Fund, in order to reduce risks of inter-generational poverty;
- (iv) strengthening support to the hidden elderly in need and making recommendations to address the needs of the elderly in poverty; and
- (v) implementing the district-based approach with the establishment of poverty alleviation fora at the district level and strengthening support to districts.

The CoP will submit its report to the Government next month (June) to summarize its work and make recommendations on the work in future. By then, the work of the CoP will also draw to a close during the current Administration. The next Administration has drawn reference from the recommendations of the CoP in the proposed reorganization of the Government which includes (1) further promoting the development of social enterprises by the Home Affairs Bureau through the district-based approach, and fostering of the tripartite partnerships among the Government, the business sector and the community; (2) establishing a new Labour and Welfare Bureau responsible for co-ordinating the poverty alleviation work, including the integration of existing employment assistance and training services to encourage the unemployed to work and move "from welfare to self-reliance".

The Administration is studying whether a Family Commission responsible for policies and initiatives relating to the family should be set up, and if so, the implementation arrangements as well as the reorganization and resources reallocation that need to follow. The study will be completed in June. A final decision will be made by the next Administration.

**MR FREDERICK FUNG** (in Cantonese): *President, in the second paragraph of part (a) of the main reply, it is said that the six district-based indicators continue to attain general improvements. I do not understand what the meaning of "district-based" is. Does it mean six constituencies out of the 18 districts of the District Councils or six indicators out of the 24 indicators of poverty have seen some improvement. My supplementary is: Regarding the other indicators that have not seen any improvement or have even taken a turn for the worse, has the Government made a decision to give instructions to the relevant policy departments? Concerning the indicators that have not seen any improvement, that is, the other indicators among the 24 indicators excluding the foregoing six indicators, how can the relevant departments perform better to ensure that when the indicators are announced next year, they will see improvement and progress will be made?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I believe Mr Frederick FUNG is also a member of the CoP and he will probably receive some papers or the report this Friday. At present, I do not have the detailed information relating to the analyses of the situations in various districts on hand. I have said that the Government Economist and the Census and Statistics Department are now carrying out analyses and will release the report this Friday. Of course, if it is pointed out in the report that the indicators of poverty for some districts have taken a turn for the worse or have failed to make steady progress, we will consider taking measures to step up the poverty alleviation efforts in the districts concerned. The next Administration, the Home Affairs Bureau and the Labour and Welfare Bureau will follow up the work in this regard one after another.

**MR BERNARD CHAN** (in Cantonese): *President, I wish to raise a question concerning point (ii) in the second paragraph of part (c) through you. The Secretary said that the employment problem could be solved partly by promoting social enterprises, that is, to see how support can be provided to the unemployed through co-operation among the Government, the business sector and the community. However, I believe the Secretary is also aware that at present, in Hong Kong and even in overseas countries, the scales of these so-called social enterprises are rather small and they cannot solve the employment problem on a large scale. Even if they can really create a lot of employment opportunities, in fact, a lot of people in the private market will feel concerned. May I ask the Secretary if it is fair to private enterprises for social enterprises to receive subsidies and support under the relevant programmes? This is because for small enterprises, I believe all of them can find their special market niches, however, if the enterprises are large ones, the reaction of the private market may be very strong.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as far as I know, the Government hopes that the future development in this area will be co-ordinated by the Home Affairs Bureau. As regards what approach will be adopted, I believe the specific details or measures are still not available. In principle, we hope that the business sector in particular can assist various districts in the development in this area. For example, the Home Affairs Bureau has launched the Enhancing Self-Reliance Through District Partnership Programme and \$150 million has been allocated since 2006. To date, 41 programmes have been implemented in various districts and some results have been achieved. (Appendix 1)

As regards whether enterprises that have become too large in scale may affect other business operations or fairness in employment, of course, the Government has to consider this issue. However, according to overseas experience, often, it is necessary to identify employment or development opportunities to enable these enterprises to survive, so there will not be any conflict with other business operations or labour issues. Meanwhile, we also hope that people with normal working ability will not work in this kind of organizations long term, thus depriving other unemployed people or people with disabilities of their employment opportunities. In principle, we hope that such an approach can be adopted.

**MISS CHAN YUEN-HAN** (in Cantonese): *The Secretary said in reply to part (b) of Mr Frederick FUNG's main question that a single income-based indicator was unreasonable for the purpose of defining poverty.....he did not say unreasonable, but insufficient, and he believed that more indicators had to be developed. In addition, the Secretary also stressed that we cannot formulate rigid solutions to the poverty problem. I think he was being somewhat self-contradictory. Concerning the reply given by the Secretary to part (b) of Mr Frederick FUNG's main question, I think that although the economy is now so good and he also said that the situations in all six major districts were looking up, there are still tens of thousands of people whose wages are below the CSSA level in Hong Kong. May I ask the Secretary if the Government is determined to solve this problem? If it is not and procrastinates, it can then evade setting a timeframe and considering the wage problem. May I ask the Secretary how he looks at this problem?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Miss CHAN Yuen-han always introduces the issue of minimum wage into this sort of discussions. The Government attaches great importance to the work in this area and the Chief Executive has promised to make promotional efforts on the minimum wage issue. As far as I know, as at the end of April 2007, more than 900 companies comprising various industries have joined the movement and the number of people covered by minimum-wage protection stands at more than 55 000. It is hoped that this figure will continue to rise if Members and the Government co-operate in promotion. The Government has also undertaken to conduct an interim review in October this year and another next year, that is, in

October 2008. If the promotional programme is not satisfactory, the Government will consider introducing legislation. I believe these undertakings can reflect the considerable concern of the Government about the existing issue of minimum wage and people on low income and it will do its best.

**MR LEE CHEUK-YAN** (in Cantonese): *The "script" of the Secretary just now is not right because the Government should not consider introducing legislation but should begin to make preparations for legislation. However, this is not the supplementary that I want to raise because such a supplementary should not be answered by the Secretary.*

*President, the supplementary that I wish to raise is that, on one occasion, the Chief Executive said in reply to a question from Mr LAU Chin-shek in a Chief Executive's Question and Answer Session that if necessary, the next Administration would maintain the continued operation of the CoP. However, it seems that the reply given by the Secretary today has made it explicit the CoP would wind up and be "folded". Members may look at the main reply. It is said therein that the work of the CoP under the present Administration will draw to a close and the next Administration has made reference to the recommendations of the CoP in the reorganization of the Government, with the Home Affairs Bureau responsible for such and such, the Labour and Welfare Bureau responsible for such and such, and so on. In other words, the CoP will be dissolved. However, we lobbied for the establishment of the CoP because it was hoped that there would be a specific and high-level commission chaired by the Financial Secretary to co-ordinate the four bureaux and its members would include members of the community, so that the public could take part in poverty alleviation. Does the Secretary think that it is no longer necessary to help the poor in Hong Kong and since the Government thinks so, it is going to simply fold the CoP? I hope the Secretary will clarify this. I personally strongly demand that the CoP continues with its work. I hope the Secretary will undertake to give this matter further consideration.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the Government's aim in establishing the CoP is to review the existing efforts in poverty alleviation and to perfect the present policy in conjunction with various Policy Bureaux, as well as making policy suggestions



on future efforts to help the poor. It was decided in February 2005 that the CoP should submit a report to the Government before the expiry of the term of office of the present Administration. What I related just now was precisely our work in this regard. As regards what course of action will be taken by the next Administration, the Chief Executive has promised that the directions recommended by the CoP will be assigned to various bureaux for actual implementation and enforcement. As regards the method of co-ordination, this will be decided by the next Administration.

**MR LEE CHEUK-YAN** (in Cantonese): *President, the Secretary did not reply as to whether he will give this matter further consideration because he said that the next Administration would be responsible for co-ordination. In that case, will the next Administration reconsider carrying out co-ordination by way of a commission?*

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

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I can only promise that the efforts to help the poor will continue.

**DR FERNANDO CHEUNG** (in Cantonese): *Secretary Dr York CHOW mentioned in the main reply that poverty alleviation in fact referred to the setting up of businesses and other measures and social enterprises are one important area of work. At present, we can see that the Government's arrangement will be to put the work relating to social enterprises under the charge of the Home Affairs Bureau, whereas the new Labour and Welfare Bureau will be responsible for other efforts of poverty alleviation. In fact, owing to the existence of the CoP, the advantage that we enjoy at present is that of centralization, however, in the future, the work in this area will be assigned to various Policy Bureaux. The Labour and Welfare Bureau will be responsible for poverty alleviation and it will do so through employment, whereas social enterprises will also alleviate poverty by providing employment opportunities. May I ask why it is necessary for two different bureaux to assume such a responsibility?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I believe I have already explained clearly just now that the most important aspect in poverty alleviation is employment. In this regard, I believe Members will not think that there is any problem for the Labour and Welfare Bureau to take charge of this in the future. As regards social enterprises, we hope that community resources and various sectors of the community can be mobilized, so naturally, it is necessary for the Home Affairs Bureau to carry out co-ordination. Of course, we must not forget that there are also other issues such as the so-called safety net and various bureaux will be responsible for it. For example, in the future, there are officials responsible for various areas such as health care and housing and the relevant Policy Bureaux will also be responsible for the work in this regard. As regards co-ordination in poverty alleviation, the present plan is for the Labour and Welfare Bureau to assume this responsibility.

**DR FERNANDO CHEUNG** (in Cantonese): *President, since we are alleviating poverty through the creation of employment opportunities and since it is also the aim of social enterprises to alleviate poverty through the welfare system and work, my supplementary asks why it is necessary for the work to be assigned to two separate bureaux? What is the reason for this?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I have said that if the Home Affairs Bureau is in charge of this, it will be more effective since it has the resources and network for development at the district level.

**PRESIDENT** (in Cantonese): This Council has spent more than 19 minutes on this question. We will now proceed to the fifth question.

### **Promoting Tourism Development in New Territories**

5. **MR CHEUNG HOK-MING** (in Cantonese): *Although the New Territories is an extensive area with rich tourism resources, most local people and visitors to Hong Kong concentrate mostly on visiting the tourism sites around the Victoria Harbour or on a few outlying islands. In this connection, will the Government inform this Council:*

- (a) *whether it has conducted any systematic studies on the value of the cultural heritage in the New Territories, such as its built heritage, antiquities and monuments, in terms of promoting the development of tourism; if it has, of the results of the studies;*
- (b) *whether it has examined the reasons for the failure of the aforesaid cultural heritage to effectively attract tourists at present; and*
- (c) *whether it has conducted any studies on the formulation of an overall policy which will fully exploit such cultural heritage and incorporate local features in order to promote tourism development in the New Territories, thereby boosting the economy and employment in the New Territories; if it has, of the results of the studies; if not, whether and when it will conduct the studies concerned?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President,

- (a) The Hong Kong Tourism Board (HKTB) conducts, from the tourism perspective, assessment of individual attractions (including cultural heritage such as historical buildings, antiquities and monuments) to ascertain their level of tourism value. The main purpose is to map out a promotion strategy to further diversify our tourism products, enrich visitors' travelling experience and attract them to extend their stay in Hong Kong. The assessment mainly includes considerations such as the uniqueness, scale and quality of the attractions; feedback from the travel trade; findings of visitor surveys conducted by the HKTB on the tourist attractions; availability of tourist spots or attractions in the vicinity to be publicized and promoted as a cluster to achieve synergy; and other factors such as traffic and transport arrangements and supporting facilities, and so on. At the same time, the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department has made continuous efforts to protect and promote local cultural heritage in Hong Kong. To promote cultural heritage tourism in the New Territories, a number of heritage trails are set up, such as Heritage Trails in Ping Shan, Yuen Long and in Lung Yeuk Tau, Fanling, which promote and introduce various historic

buildings for public visits (including tourists). The AMO also provides docent services to schools and community organizations so as to improve the public and students' understanding of historic monuments. In April this year, the AMO, with the assistance of the Tang Clan in Ping Shan, opened the Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre introducing traditional culture and customs in the New Territories. On the archaeological aspect, the AMO conducted consultancy studies on the archaeological sites at Wiu Yun and Tung Peng Chau to study the ways to utilize the cultural heritage resource there and to promote cultural education and tourism.

- (b) Some of our heritage, apart from bringing out the unique historical and cultural background of Hong Kong, is also conducive to diversification of our tourism facilities and attractions. Both overseas visitors, especially those from the long-haul markets, and local residents have interest in heritage and cultural tourism. For example, there were about 190 000 and 30 000 visitors to Ping Shan Heritage Trail and Lung Yuek Tau Heritage Trail last year respectively. Besides, there are about 20 000 visitors to the newly opened Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre from its opening in mid-April 2007. However, there are individual spots which may not be able to attract visitors. This is possibly because of their uniqueness, scale and quality falling short of visitors' expectation, or a result of their remote geographical location as well as the lack of other tourist attractions in the vicinity.
- (c) The Government has been striving to develop a wide range of tourist attractions so as to enhance Hong Kong's appeal as a premier destination for visitors. Some of our heritage, apart from bringing out the unique historical and cultural background of Hong Kong, is also conducive to further development of heritage tours and diversification of our tourism products. Various government departments and other organizations, including the AMO, Tourism Commission, HKTB and District Councils, always work closely together to study and provide of tourist-related facilities such as directional signs. The HKTB has been promoting heritage tourism to visitors through various channels including its website, information boards, publications and guided tours.

The new tourism products developed by the HKTB in recent years have included heritage-themed itineraries such as the Northeast New Territories island-hopping tour organized under the Nature Kaleidoscope programme. The tour intends to attract visitors to areas like Lai Chi Wo, Kat O and Tap Mun, and so on, which are less frequently visited by tourists, thereby enabling them to know more about the culture of fishing villages and the local architecture. In addition, to facilitate visitors to explore systematically the depth and diversity of Hong Kong's culture and history, the HKTB has published a guidebook "Discover Hong Kong by Rail" which aims to promote the heritage itineraries along the Kowloon-Canton Railway (KCR) lines and encourage visitors to take the KCR to explore Hong Kong's local culture, history and traditions. The guidebook highlights the attractions and heritage along the West Rail, East Rail and Ma On Shan Rail, and enables visitors to experience Hong Kong's unique culture and lifestyle through maps of easy-to-follow itineraries. The major attractions include the Che Kung Temple, Tsang Tai Uk clan walled village and Hong Kong Heritage Museum in Sha Tin; the Tai Po Market and Hong Kong Railway Museum in Tai Po; the Lung Yeuk Tau Heritage Trail linking various traditional walled villages in Fanling; and the Ping Shan Heritage Trail in Yuen Long. To make visitors' journeys more enjoyable and interesting, the guidebook contains the history or custom of several sites, such as the legend of Amah Rock in Sha Tin, the history of imperial marriages in Fanling, and so on. It also promotes the local snacks and traditional treats like Tai Po's sturdy noodles made by bamboo sticks and Yuen Long's "Wife Cake", and so on.

In addition, we will cluster the newly opened tourism facilities with the heritage sites nearby for promotion to achieve synergy of the new and old attractions. For example, after the opening of the Hong Kong Wetland Park, the Government, the Yuen Long District Council and the HKTB jointly promote the Park and Yuen Long's attractions including Kam Tin Tree House, Ping Shan Heritage Trail and Lau Fau Shan, and so on, under the themes of "cultural tourism" and "gourmet itinerary". The attraction operators, the HKTB and local organizations have also clustered Ngong Ping 360, the Big Buddha, the Po Lin Monastery, the Wisdom Path, Tai O fish

villages and temples together to develop a new itinerary so as to promote culture and heritage tourism in the district.

The travel trade has from time to time conveyed to the HKTB the market's feedback on demand for heritage tourism. According to the travel trade, overseas visitors, especially those from the long-haul markets, have great interest in Hong Kong's cultural heritage including historical buildings, antiquities, monuments, and so on. These visitors consider that heritage tourism could help them explore the depth and diversity of Hong Kong's history and traditions, thereby enriching their travelling experience. In view of the growing interest in heritage tourism, the Government has been working with the Travel Industry Council of Hong Kong and the travel trade to provide specialist training for tourist guides under the government-aided Skills Upgrading Scheme.

In collaboration with the HKTB, the Government will continue to develop and promote the heritage attractions in Hong Kong, including enhancing the itineraries and highlighting our unique historical and cultural background. This will help us promote the diversity of Hong Kong's tourism and strengthen our position as the most popular tourist city in Asia, thereby further boosting Hong Kong's tourism and local economy.

**MR CHEUNG HOK-MING** (in Cantonese): *President, tourism is a very important part of local economy. In part (c) of my main question about boosting the economy and employment, I asked whether the Government had conducted any studies in this aspect. If not, when will the Government start conducting the studies? The Secretary has not answered this part of my question.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): *Madam President, in the main reply, I have already mentioned that when promoting tourism, we hope to bring more people to the tourist attractions and combine different attractions into a cluster. When the number of visitors has increased, the local economy and the employment will consequently be boosted.*

**PROF PATRICK LAU** (in Cantonese): *In his reply to part (b) of Mr CHEUNG Hok-ming's main question, the Secretary has cited reasons to explain why some cultural heritage may not be able to attract visitors. May I ask the Secretary whether or not this is due to a lack of infrastructural support and facilities? Should more efforts be made in planning? I have visited many tourist spots and found that parking space or other facilities are not provided. May I ask the Secretary what studies have been conducted in this aspect?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Studies in this area can actually be divided into two parts: the first part is about the heritage itself. Some heritage has been preserved because of its historic value but support facilities or attractions may not be provided in the vicinity, thus it is unable to attract a large number of visitors. Secondly, as Prof Patrick LAU said, there is really a lack of ancillary facilities such as roads, transportation, toilets or even signs, sitting areas or piers. The Government will, according to the principle of nature conservation and sustainable development, improve other support facilities of the historic monuments in the New Territories in order to provide convenience to visitors.

**MR DANIEL LAM** (in Cantonese): *President, in the reply, the Secretary said that some individual attractions fall short of visitors' expectation. May I ask the Secretary whether he will make full use of the rural works undertaken by the District Councils and the Heung Yee Kuk to upgrade the support facilities and thereby increase the number of visitors?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Absolutely. In planning cultural tourism in the New Territories or enhancing the appeal of heritage attractions, we have to consider the facilities and the availability of other attractions in the vicinity apart from the cultural heritage itself. Take the journeys in the northeast and northwest parts of the New Territories as examples. We will try to add local features to the cultural heritage such as fine foods, shopping and scenic spots. With diversified attractions, visitors can visit not just one attraction but spend half a day there. If the attractions are more appealing, the visitors will find the tours more diversified and more interesting.

**MRS SELINA CHOW** (in Cantonese): *In part (a) of the main reply, the Secretary mentioned that the AMO would provide docent services to schools and community organizations. For local tourism, no matter regional or territory-wide, the demand has been very great in recent years. May I ask the Secretary how much effort has been devoted to promoting this in terms of both software and manpower training as a whole? Besides, is the effort limited to the AMO or contribution also made by other government departments, such as the Education and Manpower Bureau?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): The Government has all along been very concerned about the service quality and professional standard of tourist guides. We can see that tourists are getting increasingly interested in cultural heritage tourism. So, the Government and the tourist industry have provided specialist training to tourist guides through the Skills Upgrading Scheme with a view to enhancing their expert knowledge of cultural heritage, local culture, traditional customs and rituals, apart from recommending to visitors places for fun and fine foods, thus attracting more visitors. The Government will continue to liaise closely with the trade and organizations of tourist guides so that more tailor-made and suitable training can be provided to tourist guides in order to keep them abreast of the times.

**MRS SELINA CHOW** (in Cantonese): *President, I think the Secretary has not answered my question. The main reply has already mentioned the tourist industry. My question is whether or not other departments outside of the tourist industry which may also play a role on the education or publicity front have provided assistance or acted in a co-operative manner.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Local organizations and District Councils will be included in our next step of work because they are well versed in local culture and traditional customs. Their involvement in this regard will help provide training to talents in the tourist industry.

**MR WONG KWOK-HING** (in Cantonese): *Just now the Secretary spent more than nine minutes on the main reply in which many attractions in the New*



*Territories were mentioned. Despite so many scenic spots, he has forgotten the beautiful and unique Mui Wo. The Mui Wo Rural Committee hopes that the Government can develop the Silver Mine Cave and a Silver Bauhinia Square, injecting tremendous investment into the cultural heritage. But the Secretary's reply seems to have totally forgotten Mui Wo. Through the President, may I ask the Secretary what is being planned for Mui Wo? How will Mui Wo be developed?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Owing to the time constraint, I cannot talk about all the attractions to be developed by the Government in future. But regarding Lantau Island, the Ngong Ping 360 has now linked up with Ngong Ping, Po Lin Monastery, the Big Buddha or even Tai O which is a place with very unique features. Regarding whether the itinerary will be extended from Tai O to Lantau South or Lantau North and then Mui Wo, it is worth considering. I will reflect these ideas to the relevant department for their reference.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has yet to answer what planning will be made for the beautiful and unique Mui Wo. Through the President, I wish to ask the Secretary again how investment will be made and what programme will be carried out by the Government.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Regarding what should be done in respect of Mui Wo, I think we had better ask the residents and local people there to see how the local advantages can be fully utilized.

**MR WONG KWOK-HING** (in Cantonese): *President, I ask the Secretary the question, not the local people.*

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

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the Secretary's answer is to give weight to the views of the local people. *(Laughter)*

**MISS CHAN YUEN-HAN** (in Cantonese): *President, the Secretary's reply seems to give us an impression that Hong Kong has got everything and the Government can consider every possibility. In fact, Mui Wo which is mentioned by WONG Kwok-hing — I like hiking in Mui Wo of Lantau very much — it has great potentials for development. I think the Secretary cannot just say that he has to listen to people's views. WONG Kwok-hing said that the local people, through the District Office, had submitted a series of views to the Government. I wonder whether the District Office has a problem or the Secretary has a problem. I think if we have to deal with these matters in a concrete manner ..... I do not dwell on the specifics. Very often, views we heard of within the ambit of the Home Affairs will totally disappear on reaching the Secretary's level. So, that is why WONG Kwok-hing asked the Secretary whether or not detailed planning had been drawn up for Mui Wo. I think WONG Kwok-hing's question is worth pursuing instead of asking my own supplementary question.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): I am sure, as Miss CHAN Yuen-han just said, the Government cannot do everything. Of course, we very much hope that we can respond to people's needs as far as we can. But in this regard, we will also listen to the views of the District Council and Mui Wo residents in order to know their ideas of how to develop Mui Wo. For instance, the latest development in the tourist industry is to consider how to organize a successful Hung Sing Festival for the Hung Sing Temple in order to attract more visitors and the Government has started to make efforts in this. Through the activities of the Chinese Temple Committee and other temples, the Government is making efforts to attract more visitors to the place.

Ngong Ping 360 mentioned by me just now belongs to Tung Chung North and the activities of Tung Chung North are the activities of Lantau North. Regarding how to bring the activities of Lantau North to Ngong Ping and then to Lantau South and back to Lantau North, we have to put our minds together.

**MISS CHAN YUEN-HAN** (in Cantonese): *President, in fact, Mui Wo has proposed four very concrete proposals which were not mentioned by the Secretary at all. Is it because the Home Affairs Bureau has not informed the Secretary or the Secretary does not know about them? I think he has not answered my question at all. Specific details are contained in these proposals which have been endorsed unanimously by the District Council.....*

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

**MISS CHAN YUEN-HAN** (in Cantonese): *I asked the Secretary why he did not answer WONG Kwok-hing's question and why he did not answer my question. It seems that the superior has been totally kept in the dark. OK, thank you, President, the Secretary talked about Tung Chung, and Ngong Ping 360 of Tung Chung is something else.*

**PRESIDENT** (in Cantonese): Secretary, do you have anything to add? Do you know the Rural Committee's opinions?

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): The Secretary is aware of that. *(Laughter)*

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

**MR HOWARD YOUNG** (in Cantonese): *President, the Secretary has time and again mentioned the HKTB, whose promotion target is inbound tourists because, I believe, the economic benefits are greater than those from local visitors. In part (b) of the main reply, the Secretary mentioned some figures, which are 190 000, 30 000 and 20 000 respectively and the English term following these figures is "visitors". The Secretary called them visitors. Are most of them actually local visitors? Has the Secretary done a study to see how many of these visitors are overseas visitors?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): I do not have such figures on hand at the moment, so I will give a reply in writing later. (Appendix IV)

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

**Occupational Safety**

6. **MR LAU KONG-WAH** (in Cantonese): *Regarding issues relating to injuries sustained by or death of local employees at work, or their suffering from occupational diseases, will the Government inform this Council:*

- (a) *in each of the past three years, of the number of cases in which employees had sustained injuries or died as a result of accidents arising out of and in the course of employment, or suffered from the occupational diseases specified in the Employees' Compensation Ordinance (ECO), and the employees themselves or their families had filed claims for compensation against the employers concerned, as well as the amounts of compensation involved, broken down by trade, and the percentage of the number of cases with compensation successfully claimed from the employers in the total number of the above cases, as well as the reasons for the unsuccessful claims in the other cases;*
- (b) *of the assistance rendered by the Government to the above unsuccessful claimants; and*
- (c) *whether it has reviewed the effectiveness of the work in promoting occupational safety, and whether it will consider stepping up publicity so as to enhance the knowledge of office executives on occupational safety and health?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in the absence of Secretary for Economic Development and Labour) (in Cantonese): Madam President,

- (a) In 2006, the number of work injuries and occupational diseases reported to the Labour Department (LD) under the ECO was 50 235. Of these, 42 767 cases have been settled as at 30 April 2007, involving a total compensation amount of \$403,509,399. The respective numbers of reported cases for 2004 and 2005 were 46 587 and 47 478. Of these, 45 549 cases in 2004 and 45 082 cases in 2005 have been settled as at 30 April 2007, and the amounts

of compensation involved were \$844,760,617 and \$664,343,598 respectively. A breakdown of these cases by industry is at Annexes 1 to 3.

As at 30 April 2007, the percentages of successful claims among cases reported in 2004, 2005 and 2006 are 97.8%, 95% and 85.1% respectively. Some cases require more time for settlement, thus the percentage of successful claims will increase with time.

In some cases, employees need to take a longer period of sick leave after the work injury. As a result, the medical clearance and assessment procedures have to be completed at a later stage and the LD is unable to issue a Certificate of Compensation Assessment. In some other cases which involve disputes over the liability for compensation, the adjudication by the Court takes time to complete. These cases have yet to be settled for the time being.

For those cases where the claimants are unsuccessful in obtaining compensation, the main reasons are that the Court has determined that there was no employer-employee relationship, or that the employees did not sustain their injury or die as a result of an accident arising out of and in the course of the employment.

- (b) For the outstanding cases, if the employers cast doubt on the claims and refuse to admit liability for compensation, the LD will conduct investigation and explain the relevant provisions of the ECO to the employers and the employees, and assist both parties to resolve their conflicts. Any unresolved dispute has to be adjudicated by the District Court. The LD will assist the employees and refer them to the Legal Aid Department to apply for legal assistance, or to lodge their claims with the Court direct if they so wish.

If the employees have financial or other difficulties, the LD will refer them to the Social Welfare Department and other relevant organizations for assistance.

- (c) The Government is firmly committed to improving safety and health at work. We also keep under constant review our strategy for

ensuring that risks to people's safety and health at work are properly managed by legislation, education and promotion. It is encouraging to note that our three-pronged approach to promoting occupational safety and health is bearing fruit.

We have seen marked improvement in our occupational safety and health performance over the past decade. The number of occupational injuries went down by 25.2% from 62 776 in 1997 to 46 937 in 2006. The injury rate per thousand employees also decreased by 26.2% from 24.9 in 1997 to 18.4 in 2006.

As regards the industrial sector, the number of industrial accidents went down by 60.1% from 43 305 in 1997 to 17 286 in 2006. The accident rate per thousand workers also decreased by 47.2% from 59.6 in 1997 to 31.5 in 2006.

The construction industry recorded a significant drop in its accident toll. The number of industrial accidents went down by 81.7% from 18 559 in 1997 to 3 400 in 2006. The accident rate per thousand workers also decreased by 71.7% from 227.4 in 1997 to 64.3 in 2006.

The Government attaches great importance to the safety and health at work of office workers. We will continue our efforts to enhance the safety awareness of employees through promotional and publicity activities. We will bring home the safety and health message to these employees through publications, Announcements in the Public Interest on television, radio and mobile advertising media, feature articles in newspapers, roving exhibitions and seminars.

We have also deployed occupational health personnel to deliver health talks at organizations concerned. Moreover, we have produced a video disc and a booklet entitled "More Exercise Smart Work" for free distribution to office employees, so as to encourage them to do more exercise to relieve muscle fatigue and prevent musculoskeletal disorders.

## Annex 1

## Cases reported in 2004

<i>Economic Activity</i>	<i>2004</i>		
	<i>No. of Reported Cases<sup>(1)</sup></i>	<i>No. of Settled Cases as at 30 April 2007</i>	<i>Compensation Amount</i>
Agriculture, forestry and fishing	170	168	\$4,047,021
Mining and quarrying	2	1	\$1,854
Manufacturing	4 255	4 188	\$88,462,239
Electricity, gas and water	54	54	\$4,290,671
Construction	3 981	3 767	\$216,100,750
Catering	9 829	9 773	\$64,246,806
Wholesale, retail and import/export trades and hotels	4 462	4 405	\$53,695,691
Transport	4 307	4 211	\$108,339,902
Storage and communication	334	331	\$6,576,967
Financing, insurance, real estate and business services	5 103	4 987	\$90,599,214
Community, social and personal services	11 715	11 494	\$201,002,547
Others	2 375	2 170	\$7,396,955
Total	46 587	45 549	\$844,760,617

Note (1): The above figures include fatal cases and work injury or prescribed occupational disease cases with sick leave exceeding three days and/or with permanent loss of earning capacity reported under the ECO.

## Annex 2

## Cases reported in 2005

<i>Economic Activity</i>	<i>2005</i>		
	<i>No. of Reported Cases<sup>(1)</sup></i>	<i>No. of Settled Cases as at 30 April 2007</i>	<i>Compensation Amount</i>
Agriculture, forestry and fishing	153	146	\$1,705,619
Mining and quarrying	2	2	\$85,326
Manufacturing	4 095	3 948	\$63,432,359
Electricity, gas and water	67	64	\$3,560,561
Construction	3 710	3 197	\$157,627,042
Catering	9 388	9 237	\$52,519,378

<i>Economic Activity</i>	2005		
	<i>No. of Reported Cases<sup>(1)</sup></i>	<i>No. of Settled Cases as at 30 April 2007</i>	<i>Compensation Amount</i>
Wholesale, retail and import/export trades and hotels	4 691	4 514	\$43,790,275
Transport	4 577	4 280	\$94,649,922
Storage and communication	310	300	\$3,881,717
Financing, insurance, real estate and business services	5 329	5 051	\$79,840,746
Community, social and personal services	12 190	11 659	\$162,208,859
Others	2 966	2 684	\$1,041,794
<b>Total</b>	<b>47 478</b>	<b>45 082</b>	<b>\$664,343,598</b>

Note (1): The above figures include fatal cases and work injury or prescribed occupational disease cases with sick leave exceeding three days and/or with permanent loss of earning capacity reported under the ECO.

## Annex 3

## Cases reported in 2006

<i>Economic Activity</i>	2006		
	<i>No. of Reported Cases<sup>(1)</sup></i>	<i>No. of Settled Cases as at 30 April 2007</i>	<i>Compensation Amount</i>
Agriculture, forestry and fishing	165	133	\$1,212,715
Mining and quarrying	0	0	\$0
Manufacturing	4 302	3 680	\$46,276,011
Electricity, gas and water	43	36	\$640,309
Construction	3 585	2 473	\$74,734,657
Catering	9 753	9 041	\$43,627,007
Wholesale, retail and import/export trades and hotels	4 903	4 270	\$30,682,573
Transport	5 216	4 314	\$58,213,827
Storage and communication	349	294	\$3,319,250
Financing, insurance, real estate and business services	5 895	4 945	\$48,562,579
Community, social and personal services	13 064	10 920	\$96,046,314
Others	2 960	2 661	\$194,157
<b>Total</b>	<b>50 235</b>	<b>42 767</b>	<b>\$403,509,399</b>

Note (1): The above figures include fatal cases and work injury or prescribed occupational disease cases with sick leave exceeding three days and/or with permanent loss of earning capacity reported under the ECO.



**MR LAU KONG-WAH** (in Cantonese): *Though the Secretary is just standing in for his colleague, he has a wealth of information on the issue. The Secretary mentioned the satisfactory improvement made over the past decade in respect of work injuries and accidents at work. However, I notice from part (a) of the main reply that in the past three years, the number of accidents involving work injuries was in fact on the rise, and a rather sharp increase was recorded last year. According to Annexes 1 to 3 provided by the Secretary, I notice that the work injury cases of three sectors have been increasing every year. The first one is the wholesale, retail and import/export trades and hotels sector. The second one is the transport sector and the third one is the financing, insurance, real estate and business services sector. Accidents involving work injuries in these sectors have increased year on year. Since most of the employees of these sectors are engaged in indoor clerical work, belonging to the white-collar group, has the Secretary carried out any analysis to identify the reasons for the substantial increase in work injury cases in these sectors? Is musculoskeletal disorders, a disease on which the Secretary said that publicity has been launched, the cause of the majority of those cases? How will the Government provide assistance more effectively to the white-collar workers, office workers, of these sectors in adopting preventive measures?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I also notice an increase in work injury figures of a number of sectors, such as the wholesale and retail sector, the transport sector and the financing services sector. From a broader dimension, the number of cases in the community, social and personal services sector has also increased, particularly when the comparison is drawn between the figures in 2006 and 2004. I believe it was partly attributable to the constant increase in employees in the services sector and white-collars in Hong Kong, as well as the improving recruitment and employment situation in Hong Kong over the past few years.

I can tell Members that colleagues of the LD are very much concerned about occupational safety in different job types, both industrial and white-collar jobs in offices. Perhaps I should explain our observation in greater detail here. For instance, given the popularity of computer nowadays, many people are concerned about whether or not the frequent operation with computer keyboard will cause fatigue failure to our hands. Therefore, in recent years, we have

enacted the Occupational Safety and Health Ordinance and drawn up subsidiary legislation such as the Occupational Safety and Health Regulation and the Occupational Safety and Health (Display Screen Equipment) Regulation. All these seek to offer protection to frequent users of computer.

We are particularly concerned about certain diseases, namely tenosynovitis of hand or forearm. Office and clerical workers are prone to develop this type of disease. General cleansing workers who have to repeat the same action frequently also run a higher risk of developing the disease. However, the figure recorded in this respect is not too high. In the past three years, the total number of employees suffering from tenosynovitis of hand or forearm in Hong Kong was 43 in 2004, 75 in 2005 and 63, a slight decrease, in 2006. On the whole, in comparison with the likely occurrence of some 40 000 to 50 000 accidents causing injury or death to employees at work each year, the percentage is not very high.

Lastly, I would like to point out that we also attach great importance to the employees' awareness of occupational safety in the office. Therefore, colleagues of the LD have carried out a lot of publicity in this respect. For instance, they have prepared materials like promotional soundtracks and short videos for promotion in different companies and work units. They will also carry out inspections. My reply perhaps should end here, and I will pause for a moment.

**MS LI FUNG-YING** (in Cantonese): *According to the Annexes provided by the Secretary in his main reply, we in fact see that, in addition to the continuous increase in reported cases in individual sectors, the number of unsuccessful claims is increasing continuously. Take the community, social and personal services sector as an example. In 2004, there were some 300 cases; in 2005, there were some 500 cases; and by 2006, there were more than 2 000 cases. May I ask the Secretary whether an examination has been conducted to identify the cause, and what specific assistance will be provided to these claimants for early settlement of their claims?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, colleagues in the LD are very much concerned about these workers

and their cases. They can submit applications for compensation according to law. Overall, though the number of cases is increasing, the percentage of successful claims has not dropped. In the long term, of the some 40 000 to 50 000 cases received each year, compensation is successfully claimed in 98% of the cases. As to how colleagues of the LD will help these employees to apply for compensation, I will have to explain it in greater detail.

First, if an employee sustains injury or dies at work, or suffers from an occupational disease specified in law, the employer is obliged to notify the LD within the statutory period. For cases involving the injury of an employee, notification must be made within 14 days; for fatal cases, the LD must be notified within seven days. Upon the receipt of notification, the LD will issue a letter to the injured employee to request him to complete the sick leave clearance procedures at the LD. If the injury sustained by an employee as a result of an accident in the course of employment is likely to result in permanent partial or total incapacity, the LD will arrange for the employee to undergo an injury assessment to assess the percentage of permanent loss of earning capacity suffered by the employee.

For cases not involving any dispute, the LD will issue to the employer and the employee a Certificate of Compensation Assessment stating the amount of compensation. If both parties have no objection, the employer must pay, within 21 days, the relevant compensation, including the relevant medical expenses, to the employee. This compensation claim is thus settled. However, if both parties fail to reach an agreement, or either one of the parties oppose the result of the compensation assessment, an objection in writing must be made to the LD within 14 days. The LD will arrange for a review of the assessment result and issue a Certificate of Review of Assessment to the employer and the employee. If either party objects to the review result, the objection must be made to the District Court within six months. Then, if the case involves the liability for compensation or other major disputes, which cannot be resolved with the assistance of the LD, it will be adjudicated by the District Court. The employee concerned has to make the claim to the Court within 24 months after the occurrence of the accident.

With regard to fatal cases, subject to the consent of the family members of the deceased employees, the employer and all parties concerned to the claim, the Commissioner for Labour may determine the amount of compensation payable,

other expenses payable and persons to whom such compensation should be paid. If the persons concerned object to the determination, the Commissioner for Labour will review his decision and issue a review certificate. If all parties concerned have no objection, the compensation will be handled as per decision and the claim is then settled.

Therefore, on the whole, the LD is acting in accordance with the law. If a case cannot be dealt with satisfactorily till the final stage, it will be referred to the Court for adjudication.

**PRESIDENT** (in Cantonese): Ms LI Fung-ying, has your supplementary question not been answered?

**MS LI FUNG-YING** (in Cantonese): *No, President. Though the Secretary has given a very detailed reply, he has not answered my supplementary question. I have no intention to put him in a difficult position for he is just a stand-in. However, I hope the Secretary, or colleagues of the LD, may relay my views. Will the Secretary provide me with supplementary information in writing, explaining the low percentage of successful claims in those sectors despite the overall high percentage of successful claims? Is this .....*

**PRESIDENT** (in Cantonese): Are you referring to the community, social and personal services sector?

**MS LI FUNG-YING** (in Cantonese): *Yes. Should we not examine the cause and come up with some feasible proposals to provide specific assistance to these claimants for the early settlement of their claims?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, for the community, social and personal services sector, in the 2004, the number of successfully settled cases was 11 494, whereas the number of reported cases was 11 715. Let us look at the situation in 2006, when 10 920

cases were successfully settled and the number of cases reported was 13 064 in total. On the surface, the current percentage of successful claims has gone down, but since only one year or so has passed, the claiming procedures of certain cases may not have been completed. However, I will relay this supplementary question to the Bureau and hope that colleagues of the LD will provide a further reply in writing. (Appendix V)

**DR KWOK KA-KI** (in Cantonese): *In the main reply, the Secretary said that a lot of work had been done. But, in fact, Members can see that the number of work injury cases in the services sector, particularly in the catering industry, the wholesale and retail sector and the transport sector, has increased substantially. May I know clearly what the Government has done in the last couple of years for these three sectors (these three sectors in particular)? How much manpower has been increased? What is the difference in comparison with the past? Indeed, with the restructuring of the economy of Hong Kong, the Government must pay more attention to these issues.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, we are concerned not only about these three sectors, but also many other white-collar workers and services sectors. I can perhaps explain briefly, in general, apart from the promotion and education on occupational safety, what we have done to protect the safety and health of office workers, including employees of those sectors mentioned by Dr KWOK earlier. For instance, in 2006, the LD conducted over 116 500 inspections of workplaces. Consequent to these inspections, the LD issued more than 32 000 warnings, some 1 300 improvement notices and 189 suspension notices, and initiated more than 2 000 prosecutions.

In respect of promotional activities, to raise the awareness of office workers of occupational safety, the LD carried out many promotional activities in 2005 and 2006, raising the awareness of over 30 000 persons via the 702 seminars held on occupational health. In 2006, the LD distributed leaflets on the relevant regulations and health guidelines to some 90 000 organizations with five employees or more. During June to September this year, the LD carried out a lot of promotion work among small and medium enterprises (SMEs),

visiting 15 000 SMEs through the recruitment of volunteers. Recently, the Sedentary Workers Safety and Health Committee has been established. I believe all of these efforts are related to the several sectors mentioned by Dr KWOK earlier. If colleagues of the LD have further information related to the several sectors mentioned by Dr KWOK earlier, they may provide a reply in writing after the meeting.

**DR KWOK KA-KI** (in Cantonese): *The Secretary must provide a reply in writing, for my supplementary question was not at all related to white-collar workers. Members also know that a majority of employees of the catering industry and transport industry do not engage in white-collar work, but the Secretary's reply was on white-collar workers, which is totally irrelevant. However, I will not blame the Secretary for he is just a stand-in. I thus wish to ask the Secretary via the President for a reply in writing.*

**PRESIDENT** (in Cantonese): So, will the Secretary please provide a reply in writing.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, we will provide a reply in writing. (Appendix VI)

**PRESIDENT** (in Cantonese): Since we have already spent 23 minutes on this question, I cannot allow any more supplementary questions from Members. Oral questions end here.

## **WRITTEN ANSWERS TO QUESTIONS**

### **Vehicles Entering and Leaving Discovery Bay**

7. **MR DANIEL LAM** (in Chinese): *President, I have learnt that Discovery Bay is a place in which only specified vehicles (excluding taxis and private cars) are allowed to travel. The Commissioner for Transport has the power to issue permits to such vehicles to enter and leave the Discovery Bay Tunnel. Given the*

*rising trend in the number of traffic accidents in Discovery Bay in recent years, will the Government inform this Council of the criteria adopted by the Transport Department for issuing the above permits, and whether it has set any limit on the number of such permits; if so, of the reasons for that?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in the absence of Secretary for the Environment, Transport and Works) (in Chinese): President, previously, Discovery Bay was accessible by water-borne transport only. Since the opening of the Discovery Bay Tunnel in 2000, direct road access to Discovery Bay is possible via the Tunnel, which is privately owned and managed by the Discovery Bay Road Tunnel Company Limited (the Company).

Water-borne transport forms the backbone of the traffic and transport network in Discovery Bay, with land transport as a supplement. Instead of issuing permits, the Government restricts the use of the Tunnel by specifying in the Discovery Bay Tunnel Link Ordinance (Cap. 520) the classes or description of vehicles permitted to use the Tunnel. These permitted vehicles are listed in G.N. 3264 of 2000. They include emergency vehicles; public buses engaged in the provision of services for residents and students and the carriage of persons with disabilities; and goods vehicles engaged in the delivery of goods and services, and maintenance, repair or construction works. According to the Company, on average about 500 vehicles use the Tunnel daily.

### **Train Services of KCRC**

8. **MR ANDREW CHENG** (in Chinese): *President, regarding the train services of the Kowloon-Canton Railway Corporation (KCRC), will the Government inform this Council whether it knows:*

- (a) *as the two monthly ticket schemes, namely West Rail One-Month Pass and the East Rail One-Month Pass, will expire on 30 June 2007 and 30 September 2007 respectively, whether the KCRC has any plan to extend these two schemes, and whether the KCRC will consider implementing them on a long-term basis; if so, of the relevant details and the timetable; if not, the reasons for that;*
- (b) *the current respective maximum carrying capacity per hour of the East Rail, West Rail and Ma On Shan (MOS) Rail; and*

- (c) *whether the KCRC has plans to increase the number of train cars running on the East Rail, West Rail and MOS Rail upon the commissioning of Kowloon Southern Link, which connects the East Rail and West Rail; if so, of the details of its plan, including the resultant increase in the maximum carrying capacity per hour of each rail line?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in the absence of Secretary for the Environment, Transport and Works) (in Chinese): President,

- (a) To meet the need of different passengers, the KCRC from time to time introduces various promotional fare concessions, taking into account the Corporation's own operating situation, the economic climate and the market condition. At present, both the East Rail and West Rail offer "One Month Pass". Passengers holding an East Rail or West Rail "One Month Pass" are entitled to unlimited rides on the respective railway network and on specified feeder services during the validity period of the Pass. "One Month Pass" is one of the various promotional ticket types offered by the KCRC. The KCRC currently has no plan to convert the Pass into a regular ticket type. The promotional period of the West Rail "One Month Pass" will be extended from 30 June to 31 December 2007. The KCRC will announce in due course the arrangement for the East Rail "One Month Pass" which will expire on 30 September 2007.
- (b) The maximum carrying capacity of the East Rail, MOS Rail and West Rail is as follows:

<i>Rail</i>	<i>Number of trains per hour (single direction)</i>	<i>Carrying Capacity (single direction)</i>
East Rail	22 trains	82 500 passengers
MOS Rail	20 trains	26 800 passengers
West Rail	18 trains	42 210 passengers

- (c) According to the KCRC's estimate at this stage, the existing train arrangements of the respective railway networks would be able to



cater for the changes in patronage upon the commissioning of the Kowloon Southern Link. Trains of the East Rail, MOS Rail and West Rail networks will continue to operate in 12-car, four-car and seven-car respectively. The maximum carrying capacity of the respective network will also remain unchanged. Nevertheless, the KCRC will closely monitor the actual ridership and make adjustments to the service arrangements as appropriate.

### **Public Assessment of Adjudication Results by Adjudicators of Obscene Articles Tribunal**

9. **MR MARTIN LEE** (in Chinese): *President, I have learnt that an organization, which was formed by the Obscene Articles Tribunal (OAT) adjudicators and referred to as the "Association of Adjudicators for Obscene and Indecent Articles" by the media, had publicly expressed its views on the articles submitted to the OAT for classification, and had publicly assessed the adjudication results before the OAT made its adjudication. In this connection, will the Government inform this Council whether:*

- (a) *it has studied if the above expression of views and making of assessments by the organization may affect the fairness and justice of the judicial adjudication made by the OAT; if it has studied the issue, of the results and whether it has followed up the issue; if it has not followed up the issue, the reasons for that; if it has not studied the issue, the reasons for that; and*
- (b) *it has formulated guidelines regarding the OAT adjudicators' acts such as publicly commenting on articles submitted to the OAT for classification, or publicly assessing the adjudication results; if so, of the details of the guidelines; if not, whether it will consider formulating relevant guidelines?*

**SECRETARY FOR HOME AFFAIRS** (in the absence of Secretary for Commerce, Industry and Technology) (in Chinese): *President, the Administration has consulted the Judiciary and provides the reply as follows:*

- (a) The Association of Adjudicators for Obscene and Indecent Articles referred to by the Honourable Martin LEE has no connection with the OAT of the Judiciary.

At present, the OAT has 320 adjudicators on its Panel. The overwhelming majority of them sit three times or less in a year. The adjudicators enjoy the right and freedom of speech. However, it is important that where they comment publicly on matters before the OAT, they should exercise considerable caution. It is important that the integrity and impartiality of the OAT should not be compromised.

In the event that an OAT adjudicator has made public comments on matters before the OAT, the Judiciary's position is that the adjudicator concerned will be disqualified from sitting on the OAT in the matter in question. In this context, the appropriate test (the test) is that an adjudicator is disqualified from sitting if the circumstances are such as would lead a reasonable, fair-minded and well-informed observer to conclude that there is a real possibility that the adjudicator would be biased. Whether the adjudicator concerned will be disqualified from sitting in a similar case in the future will have to be considered by applying the test to the circumstances of the case in question.

- (b) The Judiciary will ensure that the adjudicators understand the test and that the test is applied. There are at present no guidelines regarding adjudicators' acts such as publicly commenting on matters before the OAT. Apart from ensuring that the adjudicators understand the test and that the test is applied, the Judiciary at present does not intend to promulgate such guidelines. However, the need for such guidelines will be kept under review.

## Vehicle Information

10. **MS AUDREY EU:** *President, regarding information on certain classes of vehicles, will the Government inform this Council:*

- (a) *of the respective current numbers of registered vehicles belonging to the following classes:*

Vehicle class	Number of vehicles of any permitted gross vehicle weight (PGVW)	Number of vehicles of PGVW	
		exceeding 15 but not exceeding 24 tonnes	exceeding 24 tonnes
(i) buses in the fleets of franchised bus companies			
(ii) buses other than those in (i) above			
(iii) medium goods vehicles			
(iv) heavy goods vehicles			
(v) trailers			
(vi) special purpose vehicles			

(b) of the following in respect of each class of vehicles mentioned in part (a) above:

- (i) the estimated annual vehicle distance in kilometres travelled in 2005 and 2006,
- (ii) the emission factor per kilometre for each air pollutant, and
- (iii) the annual contributions, expressed in percentages, to total vehicle emissions in 2005 and 2006?

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in the absence of Secretary for the Environment, Transport and Works): President, as of May 2007, the total numbers of registered vehicles of the following vehicle classes and the breakdown by reference to the requested PGVW are as follows:

Vehicle class	Number of vehicles of any PGVW	Number of vehicles of PGVW	
		exceeding 15 but not exceeding 24 tonnes	exceeding 24 tonnes
(i) Franchised buses	5 887	5 282	0
(ii) Non-franchised buses	7 568	1 686	0
(iii) Medium goods vehicles	42 718	31 461	0

Vehicle class	Number of vehicles of any PGVW	Number of vehicles of PGVW	
		exceeding 15 but not exceeding 24 tonnes	exceeding 24 tonnes
(iv) Heavy goods vehicles	3 429	0	3 429
(v) Trailers	20 507	90	20 376
(vi) Special purpose vehicles	1 178	194	76

The vehicle kilometres travelled for franchised buses, non-franchised buses and goods vehicles for 2005 and 2006 are estimated as follows:

Vehicle kilometres travelled (million)		
	2005	2006
Franchised buses	513	513
Non-franchised buses	333	359
Goods vehicles*	1 333	1 347

\* Including heavy goods vehicles, medium goods vehicles, trailers on tow by goods vehicles and special purpose vehicles.

Instead of adopting the emission factor approach, the Environmental Protection Department has been using a comprehensive emission model to estimate vehicle emission. It therefore does not develop emission factors for different vehicle classes. Based on the latest emission data of 2005, the annual contributions (in percentages) of franchised buses, non-franchised buses and goods vehicles to total road vehicle emission are as follows:

	Respirable suspended particulates	Nitrogen oxides	Volatile organic carbons	Carbon monoxide
Franchised buses	5%	10%	<5%	<5%
Non-franchised buses	5%	5%	<5%	<5%
Goods vehicles*	55%	55%	15%	5%

\* Including heavy goods vehicles, medium goods vehicles, trailers on tow by goods vehicles and special purpose vehicles.

### Mainland Medical Services for Hong Kong People

11. **MISS TAM HEUNG-MAN** (in Chinese): *President, some accountants who need to commute to and from the Mainland for work have told me that one of*

*their major worries about working on the Mainland is the medical services provided there. They have pointed out that quite a number of mainland medical institutions regard Hong Kong people as foreigners and collect from them huge amounts of deposits, and provide medical services only after receiving the deposits. In this connection, will the Government inform this Council:*

- (a) of the number of Hong Kong people who needed to seek help from the offices of the Government of the Hong Kong Special Administrative Region (SAR) on the Mainland in the past three years because they could not afford the deposits collected by mainland medical institutions, and how such cases were followed up; and*
- (b) whether it will request the relevant mainland authorities to consider collecting medical service deposits from Hong Kong people holding Permits for Travelling to and from Hong Kong and Macao (commonly known as "home return cards"), the Home Visit Permits for Hong Kong and Macao Residents or Hong Kong identity cards at the same level as that from mainland residents, and in case of emergency, providing Hong Kong people with medical services before collecting deposits from them?*

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

- (a) In the past three years, no Hong Kong resident sought assistance from the offices of the SAR Government in the Mainland for the reason that they could not afford the deposits requested by medical institutions in the Mainland.
- (b) We have no plans at this stage to request the mainland authorities to consider implementing the arrangement cited in the question. As we understand, how mainland medical institutions charge deposits varies from institution to institution. The health and price regulatory authorities do not impose a unified requirement. Generally speaking, mainland medical institutions charge a similar level of deposits for mainland people, Hong Kong people and expatriates, but the exact amount would be decided on a case-by-case basis.

Some insurance companies in Hong Kong offer medical card services. Cardholders are eligible to be admitted into appointed hospitals for medical treatments without paying deposits. People who need to commute to and from the Mainland for work may wish to purchase such services according to their individual needs.

### **End-of-life Services for Animals**

12. **MR JAMES TO** (in Chinese): *President, regarding end-of-life services (including cremation service) for animals and the setting up of animal cemeteries, will the Government inform this Council:*

- (a) *given that the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK) prohibits the placing of animal corpses in places such as any public place and the common parts of any building, but the placing of animal corpses in private premises is not regulated, how the Government addresses the hygiene problem arising from over-storage of animal corpses pending processing in premises where end-of-life services for animals are provided;*
- (b) *whether at present the relevant government departments are empowered to conduct inspection visits on their own initiatives to premises where end-of-life services for animals are provided; if they have such power, of the contents of the legislation concerned, and whether the inspection staff are empowered to inspect all facilities within the premises; whether the relevant departments have deployed their staff to conduct regular inspections; if they have; of the details; if not, the reasons for that;*
- (c) *given that members of the Bills Committee on Prevention of Cruelty to Animals (Amendment) Bill 2006 had requested the Administration to review the issues relating to the regulation of end-of-life services to animals, but the Administration indicated in its reply to a question raised by this Council in November last year that it considered the existing legislation adequate for controlling the air pollution problem caused by cremators, and had no plan to set up a licensing system to regulate the operation of pet cremators, whether the*

*Government is currently studying the above regulatory issues; if it is, of the progress of the study; if not, the reasons for that;*

- (d) whether it has plans to resume the provision of animal cremation service; and*
- (e) whether it is an offence under the aforesaid Regulation for private organizations to set up animal cemeteries; if not, of the application procedure, and which government department is responsible for approving such applications and monitoring the operation of such cemeteries; whether it knows the current number of animal cemeteries, and whether the Government has plans to set up animal cemeteries?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in the absence of Secretary for the Environment, Transport and Works): President,

- (a) and (b)

At present, there is no specific legislation that deals with over-storage of animal corpses in premises where end-of-life services for animals are provided. If any business that provides end-of-life service for animals causes sanitary nuisances (including hygiene problem caused by improper storage of animal corpses), the Food and Environmental Hygiene Department (FEHD) will serve a nuisance notice on the responsible person under sections 12 and 127 of the Public Health and Municipal Services Ordinance (Cap. 132), to require that person to make rectification within a specified period. If necessary, government departments may, based on the power conferred upon them by the various legislation under their control, conduct inspection visits to such premises to investigate if there are breaches of their legislation;

- (c) Under the Air Pollution Control Ordinance, the operation of a cremator (including a pet cremator) of a burning capacity exceeding 0.5 tonne per hour is a "specified process". The owner of the cremator has to apply for and obtain a "specified process" licence from the Environmental Protection Department (EPD) before he is

allowed to operate the cremator. If the emission from a pet cremator causes air pollution to the neighbourhood, the EPD can, upon verification through investigations, issue a statutory notice to its owner under the Ordinance to require him to mitigate the emission of air pollutants. Given that the existing legislation is adequate for controlling the air pollution problem caused by cremators, the Government has no plan to set up a licensing system to regulate the operation of pet cremators, nor is it currently studying the above regulatory issues;

- (d) At present, the Government does not have any plan to resume the provision of animal cremation service; and
- (e) The provisions of the Public Health and Municipal Services Ordinance (Cap. 132) governing private cemeteries are applicable only to those for disposing human remains but not animal remains. According to the legislation enforced by the FEHD, animal cemeteries are not required to be licensed. Therefore, the FEHD does not have the number of private animal cemeteries in hand. Currently, the Government does not have any plan to set up animal cemeteries.

## Oral Health

13. **DR KWOK KA-KI** (in Chinese): *President, the results of the Oral Health Survey conducted by the Department of Health (DH) in 2001 revealed that 51% of five-year-old children and 97.5% of adults whose ages were between 35 and 44 had tooth decay problem, and 59.5% of 12-year-old students were at the risk of developing gum disease. In addition, 8.6% of elderly aged above 65 who were non-institutionalized and 27.2% of those who were institutionalized were toothless. In this connection, will the Government inform this Council:*

- (a) *whether it has, after the publication of the above survey report, implemented any measures to improve the tooth decay problem of students and adults, as well as the situation of the elderly losing their teeth; if it has, of the amount of resources allocated and the number of people benefited; if not, the reasons for that;*



- (b) *whether it will conduct the oral health survey again to assess the health conditions of Hong Kong people's teeth;*
- (c) *whether it will include oral health in the scope of the study of health care reform and grant subsidies to adults, especially the elderly, for comprehensive dental treatment, for example, following the Education Voucher System and issuing dental care vouchers; and*
- (d) *whether it had, in each of the past five financial years, allocated additional resources to the School Dental Care Service and government dental clinics to enhance student dental care service and increase the number of consultation slots in such clinics for patients who are not civil servants; if it had, of the amounts of relevant provision and additional provision, as well as the increase in the number of consultation slots for patients in each year; if not, the reasons for that?*

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

President, the Government conducts a territory-wide Oral Health Survey every 10 years to ascertain and monitor the oral health status and related behaviour of the population. The survey carried out in 2001 revealed that the oral health status of the population had been improving and was comparable to that of many developed countries. In addition, the Decayed, Missing, or Filled Teeth (DMFT) Index of 12-year-old children compared favourably with that of some developed countries, such as the United States, Canada and Japan.

- (a) The Oral Health Education Unit (OHEU) of the DH has all along been concerned about the oral health of the population and has strengthened its territory-wide and age-specific oral health promotion activities. As for its territory-wide promotion efforts, the OHEU developed some 95 new items of educational materials for oral health education last year. Its programmes and activities drew over 125 000 participants.

An annual "Love Teeth" Campaign has been launched by the DH with the objective of facilitating the development of a correct tooth cleaning concept among the public and teaching them the proper

tooth cleaning techniques. Apart from this, the DH updates the webpage of the OHEU from time to time, and has put in place a 24-hour interactive Oral Health Education Hotline, through which the public can have ready access to oral health information.

A summary of promotion initiatives designed to meet the needs of different age groups is given below. To enhance the knowledge of pre-school children about oral health, the OHEU has been promoting the "Love Teeth with Your Kids" programme for seven consecutive years. Each year, the programme provides oral health education for over 100 000 children in kindergartens and pre-school centres, which amount to 80% of the total number of pre-school children in the territory. On top of this, the OHEU has also strengthened its outreach health education service by arranging an "Oral Health Promotion Bus" to visit primary schools across the territory to promote oral health. In order to ensure that school children will continue to take care of their oral health after they have moved on to secondary schools, the OHEU has developed a "Teens Teeth" oral health promotion programme for secondary school students. Participants are trained to organize various activities to promote oral health to their schoolmates and to teach Secondary One students the correct tooth cleaning techniques. In addition, under the "Patron Angel of Oral Health Programme" launched by the OHEU in collaboration with the private sector and welfare organizations since 2006, training has been provided to working adults and elder volunteers of these welfare organizations for promoting oral health education among their peers.

The expenditures arising from the above activities are covered under the vote for oral health education of the DH and a breakdown is not available. The allocation of this vote for 2007-2008 is \$21 million.

- (b) The territory-wide Oral Health Survey conducted by the DH every 10 years aims to get a general picture of the oral health status and related behaviour of the population. With the last one conducted in 2001, the next territory-wide Oral Health Survey is scheduled to be conducted in 2011. This policy is similar to that of other developed countries.

- (c) Following public consultations on the recommendations for the future service delivery model of our health care system by the Health and Medical Development Advisory Committee (HMDAC) in 2005, we are now in the process of examining detailed proposals for individual health care service reforms and health care financing arrangements. We plan to release a document for public consultation later this year. At this juncture, we will first deal with primary health care issues, rationalize the imbalance between the public and private sectors, and explore long-term health care financing arrangements. As for other services, such as public dental service, we will consider our working priorities in the long run having regard to the views of the public.
- (d) The Government's policy on dental services is to improve oral health and prevent dental diseases through promotion and education, thereby raising public awareness of oral health, and facilitating the development of proper oral health habits. As our service policy is oriented towards prevention, and most of the general public usually seek dental services in the private sector, we do not have any plan to expand the public dental services in Hong Kong for the time being. For this reason, the DH has not allocated additional resources to the provision of extra School Dental Care Service and public dental services for the past five financial years.

### **Publishing Messages on Internet**

14. **MR SIN CHUNG-KAI** (in Chinese): *President, Internet platforms for members of the public to express their views have become very popular in the past few years. I have recently received complaints from some members of the public that defamatory remarks had been made against them. Moreover, a member of the public has been convicted recently of publishing on the Internet hyperlinks linking to websites containing obscene photographs. In this connection, will the Government inform this Council whether:*

- (a) *it has assessed the public's recognition of the liabilities arising from publishing messages on the Internet; if it has, of the assessment results; if not, the reasons for that;*

- (b) *efforts are being made to enhance the public's recognition of the applicability of existing laws to the Internet; if so, of the details of such efforts; if not, the reasons for that; and*
- (c) *it will launch publicity and public education campaigns, such as setting up additional thematic websites and including relevant topics in school curricula, so as to explain to the public and students the applicability of existing laws to the Internet; if it will, of the details and timetables of such campaigns; if not, the reasons for that?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in the absence of Secretary for Commerce, Industry and Technology): President, regarding the question raised by the Honourable SIN Chung-kai, my reply is as follows:

- (a) The Government has not done any specific assessment on the public's recognition on their legal liabilities when publishing information on the Internet. However, in promoting the public awareness of technology crime through the media and other platform, we have included the message that legislation in Hong Kong generally applies equally to the physical and "cyber" worlds. This message is also included in the one-stop information security portal (< [www.infosec.gov.hk](http://www.infosec.gov.hk) >) which contains dedicated sections on "Computer Related Crime" and "Related Ordinance". These provide useful references for the public in applying the existing legislation on the web platform.
- (b) The Government has been raising the public's recognition of the applicability of existing laws to the Internet through a large number of community events, forums and publicity channels, and the information security portal. Various government bureaux and departments have arranged promotional and educational programmes within their respective portfolios, for example:
  - (i) The Office of the Government Chief Information Officer (OGCIO) maintains the one-stop information security portal (< [www.infosec.gov.hk](http://www.infosec.gov.hk) >) to facilitate enterprises and the general public to obtain various resources on information security. The OGCIO has produced an Announcement in

the Public Interest (API), television (TV) and radio programme on the proper use of Internet as well as computer crimes; and also collaborated with industry players and professional organizations to organize free seminars/conferences for raising the public awareness on cyber crime. It is also considering to enhance the information security portal to include advice on generally acceptable usage of the Internet platform for communication and information dissemination.

- (ii) The Hong Kong Police Force website (< [www.police.gov.hk](http://www.police.gov.hk) >) contains information to educate the public on preventing technology crime. The Hong Kong Police Force has also implemented the Technology Crime Prevention Strategy to promote information technology security and cyber ethics among youths and students, under which talks on technology crime are delivered at schools, universities, and vocational training institutes. Public briefing sessions on technology crime are also conducted for different sectors of the community.
  - (iii) The Intellectual Property Department (IPD), in collaboration with the Customs and Excise Department and major stakeholder groups, launched in May 2006 a series of publicity activities to promote respect for intellectual property rights (IPR) for information publishing in the digital environment including the Internet. The publicity activities included TV and radio APIs, the organization of radio partnership programmes with various radio stations, educational TV programme targeting Internet piracy, and the launching of the "I Pledge & Youth Ambassador Against Internet Piracy" Scheme to solicit the support of 11 local youth uniformed groups (with around 200 000 members) in the protection of IPR.
- (c) Bureaux and departments will continue with their publicity and public education campaigns to comply with the law in their activities conducted on the Internet. For example:

- (i) The Education and Manpower Bureau established a committee in collaboration with a number of government departments and community organizations in October 2002 to promote computer and cyber ethics. The committee has set up a "Cyber Ethics for Students and Youth" website (<[http://cesy.qed.hkedcity.net/index\\_main.php](http://cesy.qed.hkedcity.net/index_main.php)>), provided advice and guidelines on the proper use of computers and Internet to schools, parents and students, and designed and produced relevant teaching resources for teachers. Topics on cyber ethics have been incorporated into the existing computer studies-related curricula and the new senior secondary Information and Communication Technology (ICT) curriculum to guide students to use ICT responsibly, ethically, and legally.
- (ii) The Police Force has been disseminating messages on technology crime prevention and related issues through the television programme "Police Report". In addition, it has co-operated with a private company to form a cadre of Junior Police Call Information Technology Security Ambassadors to specifically disseminate technology crime prevention messages to their peers and schoolmates.
- (iii) The IPD has launched a series of primary and secondary school visits programme with the aim of promoting respect for IPR in the younger generation. In 2006, this programme covered 71 schools and 27 483 students. The message of respect for IPR in the digital environment has also been disseminated in the above programme and in the IP Tutor Programme organized for schools from March to May 2007. To promote awareness of intellectual property protection among students and young people, the IPD, in collaboration with the right-holders in the publishing industry organized an e-Card design competition in primary and secondary schools from March to April 2007. The theme was "Promotion of the respect for copyright". A large-scale publicity event together with the prize presentation ceremony will be scheduled for 7 July 2007.

**Hong Kong Animal Management Centre**

15. **MISS CHOY SO-YUK** (in Chinese): *President, it has been reported that a number of animal protection organizations accuse the animal management centres (including the Hong Kong Animal Management Centre, formerly known as the Victoria Road Government Kennels) under the Agriculture, Fisheries and Conservation Department (AFCD) of being unhygienic, negligent and inhumane in treating animals, resulting in animals in the centres being vulnerable to injuries, illnesses and even death. In this connection, will the Government inform this Council:*

- (a) *of the respective maximum capacity of animal accommodation for various management centres and the respective current numbers of animals accommodated therein;*
- (b) *of the number of organizations received, other than those visits for adoption purposes, by various management centres for inspecting their facilities last year;*
- (c) *whether it will enhance the transparency of the management centres, such as streamlining the application procedure for visits by organizations, or making such centres open for visit by the public at any time; if it will, of the details; if not, the reasons for that;*
- (d) *how it ensures that front-line staff will closely follow the established procedures so that animals in the management centres will be looked after properly; and*
- (e) *of the number of public complaints received by the AFCD last year about the staff of management centres not treating the animals well, details of such complaints and the follow-up actions taken; of the number of staff being penalized in established cases, and details of the penalties imposed?*

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

- (a) The four Animal Management Centres (the Centres) under the management of the AFCD can take in about 440 dogs and 220 cats

in total. The AFCD also accommodates other kinds of animals by converting existing facilities according to individual cases. As at mid-May 2007, the Centres have taken in 253 dogs, 130 cats and 244 other kinds of animals.

- (b) The AFCD Centres are in fact animal quarantine and inspection centres. To reduce the risk of spreading epidemic diseases, the Centres are not open for visits by either groups or individuals. That said, to facilitate animal welfare agencies arranging adoptions, the AFCD still grants special permission to animal welfare agencies with prior appointments to visit the Centres for selection of suitable animals.
- (c) Although the Centres are not open for visits by groups or individuals, the AFCD still welcome suggestions from the public on direction of the Centres' work. Moreover, we have established an Animal Welfare Advisory Group to advise the Director of Agriculture, Fisheries and Conservation on matters relating to animal welfare. The Animal Welfare Advisory Group already includes members from major animal welfare groups.
- (d) The AFCD staff act in accordance with internal guidelines in providing sufficient and appropriate food and water to all animals in the Centres. The animals are also cleaned with care every day. Each of the Centre is managed by registered veterinary officers and senior field officers. The veterinary officers examine the health of animals, and where necessary, give appropriate treatment as soon as practicable. Senior field officers conduct surprise inspections to check whether front-line staff follow procedures in taking proper care of animals in the Centres. Most of the Centres are provided with closed circuit television systems. The AFCD is considering requiring staff at the Centres to keep more detailed records about conditions of animals at the Centres.
- (e) In 2006, the AFCD received a total of six written or telephone complaints from the public against treatment of animals by the Centre's staff. The complaints concerned the ways the AFCD staff



handled captured stray cows and dogs. The management of AFCD conducted in-depth investigation into each case. Since the outcome of the investigations showed that the complaints were not yet substantiated by sufficient evidence, the AFCD did not discipline any staff because of these complaints.

### **Cycling Tracks in Tin Shui Wai**

16. **MR ALBERT CHAN** (in Chinese): *President, in recent years, I have incessantly received quite a number of complaints from residents in Tin Shui Wai that the cycling tracks in the district are not connected, and as some of them adjoin the exits of bus termini and pavements, cyclists may be endangered when buses enter and leave the termini, and cyclists are also forced to ride on the pavements, resulting in their violation of the law. In this connection, will the Government inform this Council:*

- (a) *in each of the past three years, of the number of complaints received by the Government about the cycling tracks in Tin Shui Wai not being connected and the number of prosecutions instituted for illegal cycling in the district, as well as the details of the offences involved; and*
- (b) *whether it will consider expediting the connection of the cycling tracks in Tin Shui Wai, so that the residents there can ride bicycles more safely, instead of walking; if so, of the details; if not, the reasons for that?*

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

- (a) According to the information provided from the Environment, Transport and Works Bureau and Home Affairs Department, the number of complaints received in the past three years about the

cycling tracks in Tin Shui Wai not being connected is set out in the table below:

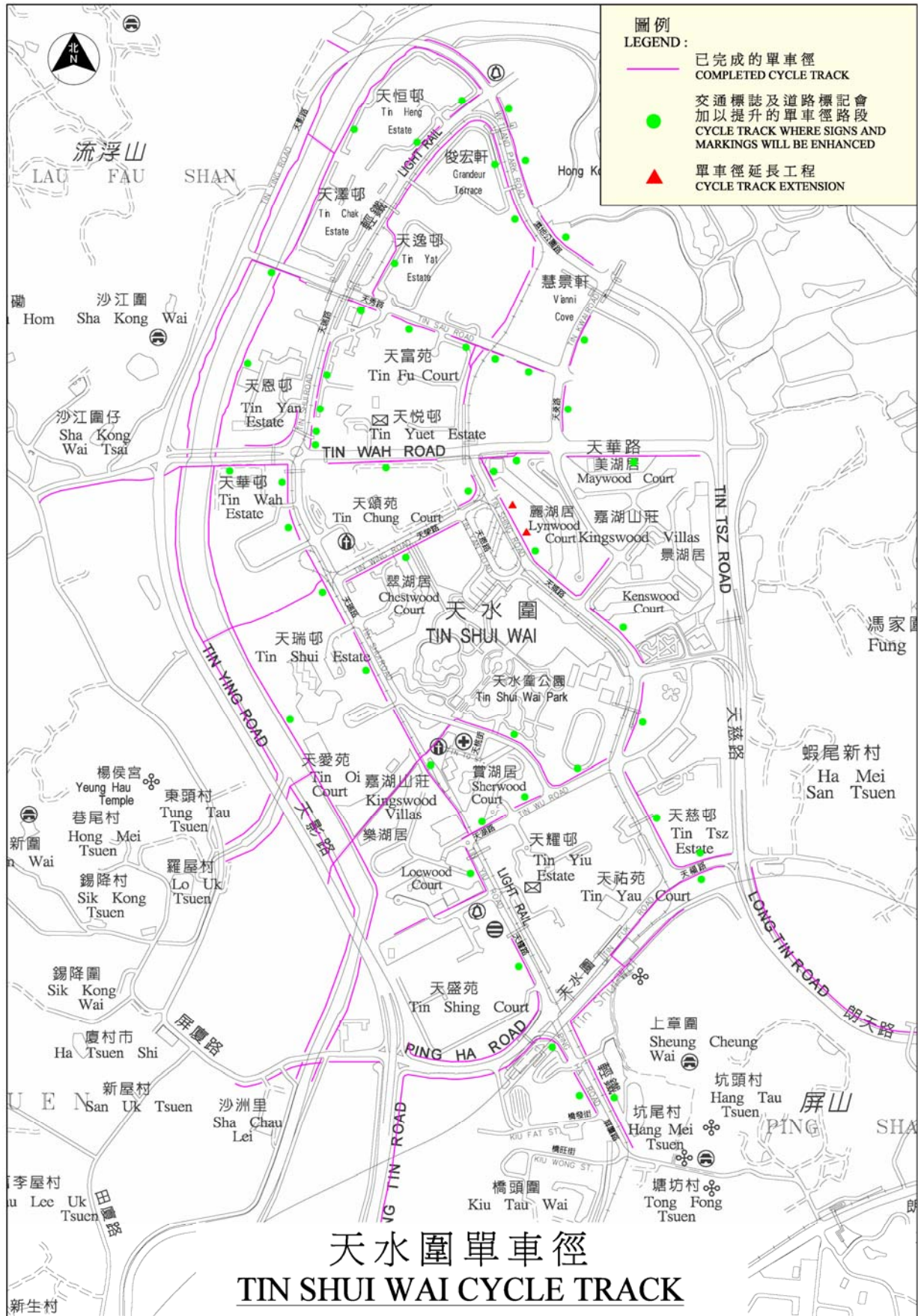
	2004	2005	2006
Cycling tracks not being connected	1	3	0

The police does not have the breakdowns of the statistics on prosecution figures for cycling offences in Tin Shui Wai. For reference, the number of prosecutions against cycling offences and the main offences in Yuen Long District (including Tin Shui Wai) in the past three years are as follows:

<i>Number of Prosecutions Against Cycling Offences</i>			
<i>Offence</i>	2004	2005	2006
Cycling on pavement	960	698	778
Careless cycling	31	11	12
Carrying passengers	19	6	9
Failing to show the required lights	7	1	2
Others	39	8	6
Total	1 056	724	807

- (b) Having examined the cycling tracks in Tin Shui Wai thoroughly, the Transport Department (TD) has found that certain sections of the cycling tracks in Tin Shui Wai are not connected as they are located at the entrance/exit of bus termini or the areas in the vicinity are occupied by other transport facilities such as Light Rail, footbridges, and so on. Given the physical constraints, it is not feasible to connect these sections of the cycle tracks at the moment.

To improve the situation, the TD has planned to extend the cycle track on the eastern side of Tin Shing Road near Tin Wing Road and to enhance the traffic signs, markings and facilities for 20 sections of cycle track in the district (see attached plan). The works is scheduled for completion by end of this year.



**Crimes in Public Car Parks**

17. **MR LAU KONG-WAH** (in Chinese): *President, regarding crimes committed in public car parks, will the Government inform this Council:*

- (a) *of the respective numbers of crimes committed in the past two years in the public car parks managed by private operators and in those managed by government departments, together with a breakdown by the types of crimes, and among the public car parks managed by government departments, of the three with the highest crime figures;*
- (b) *of the detection rate of crimes committed in public car parks over the past two years;*
- (c) *whether it has assessed the effectiveness of installing closed-circuit television (CCTV) systems at public car parks in combating crimes; and*
- (d) *whether the authorities have examined if crimes in public car parks are more often committed late at night or in the early hours of the morning, and whether more police officers will be deployed to patrol public car parks during those hours?*

**SECRETARY FOR SECURITY** (in Chinese): President,

- (a) and (b)

The crime figures and the detection rates for crimes that occurred in car parks in the past two years, as well as information on the categories of offences, are set out at the Annex. The Administration has not maintained statistics on crime situations separately in respect of car parks managed by private entities and government departments, nor by individual carparks.

- (c) According to the police's experience, the deployment of CCTV cameras in different places (including car parks) has some deterrent effect on criminals. In practice, as security staff cannot focus on the images on television screens for an extended period of time, CCTV systems should be used in conjunction with recording

systems so that the information may be accessed after the occurrence of crimes to assist in investigations. It must however be emphasized that many other objective circumstances, such as guard patrols and the ease of escape by the culprits, are also relevant factors affecting whether the occurrence of crimes could be deterred. Hence, the installation of CCTVs is only one of the basic measures recommended by the police to carpark operators. To combat crimes effectively, they have to be used in conjunction with other measures.

- (d) The security of car parks is primarily the responsibility of their operators. Nevertheless, depending on the crime trends, the police often deploy officers to car parks to carry out duties such as patrolling to assist in the prevention of car park crimes. Statistically, in the past two years, relatively more car park crimes took place from 8.00 am to 4.00 pm. This is certainly one factor that the police will consider in the deployment of duties. Besides, uniformed officers patrol car parks at night in particular, with a view to strengthening the alertness among carpark staff to the possibility of car park crimes.

## Annex

Statistics on Crimes Occurring in Carparks in 2005 and 2006

Types of offences	Open space carpark <sup>Note</sup>				Residential multi-storey carpark				Non-residential multi-storey carpark				Total			
	2005		2006		2005		2006		2005		2006		2005		2006	
	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate	No. of cases	Detection rate
Theft from vehicle	419	10.0%	498	6.4%	552	6.0%	721	7.8%	282	8.2%	258	4.3%	1 253	7.8%	1 477	6.7%
Taking conveyance without authority	284	4.6%	353	4.5%	162	3.7%	169	9.5%	65	10.8%	46	8.7%	511	5.1%	568	6.3%
Tampering with vehicle	6	66.7%	6	50.0%	6	33.3%	6	50.0%	2	50.0%	1	100.0%	14	50.0%	13	53.8%
Total	709	8.3%	857	6.0%	720	5.7%	896	8.4%	349	8.9%	305	5.2%	1 778	7.4%	2 058	6.9%

Note: exclude street-side car parking space.

**Red Fire Ants**

18. **MR CHEUNG HOK-MING** (in Chinese): *President, it has been reported that mounds of red fire ants were recently found near the Hong Kong Wetland Park. In this connection, will the Government inform this Council:*

- (a) *of the distance between the above location(s) where the mounds of red fire ants were found and the Hong Kong Wetland Park area; whether it has assessed the chance of the Wetland Park being infested with red fire ants and has taken measures to prevent their infestation; and*
- (b) *whether it has traced the source(s) of the red fire ants found in the above location(s); if so, how it will follow up the matter; if not, the reasons for that?*

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

- (a) The red fire ant mounds found near the Hong Kong Wetland Park in Tin Shui Wai were located on Government land sites (Area 112 and Area 115) to the west and south of the park, which were about several dozen metres to a hundred metres or so from the border of the park; and in the roadside planter at Wetland Park Road about 250 m to 800 m from the main entrance of the park (obliquely opposite to Gianni Cove). Upon discovery of the presence of red fire ant mounds on Government land, the Yuen Long District Lands Office has taken prompt actions to eradicate the ants. Inspections on the sites will continue. As there are drains and maintenance lanes separating the Government land sites and the Wetland Park, spread of red fire ants into the park has not been observed. The Wetland Park has stepped up its inspection efforts and will take prompt actions to eradicate the red fire ants once they are found.

Besides, the Food and Environmental Hygiene Department (FEHD) has also eradicated the five red fire ant mounds found in the planter mentioned above. No red fire ants have been found there ever

since. The FEHD will continue to conduct inspections on venues and premises under its purview and participate in the control and prevention of red fire ants.

All government departments concerned will fully co-operate to solve the problem of red fire ant infestation. In addition to the ongoing inspection of venues and premises under their purview and participation in the control and prevention work, the departments will also conduct follow-up inspections to those locations where red fire ant mounds have been found before. Ant mounds will be eliminated as soon as possible once they are detected.

- (b) As the red fire ant mounds found in the planter near Wetland Park Road were just about 150 mm in diameter and 100 mm in height, they were estimated to be newly formed ones, all of which have been destroyed already. The work to eliminate red fire ants on Government land sites (Area 112 and Area 115) has also been completed. The source of infestation cannot be ascertained.

A series of measures have been taken for the effective control of red fire ant infestation. These include an inter-departmental action group being set up to co-ordinate the control work undertaken by government departments after red fire ants were first detected in 2005. Full co-operation from the government departments has been sought to inspect the venues and premises under their respective purview and take part in the control and prevention work. They will also conduct follow-up inspections to those locations where red fire ant mounds have been found before, and eliminating them once they are found. In addition, they will submit a quarterly report on the control and prevention of red fire ants to the Agriculture, Fisheries and Conservation Department (AFCD).

As red fire ants are occasionally found in Hong Kong, the AFCD will organize talks on the proper eradication methods of ants in infested areas and, where necessary, offer technical advice on control and prevention. In addition, the Government continues to strengthen public education to keep the public alert and solicit their help in monitoring the presence of red fire ants.

### Child Assessment Service

19. **MR LI KWOK-YING** (in Chinese): *President, will the Government inform this Council:*

- (a) *in each of the past three years, of the number of children who received the Child Assessment Service provided by the Government, and among them, the number of those who were assessed as having development disorder, broken down by their developmental problems;*
- (b) *of the average waiting time for new registrations at the Child Assessment Centres, the Centres' staff establishment, and the number of children they can assess each year; and*
- (c) *given that referral by a registered doctor or psychologist is required for receiving assessment services at the above Centres, of the current mechanism to assist parents in understanding childhood developmental problems, so that they can make early arrangements for their children with such needs to receive appropriate assessment and rehabilitation services, and whether the Government will provide initial assessment services in this respect at the Maternal and Child Health Centres (MCHCs) for children below the age of 12?*

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

- (a) In the past three years, the numbers of new cases diagnosed by the Child Assessment Service and the Student Health Service of the Department of Health (DH) by types of developmental problems are shown below<sup>1</sup>:

<i>Year</i>	2004	2005	2006
<i>Developmental Problems</i>			
Developmental Delay	927	886	994
Mental Retardation	456	501	454



<i>Year</i>	2004	2005	2006
<i>Developmental Problems</i>			
Language and Speech Developmental Disorder/Developmental Delay	1 584	1 651	1 906
Autistic Spectrum Disorder	462	473	541
Specific Learning Difficulties	733	839	1 147
Attention Deficit/Hyperactivity Disorder	565	649	949
Hearing Impairment <sup>2</sup>	31	31	18
Visual Impairment <sup>2</sup>	22	21	15
Cerebral Palsy <sup>2</sup>	32	35	41
Developmental Co-ordination Disorder	747	810	962

<sup>1</sup> A child may be diagnosed as suffering from more than one developmental problem.

<sup>2</sup> Only cases handled by the Child Assessment Service are included.

The Child Assessment Centre of the Duchess of Kent Children's Hospital under the Hospital Authority (HA) also provides assessment service. In addition, therapeutic and rehabilitative services are provided. While a breakdown of the numbers of its new cases in the past three years is not readily available, the Centre is able to furnish the total number of cases it is currently handling as follows:

<i>Developmental Problems</i>	<i>Number (Roundup Figures)</i>
Developmental Delay	800
Mental Retardation	400
Language and Speech Developmental Disorder/Developmental Delay	550
Autistic Spectrum Disorder	500
Specific Learning Difficulties	400
Attention Deficit/Hyperactivity Disorder	100
Hearing Impairment	100
Visual Impairment	200
Cerebral Palsy	400
Developmental Co-ordination Disorder	50
Epilepsy	500
Neuro-muscular Disease	200
Neurometabolic Disease	40

- (b) At present, the Child Assessment Service of the DH can provide assessment and other related services for 16 000 children each year on average. The number of new cases in each of the past three years is over 6 000 on average.

In respect of waiting time for new cases, the Child Assessment Service of the DH pledges that appointment for new cases will be provided within three weeks, and assessment of each new case will be completed within six months. It has been able to fulfil the performance pledge in over 90% of its new cases. The Child Assessment Service of the DH is staffed by 86 medical and health personnel. As for the Student Health Service, the assessment programme is staffed by five clinical psychologists, and the waiting time for assessment ranges from 16 weeks to seven months. In the past three years, the Student Health Service assessed 1 300 school children each year on average.

In addition, 10 staff members of the Child Assessment Centre of the HA are responsible for conducting assessment of children. (Some of the staff have to handle other clinical work). The Centre handles about 3 600 attendances relating to new cases each year. Triage measures are adopted in the Centre according to the needs of the cases. The shortest waiting time for new cases is less than two weeks, and the average waiting time is six months.

- (c) At present, the public can have access to the preliminary assessment provided by the MCHCs and the Student Health Service without referrals. Children identified with health problems will be referred to the Child Assessment Service or specialist clinics for thorough assessments and follow-ups. To raise public awareness of the special needs of children with developmental problems, a wide array of public education programmes are organized under the DH's Child Assessment Service, including publishing articles in newspapers, participation in related media productions, organizing talks for parents, pre-primary institutions and related community and rehabilitation institutions, as well as production and distribution of publications related to childhood developmental problems. The DH's Family Health Service has provided pre-school teachers of individual districts with training in phases on pre-school children's

developmental problems. Assistance has also been made available to the pre-school teachers in timely identification of children with developmental and behavioural problems. A systematic referral mechanism is in place through which children with such problems can be referred to the MCHCs for preliminary assessment.

On assessment, the Family Health Service under the DH provides an Integrated Child Health and Development Programme for babies and young children from birth to the age of five in its MCHCs across the territory. The Developmental Surveillance Scheme under the programme offers parents a wide range of information about children's development. Such information help parents acquire a clear picture of their children's development at various stages and the circumstances which require parents' special attention, and enable them to monitor the growth and development of their children in collaboration with the medical staff more effectively. Besides, interviews with the parents and children will be arranged by the MCHCs in the six specific ages of the children, that is, at two, four, six, 12 and 18 months and four years of age. Their children's development in various areas, such as their gross and fine motor, language and communication, social behaviour and play, self-care, vision and hearing, is monitored. A more comprehensive preliminary developmental assessment will also be conducted on a need basis, or the case will be referred to the Child Assessment Service of the DH or other specialists for further follow-ups as appropriate.

In addition, arrangements will be made each year for student participants of the DH's Student Health Service to receive a series of health services in the student health service centres. These include physical examination, health screening, individual counselling and health education.

### **Grants for Part-time Self-financing Bachelor's Degree Programmes**

20. **MS EMILY LAU** (in Chinese): *President, at present, persons taking the part-time self-financing bachelor's degree programmes run by publicly-funded tertiary institutions are ineligible to apply for grants or loans under the Financial*

*Assistance Schemes for Post-secondary Students (FASPs). They may only apply to the Continuing Education Fund (CEF) for reimbursement of 80% of the tuition fees for the courses concerned, subject to a ceiling of \$10,000. In this connection, will the executive authorities inform this Council:*

- (a) whether they will raise the ceiling for reimbursing tuition fees to persons taking the aforesaid courses; if not, of the reasons for that; and*
- (b) whether they will allow these persons to apply for grants or loans under the FASPs; if so, of the details; if not, the reasons for that?*

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

- (a) The Government set up a \$5 billion CEF in 2002 to encourage citizens to pursue continuing education. As at 30 April 2007, over 330 000 applications have been approved, with about \$1,400 million disbursed and another \$1,300 million committed for future disbursement to applicants upon their successful completion of CEF courses. As resources are limited and in order to benefit more people, the reimbursement ceiling for each applicant under the CEF is set at \$10,000 or 80% of the course fees, whichever is the less. The Administration has recently reviewed the scope and operation of the CEF and proposed a number of improvement measures. As the outcome of the review indicates that the existing reimbursement ceiling of \$10,000 is considered to be appropriate generally, we have no plan to revise the ceiling upwards at this stage.
- (b) The FASP applies to students aged 25 or below who have not obtained any qualification at the sub-degree or above level and are pursuing full-time, locally accredited, self-financing post-secondary education programmes. As regards students undertaking part-time self-financing degree programmes run by publicly-funded post-secondary institutions or other recognized institutions, they may apply for non-means-tested loans administered by the Student Financial Assistance Agency for paying tuition fees. In addition, students undertaking part-time self-financing degree programmes

registered under the CEF may, in addition to receiving CEF subsidies, also apply for non-means-tested loans for advance payment of tuition fees. We believe that the availability of CEF subsidy and loans will help ensure that individual learners will not be deprived of learning opportunities due to financial difficulties.

## **MEMBERS' BILLS**

### **First Reading of Members' Bills**

**PRESIDENT** (in Cantonese): Members' Bill: First Reading.

### **THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007**

**CLERK** (in Cantonese): The English Schools Foundation (Amendment) Bill 2007.

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

### **Second Reading of Members' Bills**

**PRESIDENT** (in Cantonese): Members' Bill: Second Reading.

### **THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007**

**MR ABRAHAM SHEK:** Madam President, I move the Second Reading of the English Schools Foundation (Amendment) Bill 2007 (the Bill).

The English Schools Foundation was established under the English Schools Foundation Ordinance (the Ordinance) in 1967. Its mandate under the Ordinance is to own, manage, administer and operate within Hong Kong schools offering, without regard to race or religion, a modern liberal education through the medium of English language to boys and girls who are able to benefit from such an education.

The Foundation presently operates some 20 schools and kindergartens in Hong Kong, of which three kindergartens and one private independent school are operated in the name of the Foundation's associate company, the ESF Educational Services Limited.

The schools operated directly by the Foundation (other than one primary school) receive a subvention from the Government. The amount of this subvention has been frozen since the year 2000. Schools and kindergartens operated in the name of the ESF Educational Services Limited receive no government subsidy.

In the 60 years since its inception, there has been no comprehensive review of the Foundation's governance. During that time, the increase in the number of schools has had an adverse effect on the effectiveness of the Foundation's operation and management. Present regulations under the Ordinance provide for each school to have a certain number of parent and teacher members of the Foundation, in addition to other categories of members. Under this arrangement, the number of Foundation members currently stands at 133, an unwieldy number for an organization of this kind.

Madam President, in 2004, the Director of Audit, on the initiative of the Foundation's Executive Committee, carried out a value-for-money audit of the Foundation. That audit was the subject of scrutiny by the Public Accounts Committee (PAC) of this Council, of which I was a member and is still a member. The reports of the Director of Audit and the PAC carried a number of recommendations regarding the governance of the Foundation and the administration of the Foundation's schools.

The present Bill, in conjunction with the regulations to be made under the Ordinance, seeks to update the governance of the Foundation and the administration of its schools, having regard to the recommendations contained in the two reports. Regard has also been made to the present-day concepts of good governance and accountability.

In relation to the governance of the Foundation, the measures proposed by the Bill include the following:

- The governance of the Foundation will be the responsibility of a Board of Governors comprising 26 voting members. Only three of

these voting members will be employees of the Foundation, the rest will be external members.

- Of the 22 external members of the Board of Governors, 10 will be independent community representatives nominated by a Nominating Committee, itself comprising members who are external to the Foundation. The members of the Nominating Committee will include persons nominated by the Hong Kong General Chamber of Commerce, the British Chamber of Commerce in Hong Kong and one of Hong Kong's higher education institutions.
- Meetings of the Board will require a quorum of one third of its members (a majority of whom shall be external members) plus the Chief Executive Officer or his/her representative.
- Advisory Committees will be established to advise the Chief Executive Officer on matters affecting the interests of different interest groups within the Foundation.
- All issues of remuneration and benefits for the staff of the Foundation will be considered by an independent committee whose members will not include employees of the Foundation.
- There will be an Audit Committee to advise the Board.
- The members of the Board of Governors will come from members of the Foundation as detailed in clause 8 (section 6) of the Bill.

In relation to the administration of schools, the measures proposed by the Bill include the following:

- The School Councils will continue with a membership very similar to their current membership, but with more clearly defined functions.
- The role of the alumni of the schools of the Foundation will be strengthened by a requirement that one member of the Board of Governors shall be an alumnus of a school of the Foundation. In addition, School Councils will be encouraged to recommend alumni

for appointment by the Board as community representatives, or to invite them to attend meetings of the School Council.

- School Councils will be able to establish subcommittees.
- School Councils will be required to meet at least three times per year. In addition, the members of a School Council will have the power to request the Chairman to call a meeting.

As part of the updating and streamlining of the Foundation's operations, the powers of the Foundation under the Ordinance will be expanded to allow the Foundation to operate schools outside Hong Kong and to provide educational services generally as a means of raising revenue.

Finally, the Bill amends the Ordinance so as to allow the Foundation to formalize the present arrangements whereby it operates schools through its associate company, the ESF Educational Services Limited.

As Members will no doubt be aware, a draft of the Bill was considered by the Panel on Education of this Council at its meeting on 22 March 2007.

With these remarks, Madam President, I move the Second Reading of the Bill.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: The English Schools Foundation (Amendment) Bill 2007 be read the Second time.

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

## **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for



amending the five items of subsidiary legislation relating to the Shenzhen Bay Port Hong Kong Port Area, which were tabled in Council on 9 May 2007.

I now call upon Mr LAU Kong-wah to speak and move his motion.

**PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

**MR LAU KONG-WAH** (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee, I move that the motion under my name as set out on the Agenda be passed.

At the House Committee meeting on 11 May 2007, Members formed a Subcommittee to study the five items of subsidiary legislation relating to the Shenzhen Bay Port Hong Kong Port Area, which were tabled in this Council on 9 May 2007. To give the Subcommittee sufficient time to scrutinize the subsidiary legislation, it is necessary to extend the scrutiny period of the five items of subsidiary legislation to the Legislative Council meeting on 27 June 2007.

Madam President, I urge Members to support the motion.

**Mr LAU Kong-wah moved the following motion:**

"RESOLVED that in relation to the —

- (a) Road Traffic (Amendment: Extension of Permitted Area for New Territories Taxis to Shenzhen Bay Port Hong Kong Port Area) Regulation 2007, published in the Gazette as Legal Notice No. 68 of 2007;
- (b) Closed Area (Hong Kong Section of the Shenzhen Bay Bridge and Deep Bay Link Portion) Order, published in the Gazette as Legal Notice No. 69 of 2007;
- (c) Immigration (Places of Detention) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007, published in the Gazette as Legal Notice No. 72 of 2007;

- (d) Immigration Service (Designated Places) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007, published in the Gazette as Legal Notice No. 73 of 2007; and
- (e) Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice, published in the Gazette as Legal Notice No. 75 of 2007,

and laid on the table of the Legislative Council on 9 May 2007, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 27 June 2007."

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

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAU Kong-wah be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by

functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

**PRESIDENT** (in Cantonese): Two motions with no legislative effect. First motion: Fostering the development of the tourism industry.

I now call upon Mr Jeffrey LAM to speak and move his motion.

### **FOSTERING THE DEVELOPMENT OF THE TOURISM INDUSTRY**

**MR JEFFREY LAM** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, the tourism industry, being one of the four pillar industries of Hong Kong, has all along been valued by all. The World Tourism Organization also considers that Hong Kong sees the convergence of Eastern and Western history and culture, and to both Asian or European and American tourists, Hong Kong is a very attractive destination for travel. The Organization also foresees that in 2020, tourists to Hong Kong will reach the 56 million mark, almost double the 25.25 million mark of last year. This is to say there is great potential for the development of Hong Kong's tourism industry.

However, according to the research report of the Bauhinia Foundation Research Centre released on 28 May on the competitiveness of Hong Kong's economy, during the decade from 1995 to 2004, the competitiveness of Hong Kong's tourism industry has fallen behind compared to the other Asian countries. This really warrants greater attention by all sides.

Therefore, at present, the tourism sector is only strong in appearance but weak in reality. It looks good on the outside, with the sufferings only known to the insiders. For example, problems like zero tour fee which was revealed earlier and the arrangement for same day voiding of air tickets, and so on, are only the tip of the iceberg. I will not mention distant incidents. Recently, a travel agent ran into financial difficulty, and all of its nine branches have to be closed temporarily, pending further capital injection. In the past few years, individual travel agents have also folded. Thus, it can be seen that basically, travel agents in Hong Kong are just small and medium enterprises (SMEs)

operating laboriously on narrow profit margins. Once negative factors emerge in the market, they will face enormous challenges.

Today, I am proposing this motion on "Fostering the development of the tourism industry" mainly to arouse attention to the operation difficulty of the industry from two perspectives, and come up with ways to foster the development of the industry so that this pillar of the economy can continue to make contribution.

The first focus of my motion is to improve the tourism software of Hong Kong, hoping that the Government can put in resources to step up training of employees in the tourism industry; and the second focus is to urge the Government to take the initiative to assist in resolving internal conflicts in the industry, and to rationalize the co-operative relationship among stakeholders in the industry.

In respect of training talents, I think we all know clearly that talents are an integral part of the industry's development. If there is a lack of suitable talents, every effort will be futile. I think it can be said that "stones will be turned into jade with good training; jade will be turned into ruins if training is poor." Currently, apart from providing training for tourist guides and tour escorts, the Travel Industry Council of Hong Kong (TIC) also provides courses on Putonghua and ticketing, and institutions like The Hong Kong Polytechnic University, The Chinese University of Hong Kong and the Vocational Training Council (VTC) also offer degree courses relating to tourism to nurture talents for the industry.

However, the contents of the present courses for tourist guides only focus on themes like work techniques, professional conduct, safety measures, tourist behaviour and cultural features, scenic spots in Hong Kong and knowledge of China. However, with more and more tourists from different regions, countries, conversing in different languages and with different cultural backgrounds visiting Hong Kong, it has highlighted that the contents of local training courses may not catch up with the new trend of development.

According to statistics, in 2006, handsome growth has been recorded for all of our major markets. Compared with 2005, there were 718 758 Korean visitors, an increase of 11.9%; British visitors stood at 516 495, an increase of 11.2%; as for visitors from the Middle East, South America and Central America, the increases were 24.2%, 21.9% and 16.8% respectively. As the

source of visitors is becoming increasingly diverse, it is necessary for Hong Kong tourist guides to gain a deeper and broader understanding of languages and culture all over the world.

Therefore, I suggest that the Government should fully utilize the existing resources, such as the Continuing Education Fund (CEF) and the Skills Upgrading Scheme, to extend the application of various support schemes. Take the CEF as an example. At present, qualified language courses only include four foreign languages, namely English, Japanese, German and French, thus it appears necessary to extend it to cover other languages so as to assist employees in the tourism industry to keep on enriching themselves to cope with new market development.

In addition, the Government should also join hands with the TIC to enhance training for local tourist guides receiving mainland tours, with emphasis on credibility and hospitality whereby customers come first, and enhance their familiarity of scenic spots in Hong Kong and the history and culture, so that tourist guides will not mix things up or talk nonsense when making explanations, thereby undermining the good reputation of Hong Kong's tourism industry.

Although currently, some higher institutions also organize degree courses relating to tourism, for the sake of keeping up with the times, it is imperative for the Government to discuss with the institutions and assist in enhancing the quality of courses in order to tie in with the general trend of development of the tourism industry in future.

Moreover, the Government should also develop more training in relation to business travel. Last year, Premier of the State Council of the People's Republic of China WEN Jiabao affirmed the status of Hong Kong as the nation's international convention and exhibition centre and base. Subsequently, Chief Executive Donald TSANG also stated that the SAR Government would focus its strength on actively developing Hong Kong into a convention and exhibition centre. This implies that there is great development potential and substantial growth in business visitors.

Since business visitors entail more professional itinerary design and receiving skills for tourist guides, the Government must work closely with the TIC, the higher institutions and the various major training institutions, such as

the VTC, to run more courses related to MICE (that is, convention, exhibition and award travel) to fully grasp the enormous business opportunity offered by business travel.

Madam President, in the longer term, the Government may follow the example of the Beijing Second Foreign Language Institute (the Institute) on the Mainland, setting up special teaching institutes to train talents closely related to tourism. Since 1983, the Institute has been placed under the charge of the National Tourism Bureau, running various language professions, including Spanish and Arabic, and the like, while simultaneously running the Institute of Tourism Management, churning out plenty of talents for the Mainland's tourism industry over the years. Therefore, the Institute is also known as "the highest institution for the tourism industry" on the Mainland. If Hong Kong can have such a specialized training school, it will definitely be very helpful to upgrading employees in the tourism industry.

In recent years, because the business environment and the other factors have kept changing, conflicts among stakeholders in the tourism industry, for example, tourists, hotels, airlines and travel agents in Hong Kong and on the Mainland, have been increasing.

Recently, key contentious topics include airport departure tax, airport security fee and fuel surcharge, online ticketing and arrangement for same day voiding of air tickets, and so on. Some of these contentions are internal problems of the industry; some are problems between local travel agents and the international aviation industry; and some others are caused by the Government, for example, airline companies collecting airport departure tax for the Government are paid administrative fees which result in conflicts between travel agents and airline companies. If we allow the contentions to drag on, the development of the local tourism industry will definitely be dealt a heavy blow.

Since the importance of the tourism industry to Hong Kong's economy is increasing, it is imperative that the Government be more proactive, be more forthcoming in co-ordination, so that under the framework of government co-ordination, travel agents, airlines and representatives concerned can arrive at options acceptable to all parties, thus avoiding letting contentions turn into endless attrition. Earlier, the Government co-ordinated the defusion of the tourist guide fee issue. It serves as a very good example.

Regarding the recent introduction of the arrangement for same day void ticket by the International Air Transport Association, local travel agents have voiced opposition. The Government may consider helping to bring both parties together for talks to address the problem properly.

I believe it is only with active government assistance and facilitation that our tourism industry will have healthier and greater development, making even greater contribution to our economy.

With these remarks, Madam President, I beg to move.

**Mr Jeffrey LAM moved the following motion: (Translation)**

"That, Hong Kong is a cosmopolitan city popular among tourists all over the world, and the SAR Government has all along supported the development of the local tourism industry, which being one of the four pillars of the local economy, should have had immense room for development; however, as most travel agents in Hong Kong are small and medium enterprises operating on narrow profit margins and have recently been affected by some negative factors, coupled with the internal conflicts in the industry, the tourism industry is encountering difficulties in business operation; as such, this Council urges the Government to face up to the problems and discuss with the industry measures to enhance the level of professional services and promote the long-term development of the industry, which include:

- (a) providing more training courses by the Government to upgrade the quality of professional services of the employees in the tourism industry, in particular that of the tourist guides; and
- (b) assisting in resolving internal conflicts in the industry, eliminating uneven distribution of interests and rationalizing the co-operative relationship among stakeholders in the industry."

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

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, Mr Fred LI, Miss TAM Heung-man and Mr CHAN Kam-lam will move amendments to this motion respectively. Mr Andrew LEUNG will move an amendment to Miss TAM Heung-man's amendment and Mr Howard YOUNG will move an amendment to Mr CHAN Kam-lam's amendment. The motion and amendments will now be debated together in a joint debate.

**PRESIDENT** (in Cantonese): I will call upon Mr WONG Kwok-hing to speak first, to be followed by Mr Fred LI, Miss TAM Heung-man, Mr CHAN Kam-lam, Mr Andrew LEUNG and Mr Howard YOUNG; but no amendments are to be moved by the Members at this stage.

**MR WONG KWOK-HING** (in Cantonese): Madam President, since the China Central Television exposed incidents of tourists being exploited and problems like zero-fare Hong Kong tours and negative tour fees this April, the warning bell for Hong Kong's tourism industry has no doubt been sounded. It is worth our deep thought as to how the sustained and healthy development of the tourism industry can be fostered. Therefore, the amendment I propose today is to make recommendations from both within and without the tourism industry, hoping that Hong Kong's tourism industry can be brought back to the right track, and Hong Kong's reputation as a shopping paradise and travel metropolis can be protected.

Madam President, the original motion proposed the elimination of uneven distribution of interests. To this, I think we must first perfect and revamp the leadership framework at the helm of the tourism industry, before we can operate from a strategically advantageous position and solve the problem. At present, Hong Kong's tourism affairs and development are mainly taken care of by the Travel Industry Council of Hong Kong (TIC) and the Hong Kong Tourism Board (HKTB), but the two bodies currently are mainly made up of business representatives related to the tourism industry. Let me first talk about the TIC. The eight elected directors of the TIC are all employer representatives, and the majority of the remaining directors are from the business sector and government appointed representatives. As for trade unions representing front-line employees, they are not represented and play no role. From this, we can see that the present composition of the TIC is completely inclined towards the



interests of the business sector and the employers. In view of this, how can the original motion eliminate the uneven distribution of interests?

Therefore, the idea of the amendment proposed by me is to introduce representatives of trade unions and front-line employees into the TIC and the HKTB. On the one hand, it will become easier for them to make their voices heard in the TIC and on the other, they can also make use of their experience from front-line work to better grasp the changes in the tourism industry, and utilize their expertise to contribute jointly to the tourism industry as a whole.

Moreover, regarding the HKTB, it has all along worked hard to promote the image of Hong Kong as a city for travel, and most of its members are appointed by the Government. However, the government appointments have not manifested the principle of balanced participation, putting emphasis on the business sector. They ignore the representativeness of front-line employees and make light the valuable knowledge and experience of the front-line and grass-roots employees. Neither has the Government appointed trade union representatives into the TIC. Therefore, front-line employees who know what tourists like and who are mostly in contact with the tourists, for example, tourist guides, turn out not represented in the HKTB or the TIC. If the Government does not improve the current representativeness of the TIC, how can its appointment to the TIC make us feel that it is fair and impartial? If this situation is not improved, how can Mr Jeffrey LAM's original motion eliminate the uneven distribution of interests?

Madam President, let us again look at the numerous labour relation problems which exist within the tourism industry. I think we must further perfect and establish good labour relations before internal problems of the tourism industry can be properly addressed. Earlier, as a result of the surfacing of a spate of zero-fare tours, many tourist guides and employees of the tourism industry who originally rely on tour commissions have been forced out of work, making no income.

In this connection, the Hong Kong Tour Guides General Union approached me for assistance. At the end of last month, I joined the General Union in negotiation with the TIC and government representatives and raised opinions, hoping to jointly tackle the operation difficulties of the industry. In a nutshell, one of the key reasons why the tourism industry is faced with difficulties is that the industry has failed to establish good labour relations. Talking about good labour relations, it is in fact the formulation of reasonable

employment conditions which include basic pay, labour insurance, Mandatory Provident Fund contributions, medical benefits, leave package and welfare, and so on. Once the various abovementioned employee protection measures have been established, tourist guides will no longer need to make commissions from shopping tours before they can have sufficient basic income to maintain their living.

At the end of last month, the tourism industry and I suggested setting a basic salary for tourist guides at a meeting. It was readily supported by the TIC which formally undertook to first launch the tour guide fee system. Unfortunately, to date, the tour guide fee system has not been implemented. In his speech earlier, Mr Jeffrey LAM said the tour guide fee issue had been resolved. This is a timely example to prove that with no trade union representatives in the TIC and no grass-roots representatives in the HKTB, the demands of the employees cannot be heard by the employers. Mr LAM is totally ignorant that the tour guide fee system has not yet been implemented, and the problem of "all work, no pay" faced by the tourist guides concerned has yet to be resolved.

Madam President, I have just received two written reports from the trade union concerned. Setting aside the problem of no pay, some tourist guides are even owed money paid in advance. In one report, \$81,000 is owed while in the other, over \$40,000 is owed. The TIC requires that upon receipt of complaints, the travel agent involved has to come up with a solution within seven days. Under such circumstances, I would like to ask, "If there are no grass-roots representatives in the TIC and the HKTB, how can the demands of the employees reach the employers? How can problems be resolved?" This precisely explains that revamping the TIC and the HKTB is absolutely necessary. The tourism industry must establish sound labour relations, otherwise, all kinds of problems will emerge.

Next, I would like to talk about the third aspect. The Government must augment investment in software and hardware for the tourism industry. Just because there is this need, it should all the more rely on the grassroots. If it distances itself from the grassroots, progress will certainly be very slow. First, we consider that on the basis of consulting extensively the industry and the District Councils, a list of places of historic interest and scenic beauty should be drawn up for the development of local travel resources; devotion of more resources and drawing up of timetables to develop and upgrade more local tourist spots in phases and bundles, rather than in the manner demonstrated the

Secretary in failing to give an answer earlier when being asked what at Mui Wo could be developed. He instead asked me to consult the locals. This is most ridiculous.

Second, on the basis of developing the strengths of the industry, there should be the fostering of participation and sponsorship from enterprises, communities and individuals, as well as the revitalization of resources of local antiquities, monuments and relics, and the development of cultural and heritage travel. The Dragon Garden in the New Territories has been surrendered to the Government, but the Government has been slow to plough in resources to launch the project. What problem is there?

Third, exploring the expertise and experience of the industry, utilizing fully Hong Kong's beautiful natural scenery, and developing more green travel and routes for ecological travel, thus promoting the awareness of conservation and cherishing the environment while developing tourism.

Fourth, stimulating the acumen of the industry to establish features in areas like local culture, religion, custom, history, seasons, fairs, and so on; organizing humanities travel activities and festivities which are more diversified and colourful and with stronger local characteristics. While attracting overseas tourists, the cohesion of Hong Kong people will also be strengthened.

Fifth, mobilizing the specialities and networks of all walks of life and combining them with Hong Kong's feature as the world's first city under the "one country, two systems" concept to organize more international conventions and exhibitions, performances and competitions, so that the elements of travel, holiday-making, leisure and shopping will be integrated into various international activities, thereby developing local tourism industry in fuller dimensions.

I hope that the Government will take on a diversified perspective, develop the local tourism industry from the software and hardware aspects .....

**PRESIDENT** (in Cantonese): Speaking time is up.

**MR FRED LI** (in Cantonese): President, the amendment proposed by me today is actually very simple, that is, from what we see, one of the feasible options to improve the tourism industry is to enhance the representativeness of the Travel

Industry Council (TIC), expand the Board of Directors and introduce more lay members so that people will not only see how the bosses of the tourism industry manipulate the TIC. Moreover, we have to consider how best we can balance interests, that is, balance the interests of tourists and owners of travel agents.

We also agree to include representatives of tourist guides. Mr WONG Kwok-hing earlier also mentioned that, therefore, we in the Democratic Party very much support the TIC to do so because tourist guides are the front-line workers in the tourism industry, and we consider that there is no reason why only bosses can sit on the TIC. Thus, in this respect, my amendment echoes that of Mr WONG.

Regarding the tourism industry, motions have been proposed twice this month. My previous amendment was not passed due to strong opposition from the Liberal Party, while the DAB abstained. Since the TIC is a case of people under the same roof monitoring each other, we propose that there should be an independent statutory monitoring body. In fact, many countries have adopted this practice. For example, in Malaysia, Singapore, Taiwan and mainland China, a government authority is responsible for monitoring the tourism industry, rather than a council made up of trade associations. However, the then Secretary Stephen IP of the Government considered that the industry had been exercising self-discipline soundly and would resolve problems by all means, rendering it unnecessary to establish other bodies.

This time, another colleague of the Liberal Party is proposing a motion on the tourism industry. He asks the Government to assist in resolving internal conflicts in the industry, eliminate the uneven distribution of interests and rationalize the co-operative relationship among stakeholders in the industry, and so on. What role then should the Government play? If the industry is to monitor itself, when the industry experiences conflicts of interests and disputes, it will ask the Government to come into the picture and interfere. In what capacity should the Government interfere? If the entire responsibility of monitoring the tourism industry has been handed to it, what role does the Government assume? First, the Tourism Commission is only responsible for developing the basic hardware, building more scenic spots all over Hong Kong to attract different tourists and ploughing in government resources. The training of tourist guides and tour escorts has nothing to do with the Government and has all along been the work of the TIC. Just like the Estate Agents Authority (EAA), it is a statutory body, an independent organization led by lay members,

but members are appointed by the Government and it is entrenched by legislation. The EAA is responsible for the monitoring and training of estate agents. The Government is not responsible for training estate agents or providing funding for training. The EAA is self-financed, operating from the licence fees and registration fees it collects. Why should it ask the Government for funding and resources or assistance when it comes to the training of tourist guides?

Since there are conflicts of interests and it is asking the Government to interfere, it becomes a situation whereby monitoring is reserved for itself but when problems arise, the Government will be asked to interfere. In what capacity is the Government to do so? Of course, in this regard, Secretary LAM may not be as well versed as Secretary IP, but having followed up the issue for so long, we cannot see how the Government can hand over the entire monitoring to the industry, asking it to exercise self-discipline but then effect interference in other aspects. Therefore, when I saw the original motion, I was puzzled. Thus, I have added some clearer amendments, that is, to expand the present Board of Directors of the TIC, enhancing its representativeness.

Regarding the earlier scandals and negative reports affecting our tourism industry, we will not mention them again. We have discussed those in detail in this Council. However, I just wish to point out specifically one point which Mr Jeffrey LAM has also mentioned earlier. According to the latest study of the Bauhinia Foundation Research Centre, the competitiveness of our tourism industry already lags behind that of South Korea, Singapore and even mainland China. An alarm has been sounded for the tourism industry, which is one of the four key pillars of the Hong Kong economy.

However, it is of course impractical for the industry alone to monitor itself, but increasing the funding for the Hong Kong Tourism Board (HKTb) is also not feasible. With only third-party funding and monitoring is not well performed, what can be done? Is that value-for-money for our public money? So, we think in respect of tourism development, including both software and hardware, the Government is fundamentally very lax with the present framework. The HKTb is responsible for promotion, the TIC for monitoring, the Government for funding to build tourist spots, and through the Tourism Commission, various projects are developed, for example, the Fisherman's Wharf in Aberdeen, or facilities at Lei Yue Mun, and so on. However, what kind of relationship in fact is there among them? Is there co-ordination in it? When there is a crisis,

all parties will sit down immediately for discussion, and each time, the Secretary will call all stakeholders to a meeting. This may really be termed as co-ordinating the industry interests and getting rid of each other's troubles. Nonetheless, coming together for discussions when a crisis has arisen is no mechanism. I do not regard this as having established a mechanism, nor is this a systematic approach.

Take the issue of zero tour fare as an example. We have been discussing this for a decade, until the Central Government lends its helping hand to take action, especially to crack down on the problem of low tour fare in Shenzhen. I sincerely hope that the problem of receiving agents not making payments to Hong Kong, and the problem of tourist guides having to pay in advance, then fleece the tourists to earn back the money paid in advance to compensate for their salary can be thoroughly resolved. We consider that such unhealthy conditions cannot continue to exist.

Some within the industry have reflected to us that some members of the TIC which is responsible for monitoring the travel agents speculated on hotel rooms. In the run-up to major holidays or festivities, they will hold up the hotel rooms for speculation, then raise the rates to make profits. Has the TIC conducted serious investigations? Rumours about his problem have been doing the rounds repeatedly, what follow-up actions are there? Some designated shops even have certain relationship with the directors of the TIC, giving the impression that they are intertwined. We of course hope that there can be another statutory body to replace the TIC, but before this happens, and before the Government is willing to accept this proposal, all that the TIC can do is to enhance its credibility. To do so, more lay directors should be included in its Board of Directors to water down the dominating role of the industry as seen by the public. We have to show the people that it is a fair and impartial body, and that it will not exploit consumers' rights for the industry's interests.

We in the Democratic Party have proposed this simple amendment, hoping that the other colleagues will support it. If even proposals to expand the Board of Directors and introduce lay members are opposed, the TIC will stay put and make no progress, maintaining the *status quo*. I wish colleagues will really think twice.

President, I so submit.

**MISS TAM HEUNG-MAN** (in Cantonese): Madam President, we always say that tourism industry is one of the four pillars of Hong Kong economy that should be strongly beefed up. Of course, we cannot deny that the SAR Government has done much in fostering the development of the tourism industry. However, what the SAR Government has done is only superficial, completely failing to reach the core problem.

Earlier, Mr LAM, Mr WONG Kwok-hing and Mr Fred LI have mentioned many problems of the tourism industry, I do not wish to repeat their views. Therefore, my speech will focus on what improvements can be made in respect of policy enforcement and the regulatory mechanism for the industry for the sustained development of Hong Kong's tourism industry.

I would first talk about the Hong Kong Tourism Board (HKTB). Every year, the Government will provide the HKTB with funding amounting to hundreds of millions of dollars. According to figures supplied in this year's Budget, in 2005-2006, the HKTB spent more than \$680 million, and the Revised Estimate for 2006-2007 also exceeds \$660 million. Even though there is a decrease in estimated funding in the new financial year, the amount is also above \$540 million.

Every year, the HKTB applies for huge funding. The cost-effectiveness of this provision is in fact very important. I do not mind spending this sum to promote Hong Kong's tourism industry, but I am mindful of whether or not this sum spent is worth it, whether the desired objective can be achieved or not.

I will not deny the efforts made by the HKTB all along in the development of Hong Kong's tourism industry, but the fact that it spends so much public money each year warrants the raising of its operational efficiency and corporate governance. In the past, the HKTB's governance efficiency has come under criticism. It can be seen that there is much room for improvement indeed.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

Let me cite an example. In the last two financial years, the funding which the HKTB received from the Government was substantially increased by

over \$100 million for organizing the so-called "Discover Hong Kong Year". Extra money has been spent, but how effective was that?

Information of the Census and Statistics Department indicates that in 2004, the number of tourists reached 21.81 million; in 2005, the number reached 23 million; in 2006, 25 million; in the first three months of 2007, 6.61 million. It can be said that the number of visitors to Hong Kong has been on the rise, but the increase is not at all significant, with the bulk being mainland visitors resulting from a relaxation of the Individual Visit Scheme. It can be said that the extra money spent has not achieved an obvious publicity effect. The HKTB should conduct a review with reference to this example alone.

On the other hand, according to media reports, the Audit Commission has deployed officers to the HKTB to conduct value-for-money audits of its publicity activities, staff remunerations, and so on. If the Commission is really spending several months on large-scale audits, I wish there will be recommendations on how to boost the HKTB's efficiency when the report is released.

I hope that, just as I have proposed in my amendment, the Government will consider actions to further enhance the HKTB's operation efficiency. Meanwhile, since the Government has handed over the helm of the HKTB to Mr James TIEN of the Liberal Party, can Mr TIEN pledge that he will get this job done in conjunction with the HKTB's new Executive Director, giving us confidence in the HKTB, in the same way as the number of Hong Kong visitors which has seen a continuous increase?

Deputy President, apart from the HKTB, improving the regulatory mechanism for the tourism industry is also crucial to fostering the development of Hong Kong's tourism industry. Earlier, Deputy President, you have mentioned a review of the composition of the Travel Industry Council (TIC). I only want to supplement a little.

Currently, out of the 25 members of the TIC Board of Directors, 17 are elected by members of the TIC and eight are appointed by the Government. However, there are no government representatives in the TIC. In fact, the Government can model on the other professional bodies by making arrangements for officials concerned to join the councils tasked with regulating professional



bodies, so that the Government can actively participate in the regulation of the HKTB.

However, apart from reorganizing the TIC, the other topics relating to the regulation of the industry should be considered together. For example, the Gold Star Travel Service, a tourist guide of which was suspected of abandoning some tour members, was ultimately lightly fined and given a suspended sentence. This has significantly undermined confidence in the TIC in addressing irregularities. We should actually think of ways to perfect the mechanism for the TIC to handle complaints.

Also let us take the accountancy sector as an example. The Hong Kong Institute of Certified Public Accountants has established an investigation committee independent of its the Council to handle violations of professional practice or professional procedures by accountants. In order to improve the independence in handling tourist complaints and avoid conflicts of interests, we can consider establishing an independent investigation committee in the TIC to handle complaints. Then, society's perception of parties within the tourism industry covering up for each other can be lessened.

On the other hand, at present, the TIC is not a statutory body and it does not have any statutory functions. That means whether or not the TIC can effectively regulate the operation of travel agents is worth discussion. Can we consider whether legislation should be enacted to turn the TIC into a statutory body, spelling out clearly its functions and powers, so that there is a legal basis for all regulatory work?

In my opinion, in order to perfect the regulatory mechanism for the tourism industry, the roles of the Government, the HKTB and the TIC should be thoroughly considered. Assuming a recurrence of the abandoning of tourists on the street, is the TIC the only body which can step in, leaving the Government and the HKTB aside to sigh, unable to offer assistance? Is it possible for the Government to have greater involvement in the regulation of the tourism industry?

The several foci above are zeroed in on the regulatory mechanism for the tourism industry. We must firmly remember that the problem cannot be resolved by reorganizing one or two particular bodies because the problem may have stemmed from the powers and functions and roles of those bodies.

Deputy President, I am proposing this amendment in the hope that the development of Hong Kong's tourism industry can be fostered from its fundamentals, so that the industry can become an integral part of the sustained development of Hong Kong economy. I hope colleagues will understand this. I so submit. Thank you, Deputy President.

**MR CHAN KAM-LAM** (in Cantonese): Deputy President, two weeks ago, the Legislative Council discussed a motion on combating unscrupulous shops. I believe with regard to that motion, we all share a common goal, that is, we hope to revive the reputation of Hong Kong's tourism industry and restore tourist confidence. However, for a set of measures to be formulated in the long run for the sustained development of Hong Kong's tourism industry, I consider the previous motion just some short-term strategies. Regarding the long-term strategies, we should make more considerations. From the high season of the Labour Day golden week this year, we can see that as a result of the raft of negative reports, Hong Kong-bound tours from different places have dwindled; we can also see that visitors' confidence in visiting Hong Kong has more or less been dampened. Of course, what is the major reason? We cannot simply attribute that to one or two reasons. Generally speaking, this warrants our attention.

That mainland tourists would rather visit Hong Kong individually than join tours can be attributed to several major reasons basically. First, poor service quality on the part of travel agents. The first person they come into contact with upon arrival in Hong Kong may be their receiving tourist guide. Whether the attitude of the tourist guide is good or bad is surely very important. It can be said that their quality will have a direct impact on tourists' impression of Hong Kong. However, recently, many practices of tourist guides have been exposed, for example, duping tourists into paying fees to visit the Avenue of Stars, coaxing tourists into shopping, or even abandoning them on streets. All of these have dealt a heavy negative blow to our tourism industry. I believe the level of service of Hong Kong's tourist guides is basically not bad. But if there is something wrong with their *modus operandi* and professional ethics, for example, some tourist guides may want to make quick money and will thus talk tourists into shopping for the resultant commission, this will in fact create a big impact on us in general.

We all know that initiatives combating unscrupulous shops are just some remedial measures. Unscrupulous shops, tourist guides and travel agents are in fact interlinked, and it is common knowledge that relations among operators within the industry are very close. Therefore, it is not at all accurate if we only say that there are problems with the tourist guides. However, we must understand that in the long run, it is very important to enhance the level of professionalism of employees in the tourism industry.

We support the \$20 million funding allocated by the Government for the launching of Skills Upgrading Scheme for tourist guides. The question is how this can converge with the service of honest and quality Hong Kong tours, and how the other value-added services can be perfected while enhancing the recognition of the professional ethics of tourist guides? We consider all this very important. Undeniably, the problem of tourist guides forcing mainland tourists to shop is becoming more and more serious. Does this stem from zero tour fare? I think this may be related to the absence of fixed salary for tourist guides. Just as Mr WONG Kwok-hing said earlier, at present, our tourist guides do not have a basic salary, so, how can they be encouraged to do their job well? Every time they escort a tour, they will only think about what they can do to earn back the capital, or their basic salary, at the least. Therefore, all they can do is to coax tourists into shopping, resorting to making commission as the major source of income. Under such circumstances, some tourist guides may disregard their professional ethics and coerce and induce tourists into shopping. Thus, we consider that introducing a basic salary system for tourist guides can be a solution to this problem. Actually, the Hong Kong Tour Guides General Union and the Hong Kong Association of Travel Agents have both agreed to the proposal. Therefore, we very much hope that the Government will heed the views of the industry, assist in the communication among the concerned parties, and introduce a basic salary system to solve the basic livelihood problem of tourist guides.

Some tourism industry operators have expressed to us that problems stemming from zero tour fare have made operation more and more difficult for the industry. In launching the honest tours, the Government laid emphasis on honesty and the high quality of itinerary for Hong Kong-bound tours. We consider this strategy correct. Through the provision of quality choices, the confidence of mainland tourists in visiting Hong Kong should be boosted. However, the launch of this project is only a start, for the Government must keep on promoting this to the Mainland in order to enhance the awareness of mainland tourists of honest Hong Kong tours.

Moreover, to improve the business environment of the tourism industry, risk management and protection for the industry should also be enhanced. In the beginning of this year, the Court ruled that a travel agent involved in a Taiwan car accident in September 2004 had to pay an injured tour member \$810,000 in damages. Let us think about this. If the 33 injured and the families of the five deceased all made claims for compensation, the damages involved would be astronomical. I believe not one uninsured small to medium travel agent could afford that sum and could only put up the shutters. Since this court ruling may become a precedent for similar accident claims in future, it has highlighted the need to introduce an indemnity insurance scheme for the tourism industry.

According to the Travel Industry Council (TIC), currently, there are as many as 1 400 travel agents, but only about 20 have taken out the so-called indemnity insurance. The insurance premium involved is so great that it is beyond the affordability of small to medium travel agents. Earlier, the TIC commissioned a consultancy study. According to the findings, it is hoped that the so-called indemnity insurance could be taken out for travel agents by year's end. However, we consider that the Government should urge the TIC to implement an insurance system as soon as possible. None of us can predict when accidents will occur, but once an insurance system is in place, the travel agents will be protected on the one hand, and more importantly, both the tourists and the industry will enjoy better protection on the other. This means assistance for both parties.

Moreover, I have proposed some amendments to today's motion. The most important proposal is the deletion of "assisting in resolving internal conflicts in the industry, eliminating uneven distribution of interests and rationalizing the co-operative relationship among stakeholders in the industry" of the original motion, and substituting it by "consolidating the level playing field and free business environment for the tourism industry". Why do I propose these amendments? It is known to all that internal conflicts exist in all walks of life, and there are numerous cases of disputes involving interests or uneven distribution of interests, so it is very difficult for us to ask or expect the Government to meddle in any way in the market, or even distribute the interests. Therefore, I think we should not overly rely on government interference in this regard. On the contrary, we should consider how best to improve the business environment, so that all stakeholders will have the opportunity to strive for development within the industry. This is a more proper approach.

Deputy President, today, I have proposed one amendment, and I am aware that many colleagues have also proposed other amendments. We support them all because everyone knows that most importantly, we hope that Hong Kong's tourism industry, which is such an important pillar of the economy, can have healthy and sound development. Thank you, Deputy President.

**MR ANDREW LEUNG** (in Cantonese): Deputy President, the tourism industry is one of the major pillars of our economy. Over the years, the Hong Kong Tourism Board (HKTB) has been playing an important role in promoting our tourism industry. For this reason, to Miss TAM Heung-man's amendment proposed to the motion today, I would also propose two further amendments on behalf of the Liberal Party, with a view to addressing more clearly and appropriately the development needs of the tourism industry.

Miss TAM suggests considering further enhancing the operation efficiency and corporate governance of the HKTB. As a matter of fact, since James TIEN took up the HKTB Chairmanship in the past month or so, a number of reform measures have been announced, including the adjustment of terms and reference of its Executive Director and Deputy Executive Director, as well as enhancing the level of participation of four committees which comprise its directors. It can be seen that in terms of operation efficiency and corporate governance, the HKTB has paid a lot of attention and made a substantive step forward, with a view to realizing the public expectation of the work of the HKTB.

In addition, the salary level of the Executive Director and Deputy Executive Director will be adjusted downward respectively by over 10% and 10%. The discretionary pay which is linked to their performance will be maintained at 15%, leaving some room for upward adjustment for contract renewal in three years time.

In October this year, when submitting its funding proposals for the next financial year, the HKTB will at the same time conduct an overhaul of its establishment and plans of major projects. In regard to organizational restructuring, it will review its former approach in job division where the Executive Director is responsible mainly for overseas promotion activities while the Deputy Executive Director is given the responsibilities of internal matters in respect of personnel and financial control, so as to deliver its work more

efficiently. In the Liberal Party's opinion, the bold reform adopted by the HKTB shows that it is moving with the times and is worthy of support.

Nonetheless, to further enhance the operation efficiency of the HKTB, the Government needs to consider allocating additional resources. As I said earlier, the workload of the HKTB has already been quite substantial, if we wish to step up our promotional efforts and strengthen the role of tourism in the local economy, we may need to provide additional resources, helping them to do a better job in advertising and promotion.

In fact, during the past few years, our tourism industry has been facing enormous challenges from neighbouring countries. On television alone, we can see a lot of advertisements put up by national tourism authorities, while "Uniquely Singapore" is chanted loudly, we also have "Malaysia, Truly Asia", "Amazing Thailand" and "Taiwan, Touch Your Heart". All these impress a lot of people. In the coming years, our neighbours in the region will go on investing substantially in promoting their tourism industry. For instance, Malaysia will inject an additional 200 million ringgit in overseas promotion of its "One Golden Celebration" — Visit Malaysia Year 2007. The Singaporean Government will also inject money to carry out improvement works at the riverbank along Singapore River and its harbourfront, to tie in with the promotions of the Tourism Authority. The challenge faced by the HKTB will be greater than ever. It is thus hoped that the Government can invest more resources accordingly.

As for the role of the Travel Industry Council of Hong Kong (TIC), we all know that it is responsible for regulating the industry, so as to better protect the interests of visitors and consumers. The TIC has been set up for more than 30 years and improvements have been made during the past few years, such as including all travel agents under its scope of regulation and introducing a number of measures to protect consumers' interest. It is evident it has been sincere in making contribution to the healthy development of our tourism industry.

To perfect the existing regulatory mechanism, the Government in fact needs to confer more power on the TIC and inject more resources. Otherwise, it will be difficult for the TIC to carry out regulatory function at both inbound and outbound levels with its existing power and resources.

Currently, the TIC does not have the authority to prosecute non-compliant shops. Also, as a result of limited resources, only one staff member is responsible for carrying out inspection duties. The TIC did try to investigate into the operation of unscrupulous travel agents in a covert manner, however, due to personal safety considerations, the plan has been shelved. For this reason, the regulation of non-compliant shops and travel agents is in fact not an easy task. As such, the TIC suggested the Government to follow the practice adopted by the Thai and the Greek Governments by organizing a team of Tourists Police, helping to resolve disputes among tourists, shops and tourist guides.

At present, the police in Hong Kong would only look into cases which involve criminality, such as thefts and frauds committed by retail shops. But the Thai Police would intervene in all sorts of complaints, including tourists being coerced into buying overcharged drinks in bars. As the tourist police have enforcement power to look into problems involving tourist guides and shops, it would be desirable for us to follow their model.

For this reason, it is necessary for the Government to closely co-operate with the TIC and continue providing additional resources to meet their needs, with a view to better regulating the industry and safeguarding tourists' interests.

Deputy President, I so submit.

**MR HOWARD YOUNG** (in Cantonese): Deputy President, I would like to speak mainly on Mr CHAN Kam-lam's amendment. To Mr CHAN's amendment and the explanation he made thereon just now, that is, to delete from the motion the wording of "assisting in resolving internal conflicts in the industry, eliminating uneven distribution of interests and rationalizing the co-operative relationship among stakeholders in the industry", I and the Liberal Party beg to differ. The reason is, very often, disputes and problems in the industry cannot be resolved without the appropriate intervention of the Government.

For instance, the industry did recognize at a very early stage the issue of zero-fare tour packages, and the TIC, the Liberal Party and I have repeatedly reflected to the mainland authorities the undesirable impacts thus caused. This is indeed an internal conflict in the industry. While some travel agents welcome

the idea of zero-fare tour packages, some find it unacceptable. People in the industry have divergent views on this matter. The incident of unscrupulous shops revealed just before 1 May proved once again that no time could be wasted to curb these zero-fare tour packages. To minimize the negative impact caused on the 1 May golden week, the Government intervened proactively and promptly. Apart from enforcement actions, it joined hands with the industry and the National Tourism Bureau in resolving the matter. We can thus see that with active communication and co-operation with its counterpart on the Mainland or at an even higher level, the Government should be able to resolve problems expeditiously and effectively.

Like in all other trades, there are indeed internal conflicts in the industry. While conflicts are inevitable, I agree with Mr CHAN's remarks on this matter just now. However, as business partners, we are prepared to talk and seek some sort of solutions. Nonetheless, some issues must be addressed by the Government by way of co-ordination. Let me quote the example of air passenger departure tax. At present, while the Government is only willing to pay administration cost to airlines for collecting the tax on its behalf, travel agents doing exactly the same job are neglected. Although I have reflected the matter to the Secretary for Financial Service and the Treasury, the Government merely shirked its responsibility by asking airlines and travel agents to resolve the problem themselves. The dispute has gone on for several years, and instead of being resolved, the conflict has intensified. If the Government could take a proactive attitude early to resolve the problem, acknowledging that more than one travel agent is eligible for collecting the tax, the problem should have been satisfactorily resolved. Yet the Government has taken side in this matter.

As for the issue of introducing an indemnity insurance system for the tourism industry proposed by Mr CHAN Kam-lam in his amendment, I give my full support. We hope the Government can set up an indemnity insurance system funded by the Travel Industry Compensation Fund (the Fund).

The Fund was established in accordance with the Travel Agents Ordinance to make *ex gratia* payment to travellers who procured outbound travel services arranged by travel agents in case of default of travel agents; and to provide immediate contingency financial relief to outbound travellers injured or killed in accidents in the course of an outbound travel activity organized by a travel agent. Since the Fund was established in 1983, compensation paid out in relation to default of travel agents only amounted to \$15.57 million, while contingency



financial relief paid out amounted to some \$2 million, and it has so far accumulated \$460 million. People in the industry believe that the Government should consider scraping the levy or lowering the levy rate of 0.3% and explore the feasibility of expanding the use of the Fund.

In regard to the issue of expanding the use of the Fund, I have written to the Government and raised a question in this Council. However, the Government did not consider our suggestion, but on the pretext of having commissioned an independent actuarial company to conduct a review, claimed that there was no need to make any adjustment to the reserve level and levy rate of the Fund. Nonetheless, we cannot keep on waiting forever. A review of the matter should be carried out for the healthy and sustainable development of the industry.

Since the September 11 incident in the United States, insurance premium has been raised. Some insurance companies have even deleted the clauses on compensation for tour group members injured or killed in accidents from its professional indemnity insurance, increasing the business risk borne by travel agents (in particular those operating outbound tours). Apart from that, as a travel agent has been ordered by the Court to indemnify an enormous amount to a victim involved in an outbound tour, there are thus great worries in the operation of travel agents. In the face of the risk, travel agents tend to support taking out professional indemnity insurance. However, given that only a few insurance companies offer this sort of insurance cover, the premium required is extremely high. At present, over 90% of the travel agents are small and medium enterprises (SMEs), they may not be able to afford the premium every year. For this reason, the industry suggests using the Fund to take out professional indemnity insurance on a collective basis, or even using the Fund to organize training on risk management, so as to alleviate the plight of the industry. Some may think that the Fund should solely be used on consumers, but try to imagine that, if small and medium travel agents have to close down for failing to pay out indemnity, those who suffer losses at the end are consumers.

Furthermore, tourism-related training is at present focusing on inbound travel as it brings about foreign exchange to the territory. However, I hold that both inbound and outbound tourism are equally important. The popular usage of computer has made electronic transactions an inevitable trend. To upgrade the service provided by travel agents, the Government should organize on-the-job training courses in relation to information technology for employees

in the industry so as to upgrade their quality of service and competitiveness, thereby providing travel agents with a better chance of survival.

Deputy President, increasing infrastructure facilities for tourism alone is unable to foster the healthy development of the tourism industry. To enable the sustainable development of the tourism industry, the Government must be committed to providing a favourable business environment, strengthening protection of the industry, rationalizing the interests among stakeholders and upgrading the competitiveness of tourism services.

I so submit.

**PROF PATRICK LAU** (in Cantonese): Deputy President, if we wish to upgrade the quality of professional services of the tourism industry, apart from teaching them not to cheat people, most importantly, we have to enhance their knowledge of Hong Kong, particularly in the aspects of history, geography and urban development. The present problem is, as those tourist guides know nothing about Hong Kong, they fail to attract visitors with our own distinct features.

For this reason, I agree that we should enhance the knowledge and professionalism of our tourist guides, especially the geographic features and historical background of different districts. For instance, Kowloon is called nine dragons because it is linked together by nine peaks which look like nine dragons, instead of there used to be nine dragons flying up to the sky as claimed by some tourist guides.

As a matter of fact, visitors want to know more about Hong Kong. For this reason, we should display to them our true lifestyle. If we want to go shopping, we would go to Taikoo Shing, Festival Walk and Longham Place. We should not take tourists to some designated places where no Hong Kong people would go only for the purpose of earning commission. The worst thing is, unscrupulous traders even take the opportunity to cheat tourists by selling them fake goods.

Hong Kong is famous for its high density, symbolizing its rapid development under the robust economy. For this reason, tour guides should bring tourists to see our skyscrapers and public housing estates, showing them the merits of high-density development. This will bring them closer to our

community, facilitating them in understanding our lifestyle and our rapid pace of life. Tourists can feel for themselves this high-density city in a three dimensional environment, in stark contrast to living in a low-density environment.

In fact, I appreciate very much the Tram Tour organized by the Hong Kong Institute of Architects. The special features of Hong Kong are shown to tourists during the tram tour, so that they can compare the older structures in Wan Chai District and the skyscrapers in Central. Although both districts are very busy, they have distinctive differences which make them attractive to tourists.

However, unfortunately, in the absence of a comprehensive conservation policy, the number of distinct features in Wan Chai District has been diminishing. Following the disappearance of the "Wedding Card Street", it would be difficult to identify another place to redevelop another such street. The "Sport Shoes Street" in Mong Kok is another example. While it has the same unique local flavour, we should not let it disappear.

These are our characteristics attractive to tourists. Without these feature bazaars and historical monuments, what else are there to attract tourists? Before the occurrence of incidents involving unscrupulous retailers and fake goods, Hong Kong's status as the shoppers' paradise has been facing threats posed by neighbouring countries in the region. Better-off tourists start to turn to Japan while those want to buy cheap stuff would all go to Thailand. We have to find a way out. The development of our tourism industry will be dealt a heavy blow if the situation remains the same.

Hong Kong is well known as a destination for dining. However, apart from our characteristic local cafe and herbal tea shops, cooked food stalls will soon disappear all together thanks to the strangling by the Government. In fact, tourists coming to Hong Kong enjoy eating at cooked food stalls for the unique flavour there. They also like to take pictures at the stalls for their special characteristic. Likewise, they like to visit old style markets, such as the one at Cochrane Street. Very often, we can see tourists making a trip there to take pictures and buy something interesting on their way. Although the market at Cochrane Street is preserved, other places have all been demolished by the Government. We could find nothing that represents Hong Kong anymore. How can we attract tourists without something with special historical value?

For the above reason, I subscribe very much to the view that the Government should formulate as soon as possible a sound policy, preserving places with special Hong Kong characteristics and expediting urban development projects to tie in with the tourist attractions of 18 districts, thus displaying vividly the distinct features of each district. Also, it should help the industry in drawing up attractive tour routes, such as visiting the temple in Wong Tai Sin, enjoying seafood at Lei Yue Mun, purchasing handicraft in Stanley, and taking part in the green tour at the five bays in Tuen Mun. These are places where Hong Kong people would also visit. As local people all go shopping in major shopping malls in Causeway Bay or small shops in Mong Kok, tourists can not experience our lifestyle if they do not do the same. There is no need to take them shopping in those shops of so-called special brand names, buying something without any local feature, which does not really belong here.

Apart from improving our software and hardware, such as providing training for professional tour guides and developing the special features of various districts, we also need professional leadership in the HKTB and the TIC and enhance their representation, thereby promoting in a correct manner the importance of our own characteristics. This is the only way to foster the long-term development of the tourism industry.

I so submit. Thank you, Deputy President.

**MR SIN CHUNG-KAI** (in Cantonese): Deputy President, the subject of the motion today has indeed been discussed several times. As far as I can remember, we had a similar motion about two or three weeks ago.

However, among the various amendments today, point (c) in Mr CHAN Kam-lam's amendment is comparatively new to us (although it is new, it has seldom been formally mentioned in this Council), that is, urging the Travel Industry Council of Hong Kong (TIC) to expeditiously introduce an indemnity insurance system for the tourism industry in order to strengthen the protection for the industry and tourists. This proposal merits careful consideration by the Government, as such a system has yet to be established. As Mr CHAN Kam-lam just said, it did happen in the past that some travel agents were ordered by the Court to pay enormous amounts of compensation when sued by tourists involved in accidents. As a matter of fact, we have no such system presently.

Let me quote two examples. Currently, there are similar insurance systems, such as the Deposit Insurance Scheme and the Investor Compensation Fund managed by the Securities and Futures Commission. Both systems are more or less the same in nature. We have of course insurance to cover Hong Kong travellers injured or killed in accidents in the course of an outbound travel activity organized by a travel agent. However, if as a result of civil proceedings, the Court adjudicates the travel agent shall pay a large amount of compensation, some small-sized travel agents would simply close down and flee. Even if it does not close down and flee, it may not be capable of paying the compensation. To the tourism industry, it is a higher risk. They may be charging each traveller a few thousand dollars for the package tour, but if compensation is involved, the amount could be very large. Deputy President, I think the issue is worth studying by the Government.

Mr Howard YOUNG mentioned a point just now. I do not totally agree with him that we should use the compensation fund levy (though the Fund has accumulated \$460 million, an amendment or new legislation has to be made for this purpose), but the concept would be similar to the two schemes I just mentioned, namely, the Deposit Insurance Scheme and the Investor Compensation Fund. The two schemes have been accumulating fund through levies on deposit and transactions.

To make indemnity insurance compensation possible, it would be most desirable for companies in the tourism industry to take out their own indemnity insurance. However, it has to be done by way of legislation or new provisions made by the TIC, requiring travel agents to take out insurance to cover their business turnover. Even so, it is difficult to say if travel agents can take out such insurance easily. In the past few years, we have debated the issue several times in this Council. The fact is, even the professionals find it more and more difficult to take out such insurance cover.

For this reason, from the angle of introducing a system, we should consider setting up a fund through collecting levy. In case of a civil litigation, if a travel agent is required to pay out compensation, it can resort to the Fund. Consumers, in other words, travellers can be protected this way. When travellers win in the proceedings, it can be guaranteed that they should be able to get the compensation awarded. Otherwise, the travel agent may have to close down, and no compensation would be made. Deputy President, it is a hidden

bomb. As the public in Hong Kong are inclined more and more to taking cases to the Court, I believe there would be more proceedings involving indemnity insurance in future. I do not want to see travel agents closing down after cases have been won against them, ending up with no compensation being paid.

As to whether or not a levy system should be adopted, the Democratic Party remains open at the present stage. If the Government suggests asking the TIC to set down new provisions, requiring travel agents to take out certain insurance at a certain level, I think it is the basic thing it should do. Otherwise, it should introduce legislation to use the levy for making compensation. I think the Government should take action as soon as practicable.

In today's motion, I have noticed that Mr CHAN Kam-lam's amendment has crossed out the wording of "assisting in resolving internal conflicts in the industry" from Mr Jeffrey LAM's original motion while Mr Fred LI's amendment has retained this part. Nonetheless, we would support Mr CHAN Kam-lam's amendment today. The reason is that we find the wording — assisting in resolving internal conflicts in the industry and rationalizing the co-operative relationship among stakeholders in the industry — kind of weird. The proposal of Mr Fred LI of the Democratic Party is in fact very simple. We feel that at the present stage, under the existing regime, the best way to resolve internal conflicts in the industry is to expand the representation of the Board of Directors of the TIC by adding to it lay members. The Democratic Party would of course support Mr Fred LI's amendment and also the amendment proposed by Mr CHAN Kam-lam. However, we find the wording in part (b) of the original motion rather odd.

As for Mr Andrew LEUNG's amendment, the Democratic Party feels sorry for not being able to support it. The reason is that it has crossed out the most important part, that is, the spirit of Miss TAM Heung-man's amendment. For this reason, we cannot support Mr Andrew LEUNG's amendment. However, we would support other amendments.

I so submit.

**MR CHIM PUI-CHUNG** (in Cantonese): Deputy President, the tourism industry is regarded as one of the four pillars in Hong Kong. We can see this

over the past few decades. It is absolutely a fact that the importance of the so-called smokeless industry developed by the liberal world has replaced many manufacturing industries. We used to have 20 million to 30 million arrivals every year. We have been caught up by Macao only recently. In future, Macao will certainly make use of its gaming industry and government policies, and it will be forced..... Macao is not having foresight, but because gaming is the only business and industry that can keep it running ahead, and its tourism industry is thereby driven to become the only pillar in society. Hong Kong would lag behind, but it does not mean the end of our day. However, the SAR Government, our Bureau Directors and major officials should have foresight in every single matter and should not be ignorant of what is happening in this world.

Recently, I had the chance to speak to the Chief Executive. For the Chief Executive himself, no matter it was out of sheer luck or being given a very good opportunity for his election, he should cherish his own future, reminding his Secretaries of Departments and Bureau Directors to treasure their responsibilities and positions. The direction to be adopted should not be perfunctory but proactive. The same holds true for the tourism industry. We must understand that mobility in the tourism industry is considerably high at present. Although some major travel agents have operated for two or three decades, or even have a history of four to five decades, it often happens that after they have become well-known, they may have to close down due to some social changes.

I have extensive contacts in the tourism sector. According to them, the money that can be made from each member of a package tour is only \$10 to \$20. The profit margin is so small that we can hardly imagine. To those engaging in the tourism industry, the Government has in fact not given them systematic and co-ordinated support all along. In fact, apart from the tourism industry, the Government has been treating many other industries in the same negligent manner, turning a blind eye to their needs. The Government has been doing a bad job in this aspect. It is a mistake on the part of the Government.

In the past, we could still point a finger at the colonial Administration, blaming it for leaving behind the problem. Yet, it has been 10 years since the reunification, as Hong Kong is also a major place of development of the country, why does the Government have no policy and plan to organize our tourism industry? I agree that if the Government is intent on promoting tourism

services, it has to work on a few major areas, and one of them is to note the existing services provided to the community as a whole. We can see that the overall tourism issue is not a simple one, involving in fact problems in the community as a whole. For instance, the travel industry has to rent shops, so it is directly related to the real estate sector. As with the other sectors, among the 30 seats in the functional constituencies, I believe that more than 20 of them have direct or indirect relations with or are closely related to the tourism sector. It proves that the tourism industry in Hong Kong is something more than its name denotes, it involves the overall development of society. Therefore, the Government must assume a clear stance. A clear stance means the Government should come up with policies, and they can not be bureaucratic ones. Should anything happens, it must take quick actions, acting promptly and directly, with a view to winning the support of the community at large. Only by this can we get rid of bureaucratic practices.

Apart from the tourism industry, there are of course many problems existing in other industries. Self-discipline in the industry is very important. As mentioned just now, while having an accumulated levy of more than \$400 million, the amount is still growing. Currently, some people in the industry are saying that the amount accumulated is too large, and the levy should be abolished. When no policy for abolishing the levy is in place, they can still make use of the money, determining how to maximize the fund in a formal manner. They may not want to hand over the entire sum, as that would affect the industry, but they would certainly agree to maximizing the fund. For this reason, apart from spending money, the government department concerned should find out how to make good use of the money, so as to tie in with the government policy.

Thirdly, I do not quite agree with the remarks made recently by the Government, saying that we have to display another label at honest shops. Our government policy should be to ensure that every single shop is operating in an honest manner. We should not prove the honesty of a shop by adding it to the list of an honesty committee. This is not the right thing to do. Can we say that 90% of the shops are not honest if they have not joined the committee? This kind of mentality and attitude should be rebuked and criticized. While undertaking to do better, the Government does not mean that we should discredit others by trampling upon them, building up one's success at the expense of others. The Government should encourage all players in the industry, in particular the service sector, to earn their profit in an honest manner. At the



same time, the Government should ensure that participants are satisfied in all other areas. A good business means the capability of pleasing the customers, while a good employee is one who can please his boss. By the same token, the development of society as a whole will be able to strike a balance in future.

**MRS SELINA CHOW** (in Cantonese): Deputy President, in recent years, our tourism industry has been booming, aptly evident in the substantial increase of arrivals. Various service industries are benefiting from it as a result. But the tourism industry alone is the only exception that cries out with a lot of grievances, why is it so? While we see that the number of outbound package tours has been on the rise, small travel agents operating inbound package tours are complaining. What exactly is the problem?

The purpose of the motion moved by Mr Jeffrey LAM today is to bring various problems faced by the industry into this Council for thorough and serious discussions, allowing Members to understand the plights of the industry, with a view to identifying ways to resolve problems. We should not put pressure on the industry, or to aggravate their internal conflicts by imposing on them some lay and authoritative regulation and penalty. This is not going to help the industry. If we want the tourism industry to go on booming, we must keep the industry healthy. If we want to have good travel agents, good tourist guides and good receptionists, we must have the industry itself taking the lead, with support being given by the Government and society.

Sometime ago, I talked to some experienced industry participants. They told me that they had been most annoyed by the following problems.

The Travel Industry Compensation Fund (the Fund) was established after the former Legislative Council had passed the Travel Agents (Amendment) Bill in 1989. Up to now, the Fund has accumulated about \$480 million. The amount is collected from 0.3% of the qualified outbound tour fare received by local travel agents as levy to the Fund. Half of the money goes to the Fund, while the other half goes to the TIC to meet its daily administrative expenses. Inbound travellers are not required to pay such levy.

The original intention of setting up the Fund was to provide consumer protection to the public joining outbound tours. Nonetheless, in recent years, in particular following the opening up of the Hong Kong and Macao tour market

and the implementation of the Individual Visit Scheme, the TIC has used 70% of its resources to handle complaints and problems in connection with mainland tourists. This has on the one hand exerted a lot of pressure on the operation of the TIC, while attracted criticisms from local travel agents on the other, complaining against it for spending too much time and effort on mainland travellers, thus leaving the needs of the local industry unattended. Given the change of the times, should a review be conducted of the composition and function of the Fund? For instance, should we consider the proposal of the TIC, imposing a levy on tour fare for both inbound and outbound travellers? And should the proportion allocated to the TIC for its daily operation be adjusted upward?

On the other hand, among the some 1 400 existing members of the TIC, the majority of them are small and medium travel agents operating on a small capital, especially those providing ticketing services. In recent years, their operation has become more and more difficult. For instance, they are facing threats posed by the online booking service of airlines. We have heard that the price of tickets offered by the online service of airlines was even lower than those booked through travel agents. In the light of the introduction of a new requirement of Same-Day Void on 1 April this year, the credit period of 15 days has been cancelled. Any changes or cancellation of tickets made after booking on the same day are liable to charges, increasing greatly the cost of small and medium travel agents. Although we understand that it is a world trend, should they be given more time to adapt to this development and make some changes?

As a matter of fact, small sized travel agents are part of our 300 000 small and medium enterprises (SMEs). However, has the Government regarded them as SMEs and given them sufficient support in the past? I believe that the assistance given to these small and medium travel agents should be stepped up, either in the form of granting them subsidy or *ex gratia* loan, thus enabling them to provide more training opportunities or to upgrade their information technology equipment. Most importantly, their competitiveness should be strengthened.

Finally, I want to talk about the issue of tourist guides. While the recent issue of zero-fare package tours has aroused wide concern about the quality of inbound tourist guides, we must not overlook another problem troubling the industry. In the past, tour guides were helped by some so-called co-ordinators.

These co-ordinators would become tour guides after they have completed their training. However, since the TIC required all inbound tourist guides to sit for an examination to acquire a permit in July 2004, co-ordinators ceased to be a stepping stone for becoming tourist guides. The problem reflected here is, it has become more difficult for people to enter the trade, narrowing the scope of recruitment. As people have to obtain a permit before joining the trade, new entrants can no longer join the industry through taking up on-the-job training as they did. Also, people in the industry cannot see any promotion prospects or the so-called career path ahead of them. Currently, the Government is engaging in introducing a Qualifications Framework in various industries. However, for the tourism industry, we do not have a clearcut career path conducive to the professional and regularized development of the industry. The Government should listen to the views of the industry and assist in providing training, so that professional training opportunities are available to different scopes and levels in the trade. As a result, the framework can be built up gradually, whereby co-ordinators can become tour guides, ticketing staff can become managers and managers can become partners. In this way, those who are interested in entering the trade can have a clear idea about their career path. This is the best way to make our tourism services more professional, adding value to the industry and enhancing the local economy.

Thank you, Deputy President.

**MISS CHAN YUEN-HAN** (in Cantonese): In the past decade or since the reunification, the tourism industry in Hong Kong has become an important sector of Hong Kong economy. According to the figures of the Hong Kong Tourism Board (HKTB), we had 25.25 million arrivals last year, bringing revenue of over \$117.3 billion. As mentioned by colleagues just now, we all see that Hong Kong has been benefited by the Individual Visit Scheme introduced by the State. Basically, mainland visitors have become the major source of customers for our tourism industry. For example, among the 25.25 million arrivals last year, 13.59 million of them were mainland visitors. We can thus see that the increase in the number of mainland visitors did have an obvious impact on our tourism development or even our overall economic performance.

Deputy President, we had the 2006 Discover Hong Kong Year Campaign last year, and the HKTB, the organization responsible for its marketing, spent

over \$400 million in total to hold large-scale events, programmes and promotions in various places. However, while the Government and relevant departments have been investing heavily on promoting and marketing our smokeless industry, we can see that many problems have emerged in the tourism industry itself in the process, undermining our development. On the one hand, we are spending money on promotion and providing more facilities, but the problems in the industry are jeopardizing our development on the other, making us worry that they would jeopardize the development of Hong Kong's tourism industry.

A few years ago, the Hong Kong Hotels Association told us that during the Golden Week holidays, hotel room rates had been pushed up, and those engaging in the activities were no outsiders, but people in the industry — anticipating that a lot of visitors would be coming, they pushed up the room rates and suffered losses eventually. While the hotel room rates in Hong Kong were already very high, it was found out that those who took part in the speculation were people in the industry — or at least a number of them were. We noticed that these malpractices in the industry, including hoarding hotel rooms for gaining profit when there was a shortage of supply, had in fact become a major problem. At that time, the issue was not raised by us. I remembered that when this issue was raised in this Council, people in the industry seemed to take it very lightly, giving us only a very brief explanation. Looking at the situation in recent years, we did feel there were some problems, only that the Government and the industry failed to address them effectively.

Lately, incidents involving unscrupulous merchants ripping off mainland visitors have aroused concerns on the Mainland and in Hong Kong. In these incidents, the qualities of tour guides and tour escorts, as well as their malpractices have attracted a lot of criticisms. Very often, we see on the television videos taken by some people on purpose, recording what tour guides said on the coaches. We would feel upset after seeing those videos. Many people would condemn unscrupulous merchants for the malpractices, but if we looked into the issue, while agreeing that the tour guides should be held responsible, as I just said, the root problem lay in the existence of those so-called "zero-fare tours". If tour guides want to lead a tour, they have to pay the travel agents in advance. As there are some grassroots who cannot find the suitable job in the mainstream labour market, they are very often forced to be tour guides of these "zero-fare tours". As they know that they have to pay travel agents in

advance for a group of tourists, they have no choice but to rip off tourists so as to make money.

This is in fact nothing new. The situation has existed for a very long time. Our trade union has been advocating that we must set down a minimum wage in the tourism industry. We have raised some problems here, if the Government is not going to clamp down on these malpractices..... On the surface, it seems to be a problem of the tour guides, but it is in fact related to the business practice adopted by travel agents. Even if we delve into the question deeper, we find that nothing can be done by the regulatory bodies of the industry, including the TIC.

That is why I raised these problems. If we go on like we do now, relying solely on the self-discipline of the industry and the code of practice set down by the TIC..... In my opinion, we cannot rely solely on the TIC in today's situation. I have discussed this with various tour guides organizations and the Commissioner for Tourism — the Commissioner is not present at the meeting — as well as with government officials, telling them that as the interest of the industry was at stake, the present approach was not going to work. For instance, the issues of hotel room speculation and zero-fare tours were all created by these people, some of them being even members of the TIC. It would be basically impossible to ask them to solve their own problem by themselves. Besides, there was also the problem of low transparency. Under these circumstances, we noted that in last year, a package tour group was dumped by its tour guide. After extensive coverage by the press and media, the travel agent concerned was only subject to a fine of \$10,000 and a one-month suspension of membership, and a reprieve of half year was granted. Later, I found out that it was in fact the heaviest penalty ever imposed by the TIC on its member since it was established 28 years ago. I want to convey this question to Stephen IP via Secretary Stephen LAM — he is standing in for him today: How can the problem be solved? Under these circumstances, tour guides are sometimes forced to take drastic actions. I believe you have a lot of issues to handle. As there are many problems in the industry, it would not be practicable to rely solely on them to solve these problems.

Deputy President, in the wake of the many incidents lately, problems in the industry have been exposed by the mainland media, and our reputation as the shoppers' paradise has been enormously damaged. We can see that some people in the industry did swindle visitors with malpractices. As I just said,

visitors being cheated were mainly from the Mainland, including those coming on the Individual Visit Scheme. Taking DIY tours in Hong Kong..... As compared with other countries, we can say that ..... There are quite a number of DIY travellers from Japan. What are Members' views of these problems? We found that these people are closely related to travel agents, and might be closely related to the TIC. Under such circumstances, what is the Government going to do?

About the 1 May Golden Week this year, on the face of it, we recorded an increase of 30% in the number of visitors. However, we found out that most of them were visitors on Individual Visit Scheme, and the number of package tours dropped 10%. This is a warning. If the Government refrains from taking decisive measures to solve the problem, there would be no way out. For this reason, Mr WONG Kwok-hing suggested restructuring the existing regulatory bodies. This is very important. Can the Government solve the problem by merely talking about granting them additional manpower resources? I do not think it is going to work. The Government should revamp the TIC. Its Chairman should not be people in the industry, but rather someone more impartial. I believe that the Government should take this approach. Otherwise it would only give me an impression of making a piecemeal solution.

Lastly, I have to tell Stephen IP that it is not going to work all the same. Honestly, I only feel that if the Government is not going to do anything, it will on the one hand create a lot of grievances among those guides, and restrain greatly the development of our tourism industry on the other. Thank you, Deputy President.

**DR KWOK KA-KI** (in Cantonese): Deputy President, the topic of discussion today is tourism industry. I heard that not a few colleagues had put forward a lot of viewpoints and I agree with them, including the one about the development of tourism industry in Hong Kong. That is indeed not keeping pace with the progress of our entire city. Up to date, we can still see many certain ways of operation and practices of the tourism industry. There are even unscrupulous shops which cheat tourists into purchasing counterfeit goods. No one in Hong Kong would like to see all this.

Although the Government has great efforts in the wake of a report by CCTV earlier on, can these policies be long-lasting? If it goes on like this, this

kind of unscrupulous shops or substandard tourism services may revive again. As colleagues just actively discussed, if the Government does not start with the basics, including revamping the supervisory organizations of the tourism industry, revising the registration system, enhancing the transparency, and setting up a quality service scheme to improve the situation, I believe we can hardly do a good job of it.

However, today, I do not intend to discuss all these issues. Deputy President, I wish to discuss another kind of tourism, and that is, medical tourism. This is also related to Secretary Stephen LAM, the substitute Secretary attending this meeting today. Basically, our existing medical tourism is targeted on the mainlanders. The Secretary may have learnt that his Bureau will be renamed very soon as the Constitutional and Mainland Affairs Bureau, therefore, he really has to listen to our discussion.

In Asia, medical tourism is definitely not something new, and it has become an important niche in the tourism industry of many Asian countries. In 2005, Singapore attracted 400 000 overseas patients, bringing more than \$500 million of economic benefits. In 2003, Singapore introduced an international medical scheme. It was estimated that 1 million overseas patients would have been attracted to receive medical treatment in Singapore by 2012. India is a region which is difficult to assess and is also relatively backward compared with Hong Kong. Its medical tourism is enjoying an annual growth of 30% and there are 150 000 overseas patients seeking medical treatment in India each year. The Indian Government expects that by 2012, this will bring about US\$2 billion of economic benefits. Thailand is already very famous in this aspect. Bernard is now not in the Chamber. We all know that he is involved in a well-known hospital there which is called Bumrungrad International Hospital. In 2005, this hospital alone received 400 000 overseas patients. Apart from this hospital, in 2004, a total of 600 000 overseas patients received medical treatment in Thailand, bringing HK\$3.8 billion in revenue.

In what way is Hong Kong inferior to the countries mentioned by me just now? Nothing is inferior to them. In areas like quality of doctors, nurses and various kinds of medical staff, technical level, laboratory equipment and other areas, we all have attained international standards. However, it is unfortunate that we do not provide much in the way of medical tourism, with the exception of women coming to Hong Kong to give birth, for which there are many reasons. Some may have to evade certain policies while some may want to obtain the right

of abode. Strictly speaking, I believe that this kind of rather awkward or weird medical tourism may also have great impact on society. Nevertheless, I do not intend to spend time discussing this topic. I just want to discuss medical tourism other than obstetrical services.

In September 2005, during the China-European Union Forum on Sustainable Development held in the Mainland, Mr WANG Longde, Vice Minister of the Ministry of Health of the People's Republic of China, said that in 2003, the total medical expenses were RMB 1,200 billion yuan, and from 2004 onwards, there was an annual growth of 10%. In fact, with these conditions, including the mainland market, we can thus estimate that we are able to attract some people who have demands for higher skilled and higher-level medical services. However, what has the Government done?

Deputy President, firstly, do we have enough hospital beds? The answer is in the negative. Compared to the total number of hospital beds in the territory, there are only 2 794 private hospital beds presently, accounting for 9.92% of all hospital beds in the territory. Let us look at Singapore, its number of private hospital beds accounts for 25.57% of the total, while in Australia, the percentage is 34.18%. Basically, over the past one or two decades, there was a severe imbalance between public and private sector medical services due to policy changes. Under the circumstances, not too many private medical groups or private hospitals are willing to make investments. When we want to develop this industry while no one is willing to make investments, will the Government remain indifferent? The existing situation is just like this.

As we all know, the Government of this term has put down a medical tourism scheme under the National 11th Five-Year Plan. It has really been written down. However, when I asked to meet and discuss this with the Chief Executive, he only responded that he did not have the time. I have no idea what he wants to do.

Firstly, if our medical services, including private medical services, do not have substantial growth and development, basically, it is very difficult for us to do anything in this area. It is because so far as investment is concerned, in the development of private hospital beds, some private hospitals need a lot of support measures, including land, loans perhaps, incentives from the Government, some rather stable policies on medical services, and so on. Nevertheless, if everything falls short locally, what else can we do?



Secondly, in regard to promotion in the Mainland, including tourism promotion conducted by the Hong Kong Trade Development Council (TDC), what can be done is actually very limited. Over the past few years, the Medical Council of Hong Kong and the TDC have indeed made a lot of efforts. Nonetheless, given such a vast country, what we are now doing is only a drop in the ocean.

Thirdly, as regards travel arrangements, including visas, no arrangement on medical visas has been provided by Hong Kong to date. This kind of tourism is still following the same arrangement like others, and such tourists can only stay for seven to 14 days. Deputy President, if we want to provide good medical services, we have to exert efforts at various levels. Medical tourism definitely is worth our efforts and this is also what we should do. In the future, we hope that the Government will have concrete and practical policies, apart from giving verbal undertakings, to promote this cause.

I so submit. Thank you, Deputy President.

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy President, the Government says there are four economic pillars, and one of them is tourism.

The buoyancy of tourism is due to — no need to mention at all, as everyone will know on checking the figures. At present, the number of mainland tourists has already accounted for more than 50% of the total number of tourists. Through a policy, we enjoy quantitative growth, but what about qualitative growth? A moment ago, Miss CHAN Yuen-han already said that during the Golden Week in May this year, the number of tourists coming to Hong Kong in tour groups was less than the number of individual visitors. In fact, I think that since there are so many individual visitors coming to Hong Kong, we have to adopt some measures so that they can enjoy their stay or conveniences here.

I have already expressed my view many times that no matter it is "zero tour fare" or ripping off tourists, one of the reasons is the blockade of information. In other words, if there is an imbalance in information, these incidents will happen. It is similar to the situation where I want to buy barbecued pork but I do not know where to buy it. Then this will give rise to a chance for such incidents to happen. Therefore, in the final analysis,

everything is two-way. Firstly, has the Hong Kong Government or the industry tried its best to provide information to tourists so that they can choose on their own? Secondly, it concerns the Mainland. On the Mainland, this is also partly affected by political factors. Even if a website is set up, it can also be cut to disallow people browsing it. Under the circumstances, we will have no other means. Therefore, we should first of all do one thing well.

Secondly, talking about our internal affairs, the internal problem is in fact similar to all the other problems of Hong Kong, which is the so-called insiders problem. In other words, it is insiders managing their own affairs. On this question, a transparent and open procedure is lacking. My office e-mail account has been receiving this kind of complaints from the industry. First of all, on the issue of rooms, it is actually not because there are room scalpers, but only because hotels request the industry to rate the rooms en bloc. The reason is very simple. Only if someone is willing to rent the rooms en bloc, they can receive money. For example, if the rate for each room is \$1,000 per night, the hotel will raise the rate to \$1,200 per night. When the rooms are rented en bloc, a 10% discount will be offered and that will be fine. This way of monopolization or forcing people to rent the rooms en bloc will actually raise the operating costs of all the parties concerned. At the end, people in the industry or small-capital operators have to face huge difficulties.

In other words, even when we see the booming development of the tourism industry judging from figures, we have to understand that there is actually a triangular pattern in the industry. Those at the very top are as fat as Stanley HO who always has to buy socks. Those at the bottom only have the choice to work very hard, and may even have to do something which is universally condemned. Buddy, this is what is behind "zero tour fare". Does someone say that he is unemployed? Do come to the interview and I can give you job opportunities. However, you have to rip the tourists off for me. I will give you a knife and you will start working with that knife. In the past, there were cases of robbers robbing people with a knife. And now, there are incidents of tourist guides ripping off mainland tourists.

Therefore, on this issue, if the Government delays in studying this self-regulatory council, if the Government does not interfere and let that group of people call the shots, I find that in the long run, not only will this create problems to the development of the tourism industry — because they have to rest on their laurels. The situation is similar to that of the films produced in Hong Kong.

Only if a good film is produced, all films will go in that direction. "Infernal Affairs" has Parts I, II, III and IV, until all the potentials of that direction are exhausted.

If you want to improve the entire industry by means of this kind of "rough" growth, instead of placing the capital again in capital investment, it is not going to work. But the Government is exactly behaving in this way in encouraging the lazy people, using the big white elephant.....take the Hong Kong Disneyland as an example. Since Mr TUNG was so incapable politically, he wanted to do something to boost the atmosphere and thus created this big white elephant. Now that even Shanghai is not constructing this theme park, but we still keep on investing into it. However, after the investment, it has become too cumbersome to be effective. Come to think about it. How many support facilities should a Disneyland have? Have we thought of the effectiveness? Let me tell you why there is nothing at the end. It is because of our corrupted system. All the medium and small white elephants derived from making this big white elephant are getting rich, due to lack of supervision — what I am now saying is that since the Government does not effect supervision, some people are allowed to mess about.

If we do not solve this problem, we will definitely be unable to catch up. Firstly, we can no longer rely on cheap commodities. It is because increases in rental will offset all our tax concessions. This is similar to the concessions on liquor duty granted by our Financial Secretary, to which wine traders just could not care less. You just reduce the liquor duty, reduce the liquor duty for those well-offs, but they may not use the money for capital investment. Rather, they can use the money for stock speculation.

Hence, the trickling theory of the Government actually does not work, evident in the tourism industry. We can see that there is no direction to date. Whether we attach more importance to Chinese tourists or to tourists of other places, this is our decision. We can look at the situation of Macao, which places importance on the corrupted officials of the Mainland. A deputy town head in the city of Dongguan could have lost \$90 million gambling in Macao. This bubble is colossal indeed.

Thus, if our Government goes on like this, there are only two possibilities. First, our public coffers will be greatly abused for subsidizing some self-regulatory businessmen who only care for their own benefits. Second, we

will be unable to continue developing our tourism industry into one that can bring benefits to the grassroots.

Thank you, Deputy President.

**MR JAMES TIEN** (in Cantonese): Deputy President, first of all, I would like to declare an interest, that I am the incumbent Chairman of the Hong Kong Tourism Board (HKTB).

As the motion says, Hong Kong is a city popular among tourists all over the world. However, to promote healthy development of the local tourism industry, there is still large room for development and the Government needs to put more efforts. In regard to the amendment which suggests further enhancement of the operation efficiency of the HKTB, I would also like to give some response.

According to government statistics, the number of tourists visiting Hong Kong was as high as 25.25 million people last year, which is 8.1% higher than the year before. And the growth rates from the principal markets are also promising. As to the first four months of this year, especially in April, the number of visitors from the Mainland dropped 0.1%. However, the total number of visitors to Hong Kong in the first four months is 8.79 million, which is 5.3% higher than that of the same period last year. Of course, from the angle of the HKTB, the only assessment of the performance of the HKTB can only rely on these figures quoted. If we use other figures, it is difficult to judge our performance. Therefore, from the angle of the HKTB, in areas like promotional propaganda and the number of tourists attracted to Hong Kong, the result to date is not bad.

As regards the organization of mega events, at present, apart from the Best of the Best Culinary Awards which are running with recurrent government expenditure, the other events like the Chinese New Year Parade, the Hong Kong Shopping Festival and the Hong Kong WinterFest, the specially organized Mid-Autumn Lantern Celebration during the past two years and the two-day Culture & Heritage Celebration organized in Cheung Chau for last year, as well as the Quality Tourism Services Scheme (in which there are Q-mark shops), they all rely on additional funding from the Government.

Nonetheless, the HKTB will no longer have additional funding next year. The recurrent funding this year is about \$470 million, same as last year. Besides, the Government will account the balance of the additional funding for Discover Hong Kong Year campaign last year, which is about \$70 million, to that item. Therefore, there is \$540-odd million altogether, which is much less than those of the two years before last. In other words, the HKTB needs to make adjustments and may have to cancel certain events. However, since some events have been well loved by both tourists and Hong Kong people, while the results were also promising, once they are cancelled, will the development of the Hong Kong tourism industry be affected, or will the tourists (including Hong Kong people) feel puzzled by the sudden disappearance of those events which have been so important in Hong Kong over these years?

Take the figures on consumers' spending during the Hong Kong Shopping Festival as an example. According to government statistics, in 2006, consumers' spending reached \$2.34 billion, which was 27% higher than that of the previous year. As regards the number of tourists visiting Hong Kong during the Hong Kong WinterFest, by December 2006, there were 2.4 million people, much higher than the 2.19 million people of the previous year. Therefore, we may have to discuss how we should do in due course.

I would also like to tell Members that as regards the new Executive Director of the HKTB, we will make an announcement very soon, for we have already identified the suitable person. At that time, I will review, together with the new Board, the mega events organized by the HKTB. We will assess which events need to change into regular events, or which events have already passed their time and need to be cancelled. If we find the funding insufficient and when necessary, we will strive for regular funding from the Government. I hope that colleagues in this Council will decide whether or not to support us after understanding the situation.

Of course, if we have to organize more events to attract tourists, the Government also has to put in some supportive efforts. For instance, as the HKTB also notices, should we still be imposing strict immigration arrangements on the Middle East tourists, such that the well-off or general tourists from the Middle East, Eastern Europe and Russia may turn to other neighbouring areas? For another example, can we learn from the experience of Shanghai and Singapore in upgrading the venues and facilities and raising the money awards, so as to facilitate organizing genuine international events like Open Tennis or

Formula One race? Of course, as I also understand it, these are out of the scope of discussion today.

Talking about the management of the HKTB, I do not agree with some persons who may know a little, but make irresponsible remarks about the HKTB being a spendthrift when they actually are unclear of the accounts of the HKTB. The management of the HKTB is subject to strict regulations. For instance, there were only 25.25 million tourists visiting Hong Kong last year, which was lower than the target. In addition, the average length of time of tourists staying in Hong Kong was shortened from 3.7 days in 2005-2006 to 3.5 days last year. Since two out of the four targets could not be attained by the former Executive Director, the HKTB could only offer her a bonus of \$360,000, which was \$230,000 less than the previous year.

It is a matter of course that the HKTB will continue to make improvements. In the coming year, we will review its structure and establishment, with a view to further enhancing the operation efficiency and corporate governance, as suggested in the amendment. If, in addition, the Government can provide us with enough funding, we will be able to do a better job.

(THE PRESIDENT resumed the Chair)

President, in regard to our original motion, I have to mention one point, that is, we also notice the condition of the existing travel agents in Hong Kong, especially the small and medium travel agents. The agents which are small and medium enterprises (SMEs) are a little similar to the so-called brokers as represented by Mr CHIM Pui-chung. Travel agents which are SMEs are also having a hard time due to various reasons. On the one hand, they have difficulties booking tickets with large-scale companies like airlines. On the other hand, they are also very much concerned about the arrangements for voiding tickets and refunding on the same day as set out by the international organizations. Thus, for these issues, we think that they could only be addressed with the Government's co-ordination. This is different from what Mr SIN Chung-kai has said, that our original motion is a little weird to the extent that they do not understand what we want. In fact, I find that when these problems cannot be handled by the industry, they need to be addressed squarely by the Government. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If no Member indicated a wish to speak, I now call upon Mr Jeffrey LAM to speak on the amendments. You have up to five minutes to speak.

**MR JEFFREY LAM** (in Cantonese): Madam President, the development of the local tourism industry is everybody's business. Not only does it involve the individual interests of the industry, various sectors in society are also required to contribute their ideas in order that the industry can thrive. Therefore, I am very pleased today that so many colleagues have expressed concern for this motion on fostering the development of the tourism industry and made many suggestions. While some of the suggestions are constructive, some are unrealistic.

Mr WONG Kwok-hing has proposed commending honest shops and outstanding employees in the industry in order to strike home a positive message through encouragement and improve the performance of practitioners of local tour reception agencies, rather than resorting to punitive or regulatory measures. We will certainly lend him our support as the proposal is reasonable and consistent with the long-standing view of the Liberal Party.

Nevertheless, I have reservations about Mr WONG's proposal of restructuring the Hong Kong Tourism Board (HKTB) and Travel Industry Council (TIC) of Hong Kong to enhance their representativeness because both the HKTB and TIC have been operating smoothly after years of development and continuous progress. We simply do not see any need for restructuring. Neither should changes be made for their own sake.

Mr WONG has also remarked that I have some misunderstanding by pointing out that the tour guide fee system has not yet been implemented. However, I wish to tell Mr WONG that a consensus on the tour guide fee system has already been reached in principle by the industry. Only that there are ongoing discussions on such issues as the amounts of tour guide fees payable depending on the types and sizes of tour groups.

Madam President, Mr Fred LI has often said that the TIC is regulated by its own members and thus proposed that the representativeness of the Board of Directors of the TIC be expanded by adding to it lay members. Actually, the present size of the Board of Directors of the TIC is not small, given that it has a total of 25 Directors. I am afraid its structure, if further expanded, will only become even more cumbersome. Furthermore, I wonder if Mr LI is aware that the Board of Directors already comprises eight independent Directors, representing up to one third of the membership. Hence, we do not find it necessary to increase the number of lay representatives.

As regards the compulsory introduction of two representatives from tourist guides to the Board of Directors of the TIC, Mr LI might probably be not familiar with the operation of the tourism industry and unaware of the existence of two representatives from tourist guides in two groups established by the TIC to express their views on the protection of consumers' rights and interests and the handling of complaints against tour guides.

Insofar as training is concerned, given that the tourism industry, as one of Hong Kong's economic pillars, has a profound impact on the long-term development of the territory, I do not understand why Mr LI would have questioned the request for the Government to provide basic, or even postgraduate, training programmes.

Mr CHAN Kam-lam's call to introduce an indemnity insurance system is actually similar to the proposals previously raised by a number of people in the industry who consider that the protection of the industry and tourists should be enhanced simultaneously. The Liberal Party also hopes that the system can be implemented expeditiously.

However, I do not fully agree with Mr CHAN Kam-lam's views. He has proposed to delete point (b) of my original motion on the ground that the conflicts are merely internal conflicts of the industry and government interference is therefore unnecessary. But, as I pointed out earlier in the meeting, the tourism industry is everybody's business and stakeholders in the industry include travel agents, airlines and international organizations, too. In the event of an uneven distribution of interests among stakeholders and failure to rationalize the relationship among the stakeholders, a "lose-lose" or "no-win" situation may be resulted. This is extremely detrimental to the development of the local tourism industry, and this is what we definitely do not wish to see.



Hence, I believe proper intervention and mediation by the Government are necessary. I also believe Members will support entrenching fair competition in the industry to upgrade the quality of its service.

Madam President, I so submit.

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the tourism industry is one of the four pillars of the economy of Hong Kong. Growth in visitor arrivals has been steady in recent years. In 2006, total arrivals were more than 25 million, which was an increase by 8.1% over 2005. Overall visitor spending exceeded \$119 billion, an increase by 12.7% over 2005. Mainland visitor arrivals increased by 8.4% over 2005 and mainland visitors continued to be our biggest source market.

To keep up the momentum in the continued growth of the tourism industry, the Government has been working in close partnership with the Hong Kong Tourism Board (HKTB), the Travel Industry Council (TIC) of Hong Kong as well as the tourism industry. Resources have been put in areas like improving the existing tourist spots and building new ones, engaging in worldwide publicity to attract more visitors to come to Hong Kong, enhancing regulation of the industry and raising the professionalism of tourism practitioners through training courses. All these measures are aimed at creating a good level playing field in the industry and foster conditions conducive to growth.

All along the Government has been actively working with the tourism industry through various channels to offer a good and healthy business environment to the industry. This will enable market players to capitalize on their respective edges and seek the maximum growth of their business. This will also lead to mutual benefits for all the stakeholders, to the best advantage of the tourism industry in Hong Kong as a whole.

As a major city where the East meets the West, Hong Kong is well-positioned as a very attractive tourist destination. To keep Hong Kong stay attractive to the tourists, the SAR Government has in recent years invested in a number of new tourism projects and improvement of existing popular tourist spots. These include major theme parks, ecotourism and developing new tourist attractions with cultural colours. Major tourist infrastructure projects

completed during 2005 to 2007 totalled more than \$30 billion in investment. These included the Hong Kong Disneyland, Hong Kong Wetland Park, Ngong Ping 360, Wisdom Path and A Symphony of Lights Phase II, and so on. These tourist facilities can cater for the needs of all age groups and offer a wide range of choices to the tourists. Not only will these attractions enrich their travel experience in Hong Kong but also help extend the length of their stay here and increase their spending.

With respect to improvement of the existing tourist attractions, projects completed included the beautification of the Sai Kung waterfront, improvement project at Lei Yue Mun, improvement project at Central and Western and the government and private sector co-operation project on the Avenue of Stars and the waterfront promenade at Tsim Sha Tsui. Besides, the beautification project at the Stanley waterfront, the improvement project at the Peak and the transport links system project in Tsim Sha Tsui East have all commenced. They are expected to be completed within this year.

Over the next five years, more new tourist facilities will be completed in phases. The total investment of these facilities reaches \$10 billion. Major projects include the development of a new cruise terminal and the redevelopment of the Ocean Park. On top of these, there are also beautification projects at Tsim Sha Tsui, Lei Yue Mun, Aberdeen and such like existing attractions.

We have plans to upgrade the Ocean Park into a world-class marine theme park. Redevelopment of the Park commenced in end 2006 and is expected to complete in phases in early 2012-2013. Attractions in the Park will increase from the present some 30 significantly to more than 70. The Park also plans to build a hotel in a bid to make it more attractive to visitors and extend the length of their stay. In addition, the Government and the Walt Disney Inc. have agreed to add to the number of games and facilities in the theme park. In 2007 and 2008, the Disneyland will add three new attractions, including the classic Disney ride of "It's a Small World". These projects will help enhance our position as the prime family travel destination in the region.

In October 2006, the Government announced a plan to develop a cruise terminal at Kai Tak and two berths for ocean-liners will be constructed. The first berth is expected to be commissioned in 2012. The new cruise terminal is expected to ease the shortage of berths for ocean-liners and the problem of

unavailability of berths for mega ocean-liners, hence promoting the development of cruise tourism in Hong Kong.

Hong Kong has a state of the art international airport, aviation and shipping networks that link up with the world, extensive road and rail networks and very convenient public transport services. All these are infrastructure essential to any major cosmopolitan city. Not only do they help the Hong Kong economy grow and stay vibrant, but they also form the basic conditions for developing and promoting tourism.

With respect to aviation networks, by adopting a more liberalized aviation policy, expanding the aviation networks, and constantly improving Hong Kong's links with the world, the Government is facilitating the development of the tourism industry. We have entered into aviation agreements with 58 partners to date in aviation, covering all the major markets in aviation. Many of the agreements reached in recent years have not only lifted the restrictions in the carrying capacity between Hong Kong and the partners concerned but also made it possible for airlines to increase the number of flights. Currently, there are an average of 5 600 flights every week between Hong Kong and 156 international and mainland destinations, which represent an increase of 66% and 30% respectively as compared to 10 years ago. In 2006, the volume of passengers handled at the Hong Kong International Airport reached 44.5 million passenger trips. In terms of the volume of international travellers, our airport ranks the fifth in the world. The efficiency, facilities and services of the airport are also well-liked by the tourists, making it rated as the best airport by the Airports Council International in 2006.

We have all along been bettering the overland transport network that links up the territory with the Mainland. The KCR Sheung Shui to Lok Ma Chau Spur Line will open in mid-2007. The Spur Line will link up Lok Ma Chau and Huanggang in Shenzhen and offer an alternative cross-boundary access for rail travellers. It is expected to ease the busy transport between the Mainland and Hong Kong, which is conducive to the growth of the tourism industry.

Mr Jeffrey LAM has mentioned in particular upgrading the quality of professional services of the employees in the tourism industry. As the tourism industry is one of the major pillars of the Hong Kong economy, the Government attaches great importance to the long-term development and manpower training

of the industry. We have put in a large amount of resources in education and training in this regard, including funding the tertiary institutions, the Vocational Training Council (VTC) and other educational institutions to offer various programmes of study to people aspiring to a career in the industry.

Tourist guides are the major front-line workers in the industry. As with Members, the Government and the TIC attach great importance to the training of tourist guides. In order that the professional level of tourist guides in Hong Kong can be enhanced and stricter regulation can be imposed on them, the TIC introduced a Tourist Guides Accreditation Scheme in September 2002. Under the Scheme, travel agents are required to assign holders of Tourist Guide Pass as tourist guides. Under the Skills Upgrading Scheme (SUS), the Government has made a funding of more than \$22 million to train tourist guides. Of the sum, \$16 million is used to take forward the Accreditation Scheme by providing in-service training for tourist guides to prepare them for the Tourist Guide Pass examination. Since the introduction of the Scheme, training has been offered to 9 100 in-service tourist guides and 7 000 have succeeded in passing the examination.

Mr CHAN Kam-lam has mentioned the importance of training and Prof Patrick LAU has also stressed the importance in this respect. In order to help tourist guides acquire new knowledge and skills in their spare time and equip themselves to meet new challenges, the Government has made a funding of \$6.2 million under the SUS and a number of special training courses were offered in mid-2006 for tourist guides and other workers in travel agents. These courses include Basics of Nature Appreciation, Cultural Tourism: Heritage, Monuments and History of Hong Kong, Practical English for Operational Staff of Travel agents, Practical Putonghua for Tourist Guides and Tour Escorts, and Customer Services and Effective Communication Skills for Travel agents. About 650 tourist guides and operational staff of travel agents have undergone such training to date.

Ever since the introduction of the Tourist Guides Accreditation Scheme, the Government as well as the TIC have always been concerned about the continuing professional development of tourist guides. After undertaking a detailed study and in-depth consideration, and after consulting the tourist guide unions, the TIC has confirmed the details of a Continuing Professional Development Scheme and would strive to roll out the Scheme by July 2007. Under the new Scheme, Pass holders must pass a designated examination and

spend a number of hours on training courses before they are eligible for renewal of their Passes. In view of the importance of professional ethics, the Scheme requires tourist guides to take part in related workshops in order to broaden their knowledge in this area.

In-service tourist guides may also enrol in related courses offered by the universities or tertiary institutions, the VTC and other professional training institutions in addition to the specified SUS courses. Most of these courses are qualified for reimbursement under the Continuing Education Fund and participants may be reimbursed a maximum amount of 80% of their course fee.

Apart from tourist guide training courses, courses provided by the tertiary institutions include operations and management of hotel and food and beverages, service techniques and management, tourism economics and accounting, human resources management for tourism industry, and so on. Regarding the training of junior and middle management staff, the Hospitality Industry Training and Development Centre and the Chinese Cuisine Training Institute under the VTC mainly train operational staff and supervisors for the industry at the basic levels. The Hong Kong Institute of Vocational Education under the VTC offers various pre-employment diploma courses including housekeeping and front-desk operations, customer service management, human resources operations, information systems and operations for hotels. The above courses at different levels aim to provide those who intend to join the hotel industry with a solid foundation of professional knowledge.

The Government and the TIC will continue to pay close attention to the needs of the market and the tourism sector, so as to provide more training courses to practitioners of the tourism industry. To meet the needs of the industry, the Government and TIC will listen to the views of the tourism sector before determining the types and content of courses to be offered.

To maintain the competitive edges of Hong Kong's tourism industry and diversify its visitor base, we have been working closely with the HKTB, TIC and tourism sector in promoting tourism development, enhancing the quality of services and expanding the sources of visitors. Marketing activities will target identified high-yield and high-potential segments, especially family and business visitors. Among the business visitors, many are hopefully those who belong to the high-potential meeting, incentive, convention and exhibition (MICE) segment.

To increase the contribution of the business visitor segment, the HKTB is leveraging on mega events like the Chinese New Year Parade, the Hong Kong Shopping Festival, and so on, to induce extended stays, encourage companion travel and revisits for leisure, and stimulate higher spending at destination.

Regarding developments in the family segment, the HKTB leverages on the opening of many large-scale family-friendly tourist facilities during the past two years and is committed to enlarging the visitor base in this segment. The HKTB also holds many well-received mega events like the WinterFest, the Chinese New Year Parade, and so on, to attract more family visitors.

With concerted efforts from all those concerned, key segments showed satisfactory growth in 2006 with overnight family visitors having increased by about 10% and visitors under the age of 16 also grown by about 35% as compared to 2004. Overnight business arrivals increased by 13% during the same period. At the beginning of this debate, Mr Jeffrey LAM stressed the importance of business visitors and Members have all along been keeping a keen interest in this.

The HKTB has been stepping up its promotional activities on the Mainland and overseas and it works with the tourism industry to further market Hong Kong in cities covered by the Individual Visit Scheme and other high-potential second-tier cities. Tourist information is offered to the residents there in the hope of enhancing their knowledge of Hong Kong and encouraging them to make a visit.

Both the Mainland and Hong Kong are currently the number one visitor source market for each other. We will continue to maintain a close partnership with the Mainland, for example, in strengthening air, sea and land transport links and formulating policies that facilitate visitor clearance. Regarding the promotion of travelling with multi-destination itineraries, we are working with various cities and provinces on the Mainland to leverage on the rich tourist resources and attractions there to devise and market various theme-based itineraries. This will provide more choices to overseas visitors and suit their different needs and interests.

In 1999, the HKTB introduced the Quality Tourism Services (QTS) Scheme to upgrade the standard of tourism services and reinforce the business image of Hong Kong. The Scheme is an accreditation scheme under which only

companies having achieved quality and service excellence are granted the privilege of displaying the QTS sign. The aim of the Scheme is to commend and encourage shops to provide excellent service to visitors and to promote those shops that meet the standards of service excellence among visitors. To date, some 6 400 retail and catering shops have been accredited under the Scheme. The HKTB is committed to extending the Scheme to other tourism-related sectors. Last year, the Scheme was extended to include guesthouses.

In recent years, the Government has also been promoting heritage and cultural tourism to highlight the unique historical and cultural background of Hong Kong. To tie in with the recent opening of the Sun Yat Sen Museum, we have helped the Central and Western District Council renovate the Dr Sun Yat Sen Trail. The HKTB also promotes heritage and cultural tourism through various means like the Internet, information plaques, publications and docent tours. It will continue to explore new itineraries themed around our heritage and culture and thereby offer more choices to visitors.

The HKTB has also launched the Cultural Kaleidoscope programme in recent years with the aim of offering visitors a multi-faceted experience of the fusion of the East and the West in Hong Kong which is a city of amazing diversity. The programme is imbued with rich cultural and heritage tour elements. One example is the Architecture Walk which is jointly organized with the Hong Kong Institute of Architects. During this walk through the Central District, visitors will come to understand the evolution of the city through its buildings, each with its own special historical, cultural and architectural characteristics. The HKTB has also published a leaflet called *Discover Hong Kong by Rail* in which information on the attractions and heritage sites along the East Rail and West Rail is given. The HKTB will work with the industry to promote traditional customs and festivals among the visitors, such as the Tin Hau Parade in Yuen Long, the Cheung Chau Bun Festival and the "Bathing Buddha" Ceremony at the Po Lin Monastery on Lantau Island, and so on.

The Government attaches great importance to green tourism. Under the principles of nature conservation and sustainable development, existing resources are put to their best use to promote green tourism while resources are injected where appropriate to develop new attractions. Apart from the various country parks and green tourism in Northeast New Territories which are key points in our publicity efforts, there are also new attractions such as the Hong

Kong Wetland Park situated at Tin Shui Wai. To tie in with the opening of the Hong Kong Wetland Park and green tourism in New Territories North, the HKTB has introduced the Nature Kaleidoscope programme which features itineraries in the New Territories and the outlying islands for overseas visitors.

Miss TAM Heung-man and many Honourable Members have mentioned enhancing the operation efficiency and corporate governance of the HKTB. The HKTB is a statutory organization set up under the Hong Kong Tourism Board Ordinance. Its governing body, that is, the Board, is appointed by the Chief Executive and consists of 20 members representing a wide spectrum of sectors, including passenger carriers, hotel operators, licensed travel agents, tour operators, retailers and restaurant operators, and other related trades and industries. The main function of the HKTB is to market Hong Kong to the world and to enlarge the contribution made by the tourism industry to the Hong Kong economy. The HKTB plays a vital role in marketing and promotions and with respect to the promotion of tourism in general, the HKTB works in close partnership with the Government and the industry.

The Government and the Board have been exercising regular monitoring of the HKTB and its use of resources according to the existing mechanism and statutory requirements, in order to ensure effective use of public resources by the HKTB. These monitoring mechanisms include auditing of the annual financial statement of the HKTB by an external auditor appointed by the Government and its annual report of activities will be submitted to the Chief Executive and laid before the Legislative Council. The HKTB has an established mechanism of financial monitoring and internal audit to ensure cost-effectiveness of its promotional activities. Its work plan and budget, progress and effectiveness of marketing programmes, financial procedures and guidelines are all vetted and monitored by the relevant committee established under the Board. The HKTB is required to submit a detailed quarterly report of the activities held using government one-off additional funding, including details on how it uses the additional funds and progress of these activities.

Honourable Members, if we examine the decade after the reunification in 1997, we would find that not long after the reunification and when we experienced the Asian financial turmoil, visitor arrivals to Hong Kong at that time were only slightly over 10 million. Now we have 25 million visitors to Hong Kong every year. I trust this is the result of the hard work done by the



HKTB and the tourism industry over the years. I also believe that Mrs Selina CHOW and her colleagues in the HKTB have really put in a good deal of efforts over the past few years. And I am sure that the new Chairman of the HKTB, Mr James TIEN, will continue with the good work in actively promoting Hong Kong's tourism.

Mr Howard YOUNG has made special reference to the importance of honest and quality tourism. Some Members are also concerned about the launch of honest and quality tours and the significance of its relationship with the regulation of the industry. The launch of honest and quality tours is essential to maintaining our fine reputation as a shoppers' paradise. Most of the merchants in Hong Kong are honest and fair in doing business. They have a good reputation and visitors enjoy shopping here. However, there have been cases where the shops which received tour groups from the Mainland used unscrupulous business practices to mislead or deceive the visitors. The Government, the industry and the relevant groups will never condone such acts.

Under the existing mechanism, travel agents, being TIC members, are bound by the TIC Memorandum and Articles of Association. They have to observe the codes of conduct and guidelines issued by the TIC under the Memorandum and Articles of Association. Travel agents which contravene the guidelines and codes of practice are subject to disciplinary action by the TIC, including suspension or revocation of membership, and eventually the cancellation of licences by the Travel Agents Registry.

For those shops under the Refund Guarantee Scheme for tour groups, as they are designated to receive tour group visitors, they have to register with the TIC and strictly enforce the 100% refund policy. If they violate their pledge, they will be given demerits. Registered shops with full demerits will be removed from the list of registered shops. Travel agents are not allowed to bring visitors to the delisted shops for shopping activities.

To enhance consumer protection for mainland visitors in Hong Kong, we have reported to this Council in November 2006 and April 2007 respectively on the measures introduced to impose stricter regulation on receiving agents and tourist guides receiving mainland group tours and to combat malpractices in the industry comprehensively and rigorously. The measures introduced last

November included those which require Hong Kong travel agents to provide visitors with itineraries in order to increase the transparency of the tours. Penalties for non-compliance by receiving agents and tourist guides are to be made stiffer. These include issuing a warning to tourist guides who have committed a serious breach and a suspension or revocation of their Tourist Guide Passes. A new committee was formed under the TIC to deliberate on complaints and violations relating to inbound tour groups, to formulate codes of conduct and guidelines on the regulation of such kind of tours and to enhance consumer education. Measures announced in April 2007 include stepped up enforcement action, review and amendment of existing legislation, tightening the regulation of shops registered under the 100% Refund Guarantee Scheme by extending the time limit for refund from 14 days to six months, "naming and shaming" shops that have committed repeated violations and received frequent complaints by uploading such information onto the TIC website, with hyperlinks to the Consumer Council, HKTBB, China Consumers' Association and the China National Tourism Administration (CNTA) to alert consumers, as well as stipulating that inbound travel agents should only receive tour groups organized by mainland outbound travel agents authorized by the CNTA.

Some Members suggested expanding the representation of the TIC to add more lay members and tourist guide representatives. Currently, of the 25 members serving on the TIC Board of Directors, eight of them are independent lay members appointed by the Government. They come from various professions and sectors in the community such as the legal and accountancy professions and the academia. This composition enables more views to be heard in the TIC from all quarters. There are select committees under the Board of Directors, including committees to deliberate on cases involving tour agents and tourist guides. The majority of members in these committees are lay members. A few months ago, the TIC established two new committees to cope with the regulatory needs of inbound tour groups from the Mainland. One of them is the Mainland China Inbound Tour Compliance Committee which examines non-compliance cases of inbound tour groups from the Mainland. This Compliance Committee is composed of a majority of lay members and its chairman is an independent director of the TIC. Also, the TIC has included representatives from tour guides in the relevant committees so that their views can be heard. So with respect to the concern expressed by Mr Fred LI and Mr WONG Kwok-hing about the involvement of tour guide representatives in the

committees, I think to a certain extent and at a certain level, this has been well taken care of.

The tourism industry in Hong Kong is always changing and the market developments are fast and dramatic. As the TIC is composed of both members from the trade and lay independent individuals, hence it is in a better position to understand the market operation and needs and it can respond swiftly to regulatory needs in the market by way of non-legislative means like the issue of directives. The Government will play a leading role at the policy level and make co-ordination efforts to enable the forging of a consensus among stakeholders. For example, on combating sales malpractices of retail shops, the Government co-ordinated the TIC and many groups in the industry to liaise closely with the CNTA and made concerted efforts to launch the above rigorous measures in November 2006 and April 2007. The Government will maintain close collaboration with the TIC to ensure that the existing system will respond to market developments promptly for the protection of visitors and consumers and to facilitate the healthy development of the industry.

Besides, the TIC and tour guide associations reached a consensus on the tour guide fee issue and relevant guidelines were issued to tour agent members of the TIC. Therefore, with respect to the issue which is a concern of Mr WONG Kwok-hing, relevant guidelines have been issued. I think the guidelines should be followed closely by all business entities in the industry. These measures can help reduce tour guides' dependence on sales commissions and upgrade their quality of service for inbound mainland tours in the long run.

All the initiatives mentioned above would be conducive to the healthy development of the industry and provide fair and healthy room for development for honest market players, including travel agents, retail shops and tour guides, and so on.

Madam President, I would like to mention a point in particular. A few Members mentioned the policy on same day void of air tickets, and I would like to make a brief response here. Mr Jeffrey LAM and Mrs Selina CHOW both raised this point. This is in fact a business decision of the aviation industry in response to the market situation and this is a policy practised in most major cities

of the world. As far as I know, a case is presently being heard by the Court and as the relevant proceedings are yet to complete, it would not be proper for us to comment on the subject today. However, we hope that the various stakeholders in the tourism industry can act with full awareness of the overall interest of Hong Kong and the tourism industry and adopt business practices that suit the new market developments and can respond to the new challenges posed. They should discuss issues of common concern with a view to reaching mutually beneficial and win-win solutions. When necessary, the Government would be glad to play the role of a co-ordinator and we will do our best to offer help in training matters in order that the employees in the industry can keep themselves abreast of the times.

Dr KWOK Ka-ki has specifically mentioned the topic of medical tourism. As he has said, the Government has stated its position on that in the paper on the National 11th Five-Year Plan and that is, we hope to promote development in this aspect. Despite the fact that our health care workers, including our doctors, have reached world-class standards, there should be matching measures in other areas before this can become a reality. We also need to have land and other auxiliary personnel before we can offer services of the highest and most competitive standards. This is no easy task to complete, but we will strive to achieve it.

Madam President, I would like to sum up what I have mentioned some 30 minutes ago and that is, the Government will continue to invest in infrastructure projects, manpower training, promotions and marketing and work in various areas and we are prepared to work with Members and the industry as close partners. As Members can all see, our colleagues in the Tourism Commission have worked very hard and prepared such a comprehensive response for me who is standing in. Thank you. *(Laughter)*

**PRESIDENT** (in Cantonese): I now call upon Mr WONG Kwok-hing to move his amendment to the motion.

**MR WONG KWOK-HING** (in Cantonese): President, I move that Mr Jeffrey LAM's motion be amended.

**Mr WONG Kwok-hing moved the following amendment: (Translation)**

"To add "although" after "That,"; to delete "and" after "all over the world,"; to delete "has all along supported" after "the SAR Government" and substitute with "still needs to strengthen its support for"; to add "(a) in view of the difficult business situation of the industry, allocating more resources to promote monument sponsorship, green ecology and local customs, and setting a timetable for developing Hong Kong's cultural characteristics of the east meeting the west under 'one country, two systems', thereby improving the hardware and software of the industry's business environment on a broader level; (b) restructuring the Hong Kong Tourism Board and Travel Industry Council of Hong Kong to enhance their representation and further include the participation of trade union representatives; (c) further promoting good labour relations in the industry, comprehensively perfecting the employment system and formulating reasonable employment conditions (including basic salaries, employees' compensation insurance, mandatory provident fund, medical benefits and holidays, etc), improving the employee-employer and staff-management communication mechanisms and promoting cooperation between the employees and employers in order to create a win-win situation for both sides, so that both sides can join hands in promoting the development of the industry; (d) through commending trustworthy shops and tourist guides and employees in the industry who are professional, sincere, friendly, hospitable and make tourists feel welcomed, establishing quality brand names and goodwill of local tour reception agencies to improve the image of the local tourism industry;" after "which include:"; to delete the original "(a)" and substitute with "(e)"; to delete the original "(b)" and substitute with "(f)"; to delete ", eliminating uneven distribution of interests" after "internal conflicts in the industry"; and to add ", so as to foster a sustainable and healthy development in the local tourism industry" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Kwok-hing to Mr Jeffrey LAM's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Kwok-hing rose to claim a division.

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing 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, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the amendment.

Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 11 were in favour of the amendment, 12 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 21 were in favour of the amendment and two 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 amendment was negatived.

**MR FRED LI** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Fostering the development of the tourism industry" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members 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 "Fostering the development of the tourism industry" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Mr Fred LI, you may move your amendment.

**MR FRED LI** (in Cantonese): President, I move that Mr Jeffrey LAM's motion be amended.

**Mr Fred LI moved the following amendment: (Translation)**

"To add "and the provinces and municipalities in the Mainland continue to introduce the 'Individual Visit Scheme' " after "all over the world,"; and to add "; feasible measures include expanding the representation of the Board of Directors of the Travel Industry Council of Hong Kong by adding to it lay members and representatives from tourist guides" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Fred LI to Mr Jeffrey LAM's motion, be passed.



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

(Members raised their hands)

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

(Members raised their hands)

Mr Fred LI rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Fred LI has claimed a division. The division bell will ring for one minute, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr LUI Ming-wah, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the amendment.

Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 12 were in favour of the amendment, 11 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 22 were in favour of the amendment and two 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 amendment was negatived.

**PRESIDENT** (in Cantonese): Miss TAM Heung-man, you may move your amendment.

**MISS TAM HEUNG-MAN** (in Cantonese): President, I move that Mr Jeffrey's motion be amended.

**Miss TAM Heung-man moved the following amendment: (Translation)**

"To delete "and" after "the level of professional services" and substitute with ", the quality of corporate governance and its regulatory mechanism, so as to"; to delete "and" after "tourist guides;"; and to add "; (c) considering further enhancing the operation efficiency and corporate governance of the Hong Kong Tourism Board; and (d)

considering establishing a better regulatory mechanism for the tourism industry, including reviewing the composition of the Travel Industry Council of Hong Kong, to avoid conflicts of interests in the tourism industry" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss TAM Heung-man to Mr Jeffrey LAM's motion, be passed.

**PRESIDENT** (in Cantonese): I now call upon Mr Andrew LEUNG to move his amendment to Miss TAM Heung-man's amendment.

**MR ANDREW LEUNG** (in Cantonese): President, I move that Miss TAM Heung-man's amendment be amended.

**Mr Andrew LEUNG moved the following amendment to Miss TAM Heung-man's amendment: (Translation)**

"To add "how (such as considering allocating more resources) to assist in" after "(c) considering"; to delete "establishing a better" after "(d) considering" and substitute with "perfecting the existing"; and to delete ", to avoid" after "composition of the Travel Industry Council of Hong Kong" and substitute with "and strengthening its power and resources, so as to satisfy the community's expectation of its function to monitor the industry and at the same time avoid the possibility of"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew LEUNG to Miss TAM Heung-man'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)

Miss TAM Heung-man rose to claim a division.

**PRESIDENT** (in Cantonese): Miss TAM Heung-man has claimed a division. The division bell will ring for one minute, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, 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 and Mr KWONG Chi-kin voted for the amendment.

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the amendment.

Ms LI Fung-ying and Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Ronny TONG voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 16 were in favour of the amendment, six against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, nine were in favour of the amendment and 15 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 amendment was negatived.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That Miss TAM Heung-man's amendment to Mr Jeffrey LAM'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)

Miss TAM Heung-man rose to claim a division.

**PRESIDENT** (in Cantonese): Miss TAM Heung-man has claimed a division. The division bell will ring for one minute, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr LUI Ming-wah, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr Philip WONG voted against the amendment.

Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 12 were in favour of the amendment, one

against it and 11 abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 22 were in favour of the amendment and two 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 CHAN Kam-lam, you may move your amendment.

**MR CHAN KAM-LAM** (in Cantonese): President, I move that Mr Jeffrey LAM's motion be amended.

**Mr CHAN Kam-lam moved the following amendment: (Translation)**

"To delete "and" after "tourist guides;"; and to delete "assisting in resolving internal conflicts in the industry, eliminating uneven distribution of interests and rationalizing the co-operative relationship among stakeholders in the industry" after "(b)" and substitute with "consolidating the level playing field and free business environment for the tourism industry; (c) urging the Travel Industry Council of Hong Kong to expeditiously introduce an indemnity insurance system for the tourism industry in order to strengthen the protection for the industry and tourists; (d) communicating with the representatives of travel agents and tourist guides to study the feasibility of introducing a basic salary system for tourist guides; and (e) rigorously combating unscrupulous shops and penalizing the non-compliant travel agents so as to enhance the service standard of the tourism industry". "

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Kam-lam to Mr Jeffrey LAM's motion, be passed.

**PRESIDENT** (in Cantonese): I now call upon Mr Howard YOUNG to move his amendment to Mr CHAN Kam-lam's amendment.

**MR HOWARD YOUNG** (in Cantonese): President, I move that Mr CHAN Kam-lam's amendment be amended.

**Mr Howard YOUNG moved the following amendment to Mr CHAN Kam-lam's amendment: (Translation)**

"To add "and considering extending the function of the Travel Industry Compensation Fund for such purpose" after "protection for the industry and tourists"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Howard YOUNG to Mr CHAN Kam-lam'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.

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That Mr CHAN Kam-lam's amendment, as amended by Mr Howard YOUNG, to Mr Jeffrey LAM's motion be passed.



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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

**PRESIDENT** (in Cantonese): Mr Jeffrey LAM, you may now reply and you have three minutes 56 seconds.

**MR JEFFREY LAM** (in Cantonese): President, I am grateful to the 15 Members who have spoken on my motion today.

The contents of Members' speeches are diverse. Although I do not totally agree with some of the views, I believe the Secretary has picked up many new ideas from the speeches, which may also be helpful to the development of Hong Kong's tourism industry. Regarding the earlier incidents of unscrupulous shops, Members have voiced a lot of opinions, and the Government, the HKTB, the TIC, representatives of tourist guides, and so on, have come up with new measures to rectify past shortcomings. However, unscrupulous shops are just one of the problems of Hong Kong's tourism industry. Not only does the industry wish to weed out unscrupulous shops, it also hopes to ameliorate some underlying problems, for example, training and the solving of internal conflicts. I am very happy that the Secretary also mentioned that the training of tourist guides must be given weight. Refresher opportunities have to be made available for tourist guides, and more diversified courses should be provided in the light of market demand so as to meet the needs of development of the tourism industry. As for business visitors, the Secretary also mentioned that more

large-scale events would be used as a platform for encouraging business visitors to stay longer in Hong Kong. I very much hope that the Bureau, the HKTB and the TIC would step up efforts to attract business travel because the several large exhibitions held in recent years have brought many buyers from Eastern Europe. They told me there were in fact a lot of very attractive places in Hong Kong, and they were so happy that they were reluctant to go home. Therefore, I believe there is much room for development for business travel.

Regarding internal conflicts, I am neither asking the Government to interfere with market operation, nor asking the Government to distribute interests for the industry, I just hope that when appropriate, the Government can — just as the Secretary said earlier — play a co-ordinating role to foster industry co-operation, promote development and avoid internal dissension. Therefore, I do not fully agree with the deletion of part (b) of my motion by Mr CHAN Kam-lam, and my key view lies here, that is, when appropriate, the Government needs to effect co-ordination.

Recently, many people will watch television when they get home after work. You may notice one of those lines which we always hear, that is, "with the mouth at its side is 'wo' (和), without the mouth at its side is also 'wo' (禾)", meaning that it is most important to have harmony, to be polite and amiable, to be of one mind. For the tourism industry to prosper, it is imperative for the industry to work together. I very much hope that in the near future, Hong Kong will earn itself one more reputation of being a travel paradise. President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Jeffrey LAM, as amended by Mr CHAN Kam-lam and Mr Howard YOUNG, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion as amended passed.

**PRESIDENT** (in Cantonese): Second motion: The 4 June incident.

I now call upon Mr Martin LEE to speak and move his motion.

### **THE 4 JUNE INCIDENT**

**MR MARTIN LEE** (in Cantonese): Madam President, as the people in the seats for government representatives have left in haste, the seats for government representatives are now empty.

On the website of the Tiananmen Mothers, Mr FANG Zheng gave the following testimony in 1999, "I found that a tank was moving from the east to the west and charging at speed at the procession of students, so I did my utmost to push the female student towards the railings of the pavement. In no time, the tank had already come close to the pavement and was closing in on me. It looked as though its barrel were right before my eyes. I could not get out of the way in time and all I could do was to lie on the ground but it was too late. My upper body was caught in the space between the two tracks of the tank but unfortunately, my two legs were run over by the tank, with the track grinding my legs and trousers and I was dragged for a long distance. I struggled very hard and managed to free myself, rolling over to the roadside and fainted then. I was aware of what subsequently happened only afterwards. I was taken by residents and students to the Ji Shui Tan Hospital for emergency treatment and an operation was carried out in the hospital to amputate both my legs. My right leg was amputated at one third down from the upper thigh and my right leg was amputated at five centimetres below the knee."

It was said that Mr MA Lik was still resting in Guangzhou due to his illness and he could not access the websites on the 4 June incident on the Mainland as access to them was denied. I hope that after he has come back to

Hong Kong, he can search for information in earnest. He will find innumerable testimonies of the 4 June incident. Those injured will tell him about the crackdown on that day; the family members of those killed will relate to him the agony of losing their loved ones. Moreover, there are also many stories of imprisonment and being placed under surveillance, as well as the torment of being forced into exile, barred from going back to one's own country and dying in a foreign land. All these are the scars stained with blood and tears.

In the book *Looking for the June 4 victims* published in 2005, Madam DING Zilin found a total of 186 victims whose names were known. The 4 June incident is a taboo of the mainland Government and for the time being, no one can tell for sure the number of casualties in the incident. I hope that one day, Mr MA Lik will be willing to find out the truth behind the 4 June incident and campaign for its vindication together with us. In that event, I believe more official and civilian records will come to light and Mr MA Lik will find that the people are not pigs, that some of them were indeed crushed into mince meat and no one can cover up the fact of a massacre in the city.

In the annual debates on the 4 June incident, the great majority of Honourable colleagues from the DAB would flee from the Chamber, however, it is strange that although they chose to keep their mouths shut in this Council, they were prepared to rattle on in front of members of the mass media. First came the remarks made by Mr MA Lik, then came the comments made by Mr LAU Kong-wah and Mr Jasper TSANG. First, it was said that there was no massacre in the city, then it was said that the controversy over the 4 June incident was pointless. In Mr MA Lik's view, it was only a matter of the guns going off by mistake. However, today, do they have the courage to voice their views on the 4 June incident? If the views of the DAB on the 4 June incident are at variance with ours, let us simply conduct a serious and thorough debate on the fundamental issues of right and wrong surrounding this historical issue. Madam President, if the DAB considers the arguments over the 4 June incident pointless and is unwilling to probe into the history of the democratic movement in 1989 and face the reality of a massacre in Beijing, it does not have the right to criticize the right-wingers in Japan for saying that the Nanking massacre is a fabrication. A man must have first debased himself before other people would insult him. It is because the Japanese despised the unconcerned attitude of the Chinese and our evasion of historical issues that they have no qualms in distorting their history of aggression against China.

Madam President, a lie, when told a hundred times, may not become the truth, however, it definitely has the effect of self-delusion and making one believe that a lie is the truth. I hope Mr MA Lik will have the courage to face up to the history of the 4 June incident and the DAB will have the courage to debate the issues relating to the 4 June incident, so as to leave a historical record in this Council and to declare one's stance to Hong Kong people unequivocally.

Apart from the DAB, people who evade the 4 June incident also include the former Chief Executive, TUNG Chee-hwa. He once advised Members of the pro-democracy camp and Hong Kong people to put down the baggage of the 4 June incident. However, is it only us in the pro-democracy camp who cannot forget the 4 June incident? The Central Government has also been carrying this baggage of the 4 June incident, unwilling to put it down.

It is easy for TUNG Chee-hwa to talk about putting the baggage down, however, the 4 June incident has become a mark branded onto history, so we cannot just let go and treat it as though it had never happened. We cannot put down the baggage of the 4 June incident and for this reason, we lost the right to return to our country, all because we still have human traits and conscience and have said what ought to be said and done what ought to be done. In the past 18 years, the Central Authorities think that they can erase this historical scar by suppressing the voices demanding vindication of the 4 June incident, however, this is only an ostrich policy. Eighteen years have passed since the 4 June incident, but the commemorative activities have never ceased, so how can one evade it forever?

I believe that the family members of victims of the 4 June incident or the Central Government all want to bid farewell to the torment they have been enduring and embark on a new journey. It is only necessary for the Central Authorities to assume responsibility for the mistakes made by the leadership at that time by apologizing sincerely to the family members of the victims and the people. Everyone can then put down the baggage of the 4 June incident and give the Government a chance to turn over a new leaf.

Perhaps our leaders think that it would be very difficult to take this step, however, many newly-established democracies have set up organizations responsible for "transitional justice", so that the Government can make amends for past atrocities, for example, the Commission for Reception, Truth and Reconciliation in East Timor, the Truth and Reconciliation Commission in South

Africa and the non-governmental Truth and Reconciliation Commission in Taiwan. Although justice was late in coming, it can heal the wounds of the people and reunite a country and its people.

If the Central Government really thinks that there are misrepresentations in the comments made by the pro-democracy camp, why does it not ask the National People's Congress to investigate the truth and make public the findings? We hope the leaders can face the 4 June incident positively and let justice be done to those killed and their family members. Only in this way can the wounds cut by the 4 June incident be healed and it will be truly possible to put down the heavy historical baggage.

In recent years, the civil rights movement on the Mainland is flourishing and there is a groundswell of campaigns ranging from those defending citizens' rights to those defending property owners' rights. Generally speaking, the civil rights movement adopts the most benign approaches in fighting for justice in accordance with the laws of China. By fasting insistently every Wednesday, Mr Albert HO has shown his support for the civil rights movement and civil rights lawyers who are being oppressed by those in power and malevolent forces. I will leave it to Mr Albert HO to give an account of the development and significance of the civil rights movement on the Mainland.

Madam President, democracy is of course important to the good governance of Hong Kong and so it is to the whole country. On various occasions, Premier WEN Jiabao has stated his views on democracy. In 2005, in a press conference held before the Eighth China-EU Summit, Premier WEN said, "China will press ahead with its development of democratic politics, that is political restructuring, in the unswerving and firm way, including direct elections.". Premier WEN also published an article in the *People's Daily* this year and it says that "Democracy, a judicial system, freedom, human rights, equality and compassion are universal values that all human beings aspire to.".

Recently, the documentary "The Rise of Nations" produced by the China Central Television sparked discussions in society, with people telling one another about the series. However, in the commentary page of the *Nan Fang Daily*, the most outspoken newspaper on the Mainland presently, many academics concurred in the articles they wrote that the prime condition for the rise of a nation is "quality democracy".

To some state leaders such as Premier WEN, democracy is not an anathema. Of course, it is by no means easy to establish democracy in China and we still have to travel a long and arduous road, moreover, we still have to clear more obstacles on the way. Just as in campaigning for democracy by Hong Kong people, in the process of the democratization of our country, there are all sorts of vested interests that are hostile, opposed, obstructive and even restrictive to democratic reform. However, democracy has become a universal value and an irresistible historical trend, an aspiration of many Chinese that could not be realized for over a century. Here, I hope that with the struggle waged together by the champions of democracy throughout the country, this wish can be realized early.

With these remarks, Madam President, I beg to move.

**Mr Martin LEE moved the following motion: (Translation)**

"That this Council urges that: the 4 June incident be not forgotten, the 1989 pro-democracy movement be vindicated, the civil rights movement be supported, and a constitutional democracy be established."

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

**MR CHEUNG MAN-KWONG** (in Cantonese): President, 4 June was the darkest day in modern China and the most heart-breaking thing of all was for the Chinese to kill their own people.

The furore concerning the 4 June incident caused by MA Lik has caused a commotion in the whole city and he was lambasted verbally and in writing. LAU Kong-wah of the DAB said that the present achievements of the country had not come easily, so it was pointless to stir up unnecessary controversy and they believed that there would be a fair conclusion in history.

The claim that there would be a fair conclusion in history has become a fig leaf for covering up the shame of the 4 June incident and a lightning rod for shunning the 4 June incident. However, the most important issue of right or wrong in the 4 June incident does not lie in the death toll, nor in how soldiers

came to open fire, nor in the definition of a massacre in the city, but whether it was right or wrong for Chinese to kill Chinese. Is it right or wrong to use tanks and machine guns to kill young people petitioning peacefully? This is a question asked by our innate nature and conscience, and it is not necessary to vindicate the 4 June incident because a conclusion has already been drawn in history. It is crystal clear and there is not the slightest ambiguity, unlike LAU Kong-wah's claim that the 4 June incident was controversial and it was difficult to draw a conclusion.

MA Lik's ravings have gone beyond flippancy and irreverence, and once again molested the dead and subjected their family members to further injury. Those killed in the 4 June incident were real people, not pigs thrown in the way of tanks as experiments to make mince meat of them using tanks. Even if he wanted to dab cosmetics on the Central Authorities, he should not tell such cold-blooded lies. Not only is it necessary for the DAB to apologize for MA Lik's flippancy and irreverence, it also has to state its position on what it believes to be right and wrong insofar as the major issues surrounding the 4 June incident are concerned. As I have said, was it right or wrong for Chinese to kill Chinese? Was it right or wrong to use tanks and machine guns to kill young people petitioning peacefully?

I make such a request to the DAB not because of party rivalry, but because of conscience. I believe the DAB is patriotic or at least, it has the goodwill to be patriotic, however, being patriotic does not mean aiding and abetting the tyrant by giving up all principles and transforming what was right and wrong about the massacre in the city into flippant irreverence. Patriotism is not a turtle shell for the conscience that makes one a coward in criticizing other people's wrongdoing even though they are guilty of murder. Patriotism is not mindless opportunism and dancing unquestioningly to the tune played by the Central Authorities over the 4 June incident.

The Communist Party of China established new China more than 50 years ago and the historical lesson is very clear. Be it leftists or rightists, conservatives, reformist or democrats, they must all have the courage of "for the country's welfare, life or death are not considerations" and speak their minds and according to the dictates of their conscience. Lies have done a disservice to our country, unquestioning obedience has done a disservice to our country, "shoe-shining" has done a disservice to our country and following the herd has done a disservice to our country. If such disservice has been done to our



country for 50 years and people still do not come to their senses, this is folly; if people go into voluntary amnesia despite the murders in the 4 June incident, this is cold-bloodedness. Is this the behaviour of a patriot? Is this patriotism or doing the country a disservice?

MA Lik has sought refuge in Guangzhou on the excuse of being ill because of his slip of the tongue, however, other DAB members are still in Hong Kong, so how can you run away from the debates on the 4 June incident forever? How can you evade the question asked by your innate nature and your own conscience? If we look at human history, the Prague Spring, the Kwangju Incident in South Korea and the 28 February Incident in Taiwan all could not escape the judgement of history and the wrong done to the people will always be righted. Even the May Fourth movement in 1976 in China was vindicated after the Gang of Four had been toppled and it became the starting point of the reign of DENG Xiaoping. Can China prevent the 4 June incident from being vindicated forever? Can winter impede the onset of spring forever?

When the day for the vindication of the 4 June incident comes, how will our patriot friends in the DAB face their history of aiding and abetting the tyrant? How will you face the condemnation by your own conscience? Can you explain with self-conviction to the Tiananmen Mothers that not even a pig was crushed to death by tanks in Beijing? How can you account for the victims killed by tanks in DING Zilin's list? Do you mean they were all mere fiction and the work of technology?

MA Lik said that if the Communist Party was eventually proven to be wrong by history, he believed that the Communist Party would have the courage and sense of responsibility to change this situation and admit responsibility. The only thing I want to ask Mr MA Lik is why the NPC still refuses to conduct an investigation into the 4 June incident 18 years later. Why has MA Lik, being a Deputy to the NPC, failed to request the NPC conduct an investigation but has to wait for the "if", the "eventually" and the fair conclusion in history, which is dictated by changes in the political scene?

However, Hong Kong people have clenched their teeth and waited for 18 years. Were Nature sentient, she too would pass from youth to age. Eighteen years' of candle light vigils has become the pride of Hong Kong people with conscience. My patriot friends in the DAB, are you willing to go to the Victoria Park and light a candle? Are you willing to commemorate the young

people who sacrificed themselves in the 4 June incident together with tens of thousands of compatriots? Since the pro-democracy movement in 1989, my greatest regret lies in not being able to go back to my country to experience for myself the new China under the reform and open-door policy, however, your greatest loss lies in being unable to join the candle light vigils on 4 June to appreciate the profound and sincere patriotism of Hong Kong people, which is of epical proportions and capable of moving both mortals and the gods alike. This is also the most sincere and moving kind of national education that MA Lik is always looking for.

With these remarks, President, I support the motion of conscience moved by Mr Martin LEE.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, this year, one more issue has arisen in the debate on the 4 June incident, namely, that the Chairman of the DAB, Mr MA Lik, denied publicly that a massacre had ever happened in Beijing. In fact, his comments on this matter have a subtext. What he wanted to say was that in fact, Hong Kong people should not have universal suffrage. In his view, since no massacre occurred in the 4 June incident but Hong Kong people are so credulous, that means some people have been telling lies, still, you people believe in what these people said, so you people are not patriotic, therefore, how can you be worthy of having universal suffrage? In fact, the conclusion drawn by him is that if we wait for another 10-odd years, we can have universal suffrage in 2020 because by then, people will have been brainwashed for more than 10 years and I may have already died by then, so nobody will talk about this again.

This argument is really very weird, however, one cannot say that such a thing has never occurred in history before. This is the argument of the so-called non-citizens, that is, in Axis countries during the Second World War, all citizens who opposed the invasion of other countries were all considered non-citizens, that is, these people were not worthy of being citizens and they did not have the right to vote, to be elected or to receive food rations. All they were fit for was to serve as slaves, that is, slave labourers and by this I mean they were slaves, not labourers.

Members, Mr MA Lik is now taking a break because of his illness. If he is really ill, I wish him an early recovery. If he is politically ill, in fact, an

illness of the mind requires a mental remedy. He should learn more about the national condition and history and should not say things that go against his conscience. In fact, I have also gone to the office of the DAB because I do not want to say this sort of things to them in this Council.

When I got there, he said that he would not accept the item that I presented to him in my petition, therefore, I had no alternative but to give him this item today. President, I present this item to Mr MA Lik and it is a tank. He said that the tanks had not killed anyone. MA Lik, it does not matter. To mobilize tanks was a very serious matter. In fact, in the 4 June incident, the tanks went to the wrong place. If Members take a look, there is a "Ma" (馬, meaning horse) on the turret — the horse that only follows the leader of the pack — that is, nowadays, it so happens that these days, Mr MA Lik has lost everything because of his politics of tanks. He said that the tanks had not crushed anyone to death, so this could not be considered a massacre. Man, what are tanks for? Tanks are meant to defend one's country, so why were they used by the country against university students who were groomed by the country? This atrocity in history is not enough to..... in fact, this tank has come to the wrong place. Originally, it should have been accepted by the DAB, moreover, on that day, 4 June, those tanks also went to the wrong place.

Members, the calamities and sorrows of our country can become the past. If invaders invade our country, we can secure victory after defeating them, as was the case in our war of resistance against Japanese invasion. However, the real sorrow of our country is that the army of our country shot and killed its own people and what is more, the regime denies this piece of history. What does this sorrow of our country signify? In fact, I hope my 60 Honourable colleagues will watch the news footages shot by the TVB on that day or look at the video footages back in 1989 (there is no need to watch too much; it is only necessary to watch the footage of 18 May, when curfew was declared, up to 4 June). Just watch it every evening and do not watch other television programmes. I guarantee that after watching them, Members will have courage that is a hundred times greater to hold their heads high and speak the truth. I myself do not want to watch them because if I do, sometimes I will cry and in fact, I am not someone who cries easily.

Members must understand that every time we talk about this piece of history, our aim is not to make certain people feel bad. What we want to do is to speak up for some aggrieved people and to speak on their behalf. We do so

not because we are wallowing in history but because we want to ensure that the mistakes made in the past will not be repeated. Members, in this world, who would condemn the Jews for indicting Nazi Germany? Who would condemn the Chinese people for indicting Japanese fascism? Who would condemn the Greeks for indicting the aggression by Italy? No one would do so. It is only in this Council that people would do so.

Why do we have to point out that people died on that day? What I want to do is to tell Members that this is not just a political problem, but also a man-made problem. What is politics? Politics is the distribution of power, however, if power is distributed not according to the dictates of conscience, according to the principle of doing good to society or doing good to the majority of people, and if power is distributed according to the principle of serving the privileges, personal interests of a small group of people or autocracy by a minority, to such an extent that the lives of other people are sacrificed, this system is corrupt, and it is the most corrupt of all corrupt systems. Whoever defends such a system distorts history, even if he does so out of goodwill. I will tell him one simple thing: the road to hell is usually built with goodwill.

I am willing to believe in the souls of the DAB and Mr MA Lik. I have no alternative because I cannot prove otherwise. However, I hope that they can produce some evidence that can tell everyone a massacre did not occur on that day. I also hope they can understand that the reason Mr ZHAO Ziyang could not meet any member of the mass media right up to the day of his death is that the Communist Party of China wants to cover up this fact. The owner of Maze was sentenced to 10 years of imprisonment because of the 4 June incident and it was also for this reason that Madame DING Zilin was followed as though she were a criminal when collecting evidence. Which regime would mobilize tens of thousands of Internet police, a million officers of the Public Security Bureau and the National Security Bureau to prevent others from talking about a case of bloodshed and telling the truth? Therefore, the comments that I have made here do have a grain of truth. I hope the DAB can take back that remark, go back and reflect on their wrongdoings in seclusion.

**PRESIDENT** (in Cantonese): Your speaking time is up, please sit down. Moreover, Mr LEUNG Kwok-hung, in future, if you want to bring any items

here to make a point when you speak, you had better bring any something that is completely within your control, so that other Members do not have to help you.

**MR LEUNG KWOK-HUNG** (in Cantonese): This is because when I presented it to him yesterday, he did not accept it and I did not really want to bring it here.

**PRESIDENT** (in Cantonese): This is irrelevant to this Council.

**MR MARTIN LEE** (in Cantonese): President, I believe a quorum is not present.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum, please sit down first. Will the Clerk please ring the bell to summon Members back to the Chamber?

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

**PRESIDENT** (in Cantonese): A quorum is now present. Dr YEUNG Sum, please speak.

**DR YEUNG SUM** (in Cantonese): Madam President, the cold-blooded remarks of MA Lik have splashed huge ripple effects in the debate on the 4 June incident.

MA Lik suspected that Hong Kong people were not patriotic enough and doubted whether there was really a massacre during the 4 June incident. He even went so far as to question whether a tank could really crush a human body into pulp. Another delegate to the CPPCC, Mr CHAN Wing-kee, came to MA Lik's aid and said that MA Lik is a true patriot. On universal suffrage, MA Lik maintained that since Hong Kong people were not patriotic enough, they were not well-equipped for the introduction of universal suffrage in 2012. He said that a better date for the introduction of universal suffrage would be 2022.

Madam President, what is meant by patriotism? What were the factors or studies that led MA Lik to conclude that Hong Kong people were not patriotic enough and there was no massacre in the 4 June incident? Speaking of patriotism, I suppose Mr BAI Hua's comment is the truest. He remarked, to this effect, "Instead of asking the people to be patriotic, we should actually ask whether the State loves the people." During the 4 June Massacre, the people's army killed civilians and students with guns and tanks, and there have since been volumes and volumes of media reports on the massacre, both within the country and internationally. However, MA Lik even queried the meaning of a massacre and questioned whether there was any massacre in the 4 June incident. Such remarks sound rational, but in reality, they are cold-blooded and shameless.

Madam President, patriotism is naturally important. But it must be founded on a pursuit of the truth and a commitment to speaking the truth. Whitewashing the 4 June Massacre is no true patriotism, and people who attempt to cover the facts of the 4 June Massacre are just blind apologists of the party's official line and interpretation of the incident, not daring to go even one step beyond the limit. In exchange, they can no doubt get the central leadership's approval and ascend to the ranks of power in the Mainland. But what they must sacrifice is the conscience as an intellectual. Such blind patriotism does no good to the whole country.

Madam President, over the past 10 years following the reunification, I have witnessed many intellectuals behaving exactly like MA Lik, remaining absolutely silent on the Central Government's human rights abuses and slaughtering of civilians. These intellectuals have even distorted the facts of history, criticizing the Central Government mildly while sparing no help or simply remaining totally reticent. It is small wonder that the Mainland has so far failed to make any positive progress in its human rights record, not to speak of any democratic reform of its political system.

There are bound to be things that intellectuals must do, and must not do. As the saying goes, integrity is the virtue of a man with no desires. Whatever the circumstances may be, one must always adhere to certain moral standards and righteous causes. It is a great pity that when faced with the crime of the 4 June Massacre, intellectuals are not even able to uphold the cause of righteousness and return justice to the death victims.

Over the past 10 years following the reunification, we have witnessed the appointment of many intellectuals by the Central Authorities to the Chinese People's Political Consultative Conference and the National People's Congress. With the blessing of the Central Authorities, some have even formed political parties and established themselves as a political force in Hong Kong, so as to act as a vanguard of the Central Government here. But is all this important at all? All people with a human conscience do not want to recall the incident, but they do not dare to forget it either. Due to various considerations, some people do not dare to talk openly about the truth of the 4 June Massacre and they remain silent. I do not want to blame them too severely, for they at least have not openly rationalized the massacre. However, MA Lik has tried to whitewash the massacre publicly, and he has even gone so far as to comment that since Hong Kong people are not patriotic enough, the introduction of universal suffrage must be further delayed. This is very regrettable.

Madam President, when I was the Chairman of the Democratic Party, several persons from Beijing repeatedly asked me, the Chairman of the Democratic Party, to stop mentioning the vindication of the 4 June incident and the culpability of the massacre. They said that if I did not comply, I would lose my political prospects and the Democratic Party would continue to be ostracized by the Central Authorities.

Madam President, as I have just mentioned, there are bound to be things that an intellectual must do, and just must not do. Regarding the crime of slaughtering the people during the 4 June Massacre, and given the official interpretation of the 1989 pro-democracy movement as a counter-revolutionary campaign, my allies and I will keep on struggling doggedly as long as the incident is not given any fair treatment and vindication. Many people now argue that we must look ahead. But looking ahead is not synonymous to forgetting history. A people who forgets history will never draw any lesson from the past. A people who forgets history will have no prospects. Eighteen years has already passed, so it is high time that the Central Government faced history, made an apology and paid compensation. I also want to make it very clear that even though the Central Government continues to ostracize us, our position on the vindication of the 4 June incident has never changed and will never change.

4 June is drawing near. Let us all meet one another at the Victoria Park that very night. May the noble spirit of the deceased participants in the

pro-democracy movement never perish. The vindication of the 4 June incident is a blessing for the people, for the country.

**MR JAMES TIEN** (in Cantonese): Madam President, it has been 18 years since the occurrence of the 4 June incident. In past years, motions on this topic were moved first by SZETO Wah and then by Albert HO. Today, such a motion has been moved by Martin LEE. However, whoever moves such a motion, the Liberal Party will adhere to its long-standing position. There will be no change.

It is believed that many Chinese people will agree that the 4 June incident is a tragedy. All patriotic Chinese people will make every effort to avoid any repetition of a similar incident. The Liberal Party, however, has always been convinced that history will pass its own judgement on the causes of the whole incident and the subsequent bloodshed.

As I said last year, what is most important now is for China to look ahead in the course of its development. We observe that since the 4 June incident, the State has introduced many reforms. The State has managed to grasp the available opportunity, accelerating the pace of reform and opening and achieving results which the whole world finds marvelous. The administration under HU and WEN is marked by a new style of governance, deeply impressing other countries in the world with a fresh image.

In March this year, Premier WEN Jiabao pointed out in the Government Work Report that last year marked a very good commencement for the National 11th Five-Year Plan. The economic and social development of the country achieved significant progress. For example, with steady and rapid economic growth, the GDP of the country amounted to as much as RMB 21 trillion yuan last year, an increase of 10.7% over the previous year. The economy also continued to grow at a rate of higher than 10% for four years in a row. More importantly, there was no notable inflation, so the people could really enjoy a higher living standard. Economic efficiency also rose steadily, and government revenue reached RMB 3.9 trillion yuan, exceeding that of the previous year by some RMB 770 billion yuan. There was also substantial improvement in the people's livelihood. The *per capita* disposable income in towns and



municipalities reached RMB 11,700 yuan, and that in agricultural villages stood at RMB 3,600 yuan. After deducting inflation and price rises, the actual rates of growth were respectively 10% and 7%.

All these achievements are manifestations that China's integrated strength has been increasing, and that it has taken a further step towards building a middle-class society in China.

In recent years, President HU Jintao has been advocating the principle of "people first and government for the people" and also the building of a "harmonious society". All this is a concise description of the policy objectives of the new generation of State leaders. The Central Government even requires the leadership at various levels to build a "service-oriented" government, stating in very clear terms that "the scope of public and media oversight of the government and its departments will be expanded." Besides, it also vigorously implements an accountability system that "holds those who exercise power accountable, places them under supervision, compensates those whose rights have been compromised and pursue culpability for violations of law", with a view to enhancing the concept of government according to the law. All this can aptly show that the Central Government is sincere in raising the overall standards of governance and enhancing accountability.

Madam President, the Liberal Party understands that although 18 years have passed since the 4 June incident, it is still very much on the minds of many Hong Kong people. But we at the same time maintain that whatever reforms the State implements, the most important requirement will remain political and economic stability and a harmonious society. This is the only way to build a democratic and prosperous society, making our country richer, stronger and more democratic. It is only in this way that there can be greater protection for the people's livelihood.

Madam President, I so submit.

**MR CHIM PUI-CHUNG** (in Cantonese): President, I can recall that in 1999, Mr SZETO Wah asked in this Council, "Where is the only Member who opposed the motion last year?" I was in Stanley Prison. I want to speak my mind today, so I have risen to speak.

I have no obligation, no duty, to offer any explanation on behalf of others, not least because I am not culpable. However, as a Legislative Council Member, I think that I must be true to my conscience and tell what I believe to be the truth. Of course, one's opinions, thoughts and behaviour may not necessarily be totally approved by others. But this does not matter. What is most important is that one speaks the truth.

President, we may analyse the whole incident from several angles. Firstly, we must consider what the Communist Party of China (CPC) stands for. We must think from its perspective. That very day, we saw on television that the whole of Beijing was plunged into chaos, with everything getting out of control. Anyone who wants to deny this fact is simply irresponsible. The CPC, as the ruling party of China, had the duty and obligation to uphold the people's interests and social stability. Of course, whether its approach was in line with others' expectations is quite a separate issue or should be examined from another perspective.

In 1949, the CPC liberated China. We can all observe what mistakes and blunders it has made over the past few decades. I personally think that the Cultural Revolution produced the greatest impacts. Naturally, progress has also been marked by errors along the way. I am convinced that they will hold themselves accountable to history. Had the CPC not upheld the policy of "Four Cardinal Principles", the situation in the Soviet Union now might well be better than that in China. And, Yugoslavia may well be a very good negative example for China. We Chinese people must ask ourselves why we should gainsay all its achievements, accusing it of being absolutely wrong and saying that it deserves this or that disastrous ending. Therefore, people must think from the angle of the CPC. Had it not done so, China as we see it today may not exist at all, and the country may have already been torn apart into several entities.

Second, there is a certain force in the world, led by the United States and supported by Japan and Britain. They too have many supporters and are eager to see what will become of China. Economically, China has surpassed them, but politically, they still want to achieve their aim in the end. In the world, everybody talks about democracy, the related requirements and aspirations. But people are never in agreement, because, as I must emphasize once again, the viewpoints, perspectives, positions and backgrounds of people are all different. After the September 11 incident, does the United States still dare to comment on others' actions? Because what it has done, what it has done in Iraq and other

places, are far worse than the acts of the CPC. Therefore, how can it still criticize others? I hope that when making comments, Members can be a bit more impartial. They must not pick on one side forever while supporting the other side unconditionally. There is indeed such a force in the world, one which is targeted on the development of the Chinese people in various respects. This is absolutely correct. Of course, they cannot possibly achieve their objective.

Third and fourth, as we have already mentioned, the incident is a political issue. The Tiananmen Square incident is truly a political issue. If any Members do not admit this, then I can say that there is already a difference in viewpoints. In this political incident, some were lucky while others were not. We can observe that many people were able to capitalize on the Tiananmen Square incident. They have thus become famous politicians and academics in the world. Some have even come to be regarded as icons. Their gains may not be noticeable to us, and we cannot see what advantages and benefits they have received. We must admit that these are all clever people. They all have international backgrounds, and we need not give any names anyway. We even hope that they can capitalize on the situation to achieve their objectives and purposes. We hope that they can give expression to their personal or even political aspirations, eventually creating a better tomorrow for China. This is our hope.

At the same time, there are some unlucky ones. Mr Martin LEE mentioned that there were 186 death victims with their names known. According to the press, there were just 120 or so. Whichever was really the case, all these people or victims will always have my deepest sympathy. But did all these victims ever try to clarify the truth. Many other people who stayed home at that time did not suffer such harm and did not receive such treatment. I very much hope that people should all turn the 18 years of grief into some kind of power. They should forget it. How? I do not have the duty to teach them how to forget the whole thing or adapt to the social environment. I only hope that they can realize that some have indeed gained benefits from the incident. Of course, I must emphasize once again that they have my deepest sympathy.

Let me talk about two more things. The first one is about the Chinese people. Most Chinese people do not want to overthrow the CPC under unfair circumstances. They do not want to be deprived of certainties. We can see that China's policy of reform and opening in the past two decades has indeed

created a very good tomorrow for the Chinese people. Naturally, as some Members have argued, a good tomorrow should not lead us to accept political abuses. But I must tell them that maybe, we can make use of this force to introduce reforms in many different areas. We have to admit that China is capable of making further economic progress, and we can even expect to see further upgrading of quality in the future.

The next thing is about Hong Kong people's situation and interpretation of the incident. The Democratic Party has obviously amassed its political capital as a result of this incident. It does not want to let go of it. I am not saying that they are totally wrong. Politics are politics. If one can capitalize on something, it will become one's source of power. But I hope that they can make better use of such power to encourage Hong Kong people to face their future. Finally, I must say that Mr MA Lik should bear responsibility for his own remarks. But before the truth is ascertained, we had better give others some leeway. Thank you, President.

**DR KWOK KA-KI** (in Cantonese): Madam President, I must first thank Mr Martin LEE for inheriting from Mr SZETO Wah the tradition of moving a motion on the 4 June incident on the eves of its anniversaries. I believe that every year when we debate this motion topic, every Member will do so with quite a heavy heart. Just now, I heard many Members cite lots of statistics. I am unable to quote such figures. These Members kept talking about the increases in revenue and profits for China. Maybe, businessmen are more materialistic and what matters most to them is invariably money. The policy of reform and opening of China has brought many business opportunities and led to a boom of its stock market. I believe that all of us are aware of China's economic achievements so far.

Perhaps, all is because the death victims are not the children of Members. But Members must still give some thoughts to the whole thing. Suppose their children took to the streets on 4 June 1989, suppose their children stayed in the streets just for a while or participated in some demonstrations out of their concern for the country's future and democratic development, and also suppose they eventually saw their children lying dead in hospitals after being rolled over by tanks, I do not know how they will feel.

Mr MA Lik remarked that no massacre had occurred during the 4 June incident, adding that if there had been more than 1 000 deaths, he would agree that there had really been a massacre. I once read a press report written by Mr Willy LAM, a former journalist of the *South China Morning Post*. In this report, he disclosed that after the 4 June incident, he had contacted a friend who was in the People's Liberation Army. The friend told him that according to an internal document, the death toll of the 4 June incident was 1 170. If a death toll of more than 1 000 can really make him believe that there was indeed a massacre, then does he think that a death toll of 1 170 can show that there was really a massacre?

I believe no one is still interested in arguing with all those so-called patriots whether there was indeed a massacre, because as we have already said, there is no future for a people who does not admit the facts of history. We usually say this to the Japanese when we criticize them for refusing to admit the facts of history, including its invasion of China. The Japanese are therefore a people not respected by others. But how about the Chinese? Have the Chinese respected history? Have the Chinese ever tried to face the 4 June incident seriously? Have they ever drawn any lessons from it?

The 4 June incident is of course very important to the Communist Party of China (CPC). The present policy of reform and opening is to a certain extent a result of the 4 June incident, because this policy actually owes its origin to the CPC's realization that its rule had come under impact, and that it might even fail to maintain its one-party dictatorship. It started to realize that it must make policy adjustments, so the policy of reform and opening must be pursued vigorously. However, has it ever occurred to us what China will be like today had the CPC not been subjected to such heavy impacts from all those Beijing or Chinese citizens who were killed?

Many people are already used to saying things against their conscience. I wish to quote some remarks that have outraged me greatly. CHAN Wing-kee said that there was no massacre during the 4 June incident. He even tried to defend MA Lik, grumbling that it was just a slip of the tongue and no big deal. A certain Deputy to the National People's Congress called CHANG Ka-mun even asserted that it was the demonstrators who forced the CPC to open fire, because the demonstrators (including CHAI Ling) said that only bloodshed could move this people into action.

If it had really been true that the CPC would listen so readily to the words of CHAI Ling or any other pro-democracy activists, the 4 June incident would never have occurred. Could it really be true that once the demonstrators talked about opening fire, the CPC immediately listened to them? Why do these people say so? Which countries will deal with their own people and demonstrators with guns? We often quote the example of some very extreme demonstrators. South Korean demonstrators are the ones I can remember mostly vividly. In South Korea, even during the worst times of military rule, the period of bitterest struggles, guns were seldom used to deal with the people. In 1991, in Soviet Russia, supporters of Boris YELTSIN sieged the Kremlin. In the end, soldiers put down their weapons and sided with the people. I believe that whatever impacts this incident may have produced on the future of China (that is, since 1989), what was done at that time could never be excused. I am talking about the slaughtering of our fellow countrymen.

Today, we can see that Hong Kong people can continue to debate this incident, and that they can still commemorate this incident on the night of 4 June. We must remind ourselves that the mission of this event has not yet been completed. The kind of democracy and freedom which the Chinese people have looked forward to for years has never come into existence.

On 4 May this year, I attended a forum in Mong Kok. Several speakers were invited, including WANG Dan, who delivered a recorded speech from abroad. He made it very clear that China needed democracy, and Hong Kong might well be the first place on Chinese soil to realize this dream. Every Hong Kong citizen must bear in mind that our responsibility is very heavy. One million people took to the streets on 1 July. This reminds me of 1989, when 1 million people also gathered at the racecourse to commemorate 4 June. We will not forget this part of history. I believe history will (*the buzzer sounded*) ..... perform its function. Thank you, Madam President.

**MR RONNY TONG** (in Cantonese): President, 18 years ago, my wife took my son to pay tribute before the Cenotaph. He was then only around one year old, totally ignorant of what it was all about. Today, he is already a freshman in university. Eighteen years is one whole generation. Unfortunately, 18 years on, we have not observed any changes at all. Eighteen years ago, someone told the media that no one had died in Tiananmen Square. Eighteen years ago, someone told the media that the tanks had not crushed anyone to death. Today,

Mr MA Lik says the same things. Mr MA Lik probably regards himself as an extremely patriotic person and thinks that his remarks are based on genuine patriotism.

However, President, in my opinion, Mr MA Lik seems to be an example of a typical Hong Kong patriot. I mean, many Hong Kong people are unable to distinguish patriotism from love for the government and the ruling party. Our country, China, has a history of over 5 000 years. There were numerous men of virtue and national heroes who loved their country but did not love the government. In the remote past, there was QU Yuan. More recently, there was Dr SUN Yat-sen. The founding of New China owes itself to the Chinese people's revolutionary spirit and their determination to fight for their ideal. Who dare to say that our revolutionary vanguards were not patriotic?

By the same token, who dare to accuse anyone who was fortunate enough to take part in the 1989 pro-democracy movement for being unpatriotic? We must not forget this historical fact: the root cause of the 1989 pro-democracy movement was students' and people's discontent with the corruption of the government. What was wrong with this? They wanted to do good to the country, hoped that the country could make improvements. This is already patriotism, isn't it? Why are they compared to pigs?

Under Article 35 of the present Constitution of China, "citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." Article 40 states clearly, "Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; ..... In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them." Articles 35 and 41 were not yet amended in 1989. But the spirit is here.

Since our country is already very advanced and there is already such a sound constitution, why is it impossible to develop an equally sound constitutional spirit? Why is it impossible for us to respect our Constitution and praise all those who worked for the well-being and future of our country years

back? Why should anyone make comments that rub salt into their wounds? Why are there still people who accuse the pro-democracy activists in 1989 of being unpatriotic?

President, I think that as Chinese people, we should have expectations about our country. To love the Government blindly and to ignore its overall interests in the long run is no patriotism. As a matter of fact, this may even be harmful to both the country and the people. In fact, if we blindly support a government or political party, if we do not consider whether the acts of this government and political party are correct, China will only become a pool of stagnant water.

President, next week, it will be 18 years after the 4 June incident. I think this will give all Chinese people a very good opportunity to consider whether they are patriotic, how they should show their patriotism and why they should be patriotic. Thank you, President.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, recently, MA Lik told the media recently that he was dissatisfied with teachers who described the 4 June incident as the Beijing Massacre, as a bloodbath, in their classes. He even doubted whether the tanks of the People's Liberation Army (PLA) had really crushed students into pulp. He also emphasized that no one should ever say that there was a massacre by the Communist Party, because everybody did not quite know what happened at that time. He argued that if there had indeed been a massacre in the city, why could CHAI Ling still leave safely in the small hours of 4 June? She deliberately stirred up a riot, he said. Let me quote a press report here, "This cove would have been the first one to be killed. Why could people such as HOU Dejian and FENG Congde still leave so slowly? Had there been a massacre, all the 4 000 students would have died." MA Lik also emphasized that he was not saying that no one died during the 4 June incident. But he at the same time remarked that the use of the term "massacre" was not consistent with the facts.

President, very well, if anyone asks others to speak the truth, should he first speak the truth to himself? May I ask MA Lik how he can prove that CHAI Ling deliberately stirred up a riot? Is there any evidence that CHAI Ling really did so? Besides, will he also tell me how he can prove that HOU Dejian and FENG Congde did leave the Tiananmen Square very slowly, instead of



fleeing or being forced to flee? How can he prove that? Therefore, very well, I think that when one criticizes others for deviating from the facts, one must also speak the truth instead of saving all criticisms for others, right?

President, speaking of a riot in particular, I believe Members may still recall what happened during the 4 June incident. Could we actually see the masses instigating any riots? What we saw were just the demonstrations, processions, sit-ins and protests of workers, peasants and students. There was never any riot. How can he prove that there were riots? Therefore, it is all very fine for one to talk about the distortion of the facts of this incident. But, equally, one must not accuse others of not speaking the truth.

President, last Sunday, before the demonstration, I attended a public forum held by the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. Office-bearers of the Hong Kong Federation of Students years back were invited to give eye-witness accounts of the incident and describe what they saw at that time. One of them told me that a worker had been shot by a PLA soldier. Thinking that the worker was still alive, he hastened to hold him in his arms, in the hope of saving him. But it was too late, for the worker was already dead. He saw that not only a worker but also many other people died in the streets. Another student recalled that he had seen many corpses not only in Tiananmen Square but also in a hospital — he was also sent to the hospital because he was wounded by a stray bullet.

He talked with the doctors there. Both of them told me that as confirmed by the doctors, the gun shot wounds on the corpses could prove that the victims had been shot from the back, not from the front. President, what is the implication of this? It means that when all those civilians and students were trying to escape, the army and police behind them shot them to death. This accounted for the positions of the gun shot wounds. If that was really the case, why shouldn't we describe the whole incident as a massacre? When civilians and young students were trying to escape, they were shot behind their back. In other words, they simply did not fight back. They simply did not have any weapons to confront the army and police. When people were killed in this way, what else could it be if it was not a massacre? Therefore, I think that we can always produce evidence. But Mr MA Lik, can you produce your evidence?

Honestly, was the incident really a riot as described years ago? I now wish to read aloud to Members the manifesto of the Beijing tertiary students

going on fasting at that time, to this effect, "The country has reached such a state: prices are soaring, official profiteering is rampant, abuses of power are prevalent, government officials are corrupt, numerous men of virtues and talents are taking refuge overseas and law and order of society is deteriorating. This is a moment of life and death for the Chinese people. Compatriots, all compatriots with a conscience, please listen to our voices! The country is our country. The people are our people. The government is our government. If we do not cry out, who will? If we do not take any actions, who will? Tender as our shoulders still are, and although death is clearly much too heavy for us, we must nonetheless go ahead. We have no alternative. We are demanded by history to do so. The purest of our patriotic sentiments and the noblest aspirations of our young hearts are, however, associated with 'riots', 'ulterior motives' and the 'manipulation by a handful of people'. All righteous Chinese citizens, all workers, all peasants, all soldiers, all civilians, all intellectuals, all social celebrities, all government officials, all police officers and all those who have put various trumped-up charges on us, we ask you all to be true to your conscience. What are we guilty of? Are we stirring up a riot? Why do we boycott classes, stage processions, go on fasting and go into hiding? But, time and again, our sentiments are taken advantage of. We have persisted in pursuing the truth despite our hunger, only to be beaten up by the army and the police ..... Student representatives begging for democracy on their knees are totally ignored. Our request for equal dialogue is delayed repeatedly. Student leaders are in grave danger ..... What are we going to do?"

President, these words tell us clearly what patriotism is all about. They saw that the situation was appalling, so they wanted to speak their minds and do something for the country's future. But they were accused of stirring up a riot, of having ulterior motives and of being under the "manipulation of a handful of people". However, they were courageous enough to go ahead. In the end, they fast in Tiananmen Square all the same, with the only purpose of seeking the truth. But they were accused of stirring up a riot. And, even now, they are still being accused of doing so. This is most deplorable, because many students eventually lost their lives and sacrificed themselves for the cause. They all looked forward to seeing a clear blue sky over the Republic, because they said that they would write their oath with their very lives. I hope that Members can think about the whole incident once again.

President, I so submit.

**MS EMILY LAU** (in Cantonese): President, I rise to speak in support of Mr Martin LEE's motion.

Last Sunday, the weather was very bad, very windy and with heavy rains. We in the Frontier and some 1 000 people took part in the procession held by the Hong Kong Alliance in Support of Patriotic Democratic Movements in China in mourning of the death victims during the 4 June incident. Later on, I learnt from the news that some people participated in the procession because they had been offended by Mr MA Lik's remarks. Many Members have already mentioned this. I also fail to understand why Mr MA should have said something like that. But what is certain is that the repercussions are far beyond his imagination. And, it also shows that many Hong Kong people will not forget this incident, nor will they forgive those responsible for the massacre.

President, actually, the term "massacre" has not been used by people for many years already. But I have continued to use it all the same. Sometimes, although I still use the term, the press will not print it and will simply replace "massacre" by "incident". I must thank Mr MA for mentioning the term again. I have been criticizing the media for self-censorship, but I suppose there can be no more self-censorship this time around, because MA Lik's remarks are just too "outrageous", arousing the indignation of the public.

I very much hope that the candlelight vigil on Monday night can attract hundreds and thousands of participants. I hope that people can come forward, all come forward, whether they want to show their discontent with Mr MA's remarks or let the Central Government know that Hong Kong people will not forget this incident. I do not know whether it will rain on Monday night. Well, during several candlelight vigils in the past, it also rained, but people still turned up all the same. I hope that there will also be many participants this year.

Speaking on this incident, Executive Council Convenor LEUNG Chun-yin once remarked that people should not divide Hong Kong. Actually, MA Lik's remarks are the most divisive this time around. They themselves must criticize him, for they belong to the same camp as his. However, I think that regardless of whether there are any divisive effects, the Central Authorities must conduct an investigation into the truth of the incident, so as to bring forth a final settlement.

President, a new book has recently been published, and it is entitled *ZHAO Ziyang: Captive Conversations*. I do not know whether you have bought it. The book is published by Kai Fang, but its sale in the Mainland has been banned. Who is the author of this book? It is ZONG Fengming, a veteran Communist Party of China member one year younger than ZHAO Ziyang. From 1991 to 2004 (ZHAO's captivity lasted 14 or 15 years), ZONG was able to have conversations with ZHAO on more than 100 occasions as his Qi Gong tutor. Afterwards, he wrote the book.

President, on page 54 of the book, ZONG quotes ZHAO Ziyang, to this effect, "The problems connected with 4 June were basically caused by the editorial of the *People's Daily* on 26 April, which led to public protests of an unprecedented scale. During the mourning of HU Yaobang, many students did not take to the streets. But the publication of the 26 April editorial served to mobilize those students hitherto chosen the middle course." Why did ZHAO Ziyang talk about this? It was because he thought that as the mourning of HU Yaobang had come to an end and after his coffin had been brought to Babao Shan, students should have started to calm down, and they would then consider going back to classes again.

For this reason, from 23 April to 30 April, ZHAO Ziyang went on a visit to North Korea, thinking that the incident would soon come to an end and there would be no major situations. But, President, after his departure, he discovered that some had advised the Standing Committee of the Political Bureau that the incident was very serious, as the students were highly organized and rallied around a central leadership and a political platform that is both anti-party and anti-socialist.

The following day, DENG Xiaoping was even given a briefing on the incident. ZHAO said that DENG was very dissatisfied with all those students who made trouble and participated in processions. Therefore, after listening to the briefing, DENG concluded that the students' aim was to demoralize the people, plunge the country into chaos and ruin political stability and unity. He asserted that the incident was a riot which aimed to negate the leadership of the Communist Party, so if the riot was harboured and tolerated, extreme chaos would result. First, there was DENG Xiaoping's talk on 25 April. Then, the students' actions were classified as anti-party and anti-social riots. Next, the 26 April editorial was published. And, in the end, it was made very clearly that the unrest must be suppressed resolutely.

President, it was what ZHAO Ziyang said. Some may think that what he said may not be entirely correct. Precisely because of this, I must say, a fair, open and impartial investigation should be conducted, so that all the facts can be disclosed to ascertain who made that very mistake which led to the slaughtering of so many people. I do not agree with Mr MA Lik, who remarked that a tank could not possibly crush the human body to pulp. How can he know? Likewise, Donald TSANG dismissed my constitutional reform package as something that could only be found in Heaven, but has he ever been to Heaven before? Has MA Lik ever seen whether a tank can crush the human body to pulp?

However, President, no one has come forward to disprove ZHAO Ziyang's words. The Secretary General of the Communist Party of China at that time was subjected to such serious persecution, and he subsequently said something like that. We have good reasons to believe that his words are in fact true. But the Central Government should return justice to all, including the families of the death victims, all Chinese citizens and the international community. Therefore, I hope that, very much hope that the Central Authorities can realize that as long as Hong Kong can still enjoy this much of freedom, no matter who are elected to this legislature, they will continue to move debates on this topic. This incident will never be forgotten, be it 18 years or 20 years afterwards. I do not hope that we have to wait that long, because some are already saying that something may soon happen in the Mainland.

President, I am really baffled, because after so many years and with so many deaths, someone has still uttered something so cold-blooded. People are all talking about harmony these days. Why has he still done something that filled everybody with strong indignation? Therefore, once again, I must appeal to all Hong Kong people and all friends with a conscience. Let us see one another at the Victoria Park on Monday night.

**MR LEE WING-TAT** (in Cantonese): President, with regard to the 4 June massacre, many people have questioned whether anyone died at the Tiananmen Square. Even Mr MA Lik has questioned whether what happened there was a massacre. In order to set the record straight, I would cite the information collected after many years of effort by Madam DING Zilin and a group of mothers of the Tiananmen Mothers Campaign. Several colleagues of the Democratic Party will also read out the names one by one and the circumstances of their death at the time.

The first is JIANG Jielian, male, 17. Born in Beijing, JIANG was a second-year student of class 4 in the high school affiliated to the Renmin University of China. He left home at around 10.30 pm on 3 June 1989. At around 11.00 pm when the martial law troops forced their way into Muxudi, he was shot behind the flower bed in front of Building 29 in Fuwai Street and died. A bullet hit him from behind and passed through the left side of his chest.

The second is HUANG Nan, male, 19, a native of Beijing. He was a second-year student of Yuetan High School, Beijing. He left home with a camera at 11.00 pm on 3 June 1989. Shot in the head, he fell onto the ground at the south entrance of Nanchang Street in the early morning of 4 June.

The third is YANG Minghu, male, 42, an employee of the legal department of the patent section of the China Council for the Promotion of International Trade. In the early morning of 4 June 1989, the martial law troops fired at the crowd outside the Public Security Bureau at East Chang'an Street and he was shot in the abdomen.

The fourth is XIAO Jie, male, 19, a native of Sichuan Province. He was a student of class 1988 of the Department of Journalism of the Renmin University of China. On 5 June 1989, XIAO Jie already bought a train ticket to return to his home town in Chengdu, Sichuan. At about 2.00 pm, he was walking on the south side of Nanchizi. When he was crossing the road, he passed over the red enforcement line and when he did not stop according to the order of the martial law troops, he was shot at his back. The bullet came out through his front chest and he died instantly.

The fifth is CHEN Laishun, male, 23, a native of Beijing. CHEN was a 1989 graduate of the Xinhua News Agency photography class of the Department of Journalism of the Renmin University of China. On the night of 3 June 1989, while taking photographs on top of a building to the northwest of the Great Hall of the People, he was hit in the head by a bullet and died.

The sixth is HAO Zijing, male, 30, a native of Ma'anshan City, Anhui. An Assistant Researcher in the Science and Technology Policy and Management Research Institute of the Chinese Academy of Sciences who visited the United States in 1988, HAO was shot at the left side of his chest at Muxudi at around 11.00 pm on 3 June 1989 and died at Fuxing Hospital.

The seventh is Xie Jingsuo, male, 21, a native of Beijing. He was a second-year student of the Light Industry Institute of the Beijing Union University. In the early morning of June 4 1989, he was first injured by batons at Xidan-Liubukou, sustaining serious injuries at the lower part of his body. Then he was shot in the chest and died.

The eighth is XIAO Bo, male, 27, a native of Longshan County, Hunan. He was a Lecturer in the Department of Chemistry of the Peking University. He was admitted to the Department of Technical Physics Department of the Peking University at the age of 16. On the night of 3 June 1989, XIAO Bo went to Muxudi.....

**PRESIDENT** (in Cantonese): Mr LEE Wing-tat, please switch off your pager.

**MR LEE WING-TAT** (in Cantonese): .....to persuade the students to return to school. He was hit in the chest by a bullet and died at Fuxing Hospital after emergency rescue failed.

The ninth is SUN Hui, male, 19, a native of Shijushan City, Ningxia. He was a student of class 4/1988 of the Department of Chemistry of the Peking University. In the early morning of June 4 1989, SUN, wearing a singlet bearing the logo of the Peking University, was cycling around looking for his classmates who had been dispersed by the martial law troops. He was shot at Xidan and died there.

The 10th is LU Chunlin, male, 27, a native of Wujiang City, Jiangsu. A graduate student in class 1986 of the Department of Philosophy of the Renmin University of China, he was shot dead by the martial law troops at Muxudi on the night of 3 June 1989. Before he died, he gave his identity document to a pedestrian, bidding him to bring it back to the University.

The 11th is ZHANG Xianghong, female, 20, a native of Beijing. She was a student in class 1987, majoring in the study of the communist movement in the Department of Chinese Political Science of the Renmin University of China. At around 11.00 pm on 3 June 1989, ZHANG and her elder brother, sister-in-law and others were returning from a relative's place in Zhushikou.

On their way home, they were blocked by the martial law troops at Qianmen, and a bullet hit her in a main artery on the left side of the chest.

The 12th is CHENG Hongxing, male, 25, a native of Hubei Province. A double-major student in class 1987 of the Soviet Union and East Europe Research Institute of the Renmin University of China. He was killed on 4 June 1989.

The 13th is WANG Yifei, male, 31, a native of Beijing. He was an employee of Datong Company in Zhongguancun, Beijing. On the night of 3 June 1989, he was shot in the left side of his chest in front of the Chinese Academy of Sciences in Sanlihe. His family claimed his body from the Fuxing Hospital on 4 June.

The 14th is YANG Yansheng, male, 31, a native of Beijing. YANG was an employee of a sports journal. In the early morning of 4 June 1989, he was hit in the abdomen by an exploding bullet in Zhengyi Road while trying to assist the wounded.

The 15th is ZHANG Jin, female, 19, a native of Beijing. She was a graduate of China World Trade Centre Vocational High School of Foreign Affairs Service and a trainee in the World Trade Centre. At about midnight on 3 June 1989, she was hiding with her boyfriend in a lane close to the Cultural Palace of Ethnic Minorities. She was shot in the head by the martial law troops and died.

The 16th is DUAN Changlong, male, 24, a native of Beijing. He was a student and class monitor in class 1984 of the Department of Chemical Engineering of the Tsinghua University, majoring in Applied Chemistry, who graduated in 1989. He left home on his bicycle on the night of 3 June 1989 and ran into the martial law troops who were in a confrontation with a crowd of people in the vicinity of the Cultural Palace of Ethnic Minorities. He was shot in his left chest.

The 17th is WANG Weiping, female, 25, a native of Beijing. She was a medical intern of the Department of Gynecology and Obstetrics, Peking University People's Hospital and a 1989 graduate of the medical school of the Peking University. On the night of 3 June 1989, she was shot while trying to attend to the wounded near Muxudi. She was taken to the Peking University Hospital but attempts to save her life failed.



The 18th is WANG Jianping, male, 27, a native of Beijing. He was a truck driver of the southern suburb fleet of the Beijing City Gas Company. On the night of 3 June 1989, he was shot in the left side of the chest at Xidan.

The 19th is WANG Peiwen, male, 21, a native of Xianyang City. He was a student in class 1986 of the Department of Youth Work of the China Youth University for Political Sciences. He was walking in the first line of a group of withdrawing students. He was run over by a tank and his body was crushed at Lubukou.

The 20th is DONG Xiaojun, male, 19. In the early morning of 4 June 1989, he was run over by a tank and his body was crushed near Lubukou.

The names of other victims, their schools and the circumstances of their death will be read out *seriatim* by other colleagues of the Democratic Party.

Thank you, President.

**MS MARGARET NG** (in Cantonese): President, the 4 June incident has a special meaning to the Chinese people in Hong Kong.

I am very lucky. Ever since my primary schooling, my teachers had all been enthusiastic patriots who love the country and the nation. We were taught to study hard in order to save our country. We were taught that China must not be weak, and that we must fight for democracy and develop science. This is what I had been taught since I was in primary school, and I was lucky.

Certainly, Hong Kong was a colony, and many people who received western education or typical education in Hong Kong might not have benefited from such teachers. But when the 4 June incident happened or after the 4 June incident had taken place, many friends said to me, "I suddenly feel that I am truly Chinese." It was the bloodshed on 4 June that awakened them to that spirit of sharing the sorrow together. It is not the result of any rational analysis. It is simply there in their blood which made them let out this cry.

There are many people who are willing to come forth to share the joy and bliss, because when the country is rich and strong, they can gain many advantages and so, many people will go around trying to establish as many ties as

possible. But when there are enthusiastic youngsters who have sacrificed their lives for the future of the country and when you identify with them, thinking that you are related to them by blood, that you share the same fate with them and that you would stand up when they fall down, President, this kind of national identification is the most lofty kind of identification. So, while the pro-democracy movement has a long history in Hong Kong, we are the strongest when we can stand up to realize their unfulfilled wish. The 1 July rally actually has its root in the 4 June incident, for we have to commemorate these truly patriotic young people. So, our pro-democracy movement has a very lofty historical background.

President, I agree that history is very complicated. When you are very near to it, you may not know everything very clearly. This is why Ms Emily LAU has time and again called for an investigation, so that we can clearly find out what happened. But President, it cannot be clearer as to what is right and what is wrong. Any person in power who can use guns and tanks to suppress and kill unarmed civilians is but a cardinal issue of right and wrong. Nothing is going to change it, disregarding whether or not all the people were killed, or how many people or how many thousands of people were left, or whether or not it actually happened at the Tiananmen Square or Chang'an Street. None of these factors will change it. So, President, on the one hand it is necessary to conduct an investigation to find out the truth of what happened, and on the other, we must not forget what is right and what is wrong.

Tonight, it is indeed unnecessary for us to speak with eloquence and beautiful rhetoric. Nor is it necessary to speak with profound insights. All that we need to do is to speak the truth here every year to show that we live up to our conscience. Even if many people tell lies on the other 364 days of the year, we must speak the simple truth here today disregarding what cost we will have to pay, only to live up to our conscience. Even though it may not produce any effect or serve any practical purpose, we must continue to speak up, for it is our responsibility to do so.

President, Mr MA Lik seemed to be suggesting that if we talk about the 4 June in such a way, democratic universal suffrage would not be realized in the foreseeable future. I have the impression that he seemed to be telling us not to judge what is right and wrong and we should accept whatever the State said and whatever the power-that-be said, and only in this way could we be qualified to cast a vote. If that is the case, and if we can be qualified for democratic

universal suffrage only when we do not care about what is right and wrong, we would rather not have it. If all that we can have is nothing but this kind of democracy which stifles our conscience, it only means that we cannot have democracy and there will never be universal suffrage. If we must forget 4 June in order to have democracy, then we would rather fight on continuously, because if we should act contrary to our conscience, whatever system to be put in place would be useless.

President, sometimes I think it is still worthwhile even if we repeat here year after year what we said in the previous year's debate on the 4 June incident. But today, as I was listening to Members' speeches in this motion debate, I found that there is a more practical purpose to serve. Because in this Chamber I have heard some very strange comments, as we are told not only to confuse right and wrong. It is not enough to confuse right and wrong, for we have to go after "benefits", which is a matter of right and wrong, and this is most important. It means that the political tactics of the murderers will create benefits or bring benefits to us and so, we should be thankful to the murderers, and we people who look back are tampering with politics and instigating foreign forces and so, we are sinners of the nation. Indeed, it is not that we have not heard of these comments before, but we are always shocked and outraged by these comments whenever we hear them. It is precisely because these remarks or comments have abounded in the community that it is all the more necessary for us to hold a debate on the 4 June incident and stand up in this legislature under the Basic Law every year to speak in all righteousness to urge that the 4 June incident be not forgotten and the 4 June incident be vindicated.

Thank you, President.

**MISS TAM HEUNG-MAN** (in Cantonese): Madam President, to this generation of ours, 4 June is a day that we can never forget in our life, because it is a page written with tears and blood in modern history.

Although it happened 18 years ago, people with a conscience still feel a severe pain in their heart whenever they think of the 4 June incident and the scenes of 1 million people taking to the streets in Hong Kong. However, there are still people making such remarks as "if what happened was a massacre, all the students would have been dead and how could 4 000 people manage to run away?" or "why do we not test it out with a pig and see if a tank can crush it into

minced pork". These comments have caused great pain in the families of the victims who were killed back then.

There is no denying that in the early morning of 4 June 1989, there was a cold-blooded suppression of the people by soldiers in Beijing city. Horrifying scenes were broadcast on television one after another to reach the eyes of audience all over the world. Hundreds of million people in the world had witnessed the occurrence of this tragedy.

I was working in Britain back then, but although I was in a foreign country away from home, it did not make any difference in what I felt for the 4 June incident. I was in great shock. I remember that on that night the BBC suddenly reported on the situation at the Tiananmen Square. All I was thinking at the time was: What happened? Then I saw on television that all the lights at the Tiananmen Square went off all of a sudden. Only gunshots were heard, gunshots in absolute darkness. At that time, some very brave reporters took some shots near the hospital which were horrifying. Many people with injuries in their head and people with blood all over their body were lying in the corridors of the hospital. These were no big deal compared to what I saw when some people from the hospital courageously opened the doors of some wards for the reporters to film. What did they film? It was stacks and stacks of corpses. A lot of people had died. The people at the hospital were in panic, but they considered that they had the responsibility to let reporters go in and film the scene.

At that time, I saw on television in Britain that many corpses were hidden in the closed medical wards in the hospitals. Apart from seeing hospitals full of people, I also saw on television that people were pushing a wooden cart on which stacks of people with injuries lied. As no other means of transport was available for taking the injured to nearby hospitals, the people therefore used wooden carts to take the injured (or perhaps the dead) to nearby hospitals. The wooden cart was very heavy and I saw on the screen that they were pushing with all their might, not fearing how difficult and strenuous it was, in order to send the wounded or even the corpses to hospital, hoping that they could be saved. But regrettably, the hospital was crammed full of people. It was the case not just in one hospital. From the reporters' filming at many hospitals, all of them were full and there was simply no room to hold the injured. Imagine: How many people died in the vicinity of these hospitals in Beijing? How many were injured? I could see it and I witnessed it in Britain. The scenes and pictures

that came before my eyes on television were frightening. On successive nights I woke up with a start in the middle of the night, questioning why this would happen in Hong Kong or Beijing and why such a thing would happen in Beijing. As a Chinese national in a foreign country, I could not but asked why the troops would fire at the students and the people. The students were only fighting for democracy and the rule of law for China. What unforgivable crime had they committed? Why would the Government treat them in such a way? It has been 18 years now, and these questions have remained unanswered.

As a number of colleagues have said, it is indisputable that the 4 June incident should be vindicated. This tragedy can be said to originate from the editorial on the *People's Daily* on 26 April 1989. Through its mouthpiece, the Central Government branded this patriotic, pro-democracy movement organized by the students to denounce corruption and bureaucracy as a turmoil. This had subsequently touched a raw nerve of the people, and it was a matter of course for things to develop beyond control.

Students and workers from all parts of the country gathering in Beijing only hoped to fight for a clean society. They had no intention whatsoever to rock the governance of the Government. Certainly, some people think that the pro-democracy movement back then was a turmoil, and such being the case, it is absolutely very important to conduct an independent, transparent and thorough investigation into what happened, in order to reveal the truth of this tragedy.

I hope that on next Monday night, members of the public can join the commemoration of the victims who died at the Tiananmen Square in the 4 June incident. I hope that next Monday, all the friends, and young people who wish to learn more about their own country, can go to the Victoria Park and join the commemoration of the most important milestone of democratization in China. I so submit. Thank you, Madam President.

**MR MARTIN LEE** (in Cantonese): President, A quorum is again lacking now.

**PRESIDENT** (in Cantonese): Clerk, please ring the bell.

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

**PRESIDENT** (in Cantonese): A quorum is present now. Mr James TO, you may speak.

**MR JAMES TO** (in Cantonese): President, there was indeed a massacre on 4 June. A massacre had indeed taken place. Let me continue to read out the list of victims and the circumstances of their death according to the information gathered by the Tiananmen Mothers Campaign over a long period of time.

DONG Xiaojun, male, 19, a native of Yancheng, Jiangsu. He was a student in class 1986 of the Department of Youth Work of the China Youth University for Political Sciences. In the early morning of 4 June 1989, he was walking at the back of a group of students withdrawing from the Tiananmen Square near Lubukou. He was run over by a tank coming up from behind and his body was crushed.

YUAN Li, male, 27, a native of Beijing. He was an engineer in the Electrical Machinery Department of the Beijing Machinery Industry Research Institute. At around 11.00 pm on 3 June 1989, he died after being hit by a bullet at his throat in Muxudi soon after he had left home.

YE Weihang, male, 19, a third-year student of the Beijing City No. 57 Middle School, and a class monitor and an executive member of the student union. At around 2.00 am in the morning of 3 June 1989, he was shot at Muxudi and died at the Naval General Hospital. There were three shots on his body.

WU Guofeng, male, 22, a native of Xinjin County, Sichuan. He was a student in class 1986 of the Department of Industrial Economics of the Renmin University of China. On the night of 3 June 1989, he left school on a bicycle carrying a camera. He was hit in the back of his head by a bullet, and also sustained gunshot wounds in his shoulder, ribs and arm. After he had fallen to the ground, he was stabbed with a bayonet in his belly, sliced open for two inches and there were cuts in his palms. An old person took him to the Post Hospital, and WU died after telling this person the name of his university.

WANG Chao, male, 30, an employee of the Stone Corporation in Zhongguangcun, Beijing. He was killed on the night of 3 June 1989, and was the unidentified body No. 2 in the Naval General Hospital.

AN Ji, male, 31, an editor of the magazine, *Township Construction*, of the China Building Technology Development Centre under the Ministry of Construction. At around midnight on 3 June 1989, AN and six friends were at the intersection of Nanlishi Road when martial law troops ordered them to halt, and were subsequently strafed by gunfire. The four brothers surnamed WANG and YANG were shot and taken to Fuxing Hospital. AN Ji was shot in his leg and hit by another bullet in his back and the bullet passed through his chest. He died at 4.00 am on 7 June at the Children's Hospital.

YU Di, male, 32, a native of Beijing. He was an engineer of the Beijing Solar Energy Research Institute and had received an award for an invention relating to electro-thermal technology in collaboration with colleagues. At 2.00 am on 4 June 1989, the martial law troops were in confrontation with civilians in the area along Nanchizi to the National Museum of Chinese History. The soldiers fired at the people four times and YU was among the first group who were hit. A bullet pierced through his left lower ribs and came out through his right upper ribs, injuring eight of his organs including his liver, lung and kidney. His spinal column was also damaged. He underwent four major operations in Peking Union Medical College Hospital, including an operation to remove one of his kidneys. His fever did not go down and the 20 days of efforts to save his life were in vain. He eventually died in Peking Union Medical College Hospital on 30 June.

YAN Wen, male, 22, a second-year student of the Department of Mathematics of Peking University. At around 1.00 am of 4 June 1989, he was shot in the artery of his right leg when he was helping the videotaping at Muxudi. He died in spite of emergency treatment received in the Naval General Hospital.

QIAN Jin, male, 21, a student in class 1986 of Beijing's University of International Business and Economics. On the night of June 3 1989, at about 10.00 pm, QIAN was returning home on bicycle with a classmate surnamed YUAN. They had just turned into Beifengwo Road in the direction of Muxudi when they encountered martial law troops firing from the southwest toward the east. QIAN's arteries were smashed and died on 5 June.

LIU Hong, male, 24, a postgraduate student of environmental studies in class 1988 of the Tsinghua University and a graduate of the undergraduate programme in class 1983. In the early hours of 4 June 1989, he was shot in the abdomen near Qianmen. His innards came out and his schoolmates pressed

them in and covered his abdomen with a small basin. He was sent to hospital for emergency rescue, but eventually died in the arms of his schoolmates.

ZONG Qing, male, 21, a student in class 1986 of the Department of Precision Equipment of the Tsinghua University. On the night of 4 June 1989, ZONG was shot in the head at Muxudi. Half of his face was blown off and his body was identified from a school key in his pocket. His school was then informed of his death.

ZHOU Debao, male, 20, a student of Biophysics Research Institute of the Chinese Academy of Sciences graduated in 1989.

LU Peng, a third-grade student in Beijing Shunchenggen Primary School. At around midnight of 3 June 1989, he was shot in the chest by the martial law troops near the Lijiao Bridge at Fuxingmen. He died instantly.

ZHUANG Jiesheng, male, 27, a salesman in Beijing Wudaokou Shopping Mall. He did not return home after he had left home in the afternoon of 3 June 1989. On June 11, his family identified his body from photos of unknown corpses in Tongren Hospital. He had shots in the chest and in the arm.

YUAN Minyu, male, 35, a welder in Beijing Geological Equipment Factory. On the night of 3 June 1989, YUAN was shot in the chest and throat somewhere between Sanlihe and Muxudi. He died in the Children's Hospital in the afternoon of 4 June.

DU Yanying, male, 29, a staff member of a company under the Bureau of Reform-through-labour work in Beijing who graduated from the Beijing Aviation College in 1982. At 2.00 pm on 4 June 1989, he was shot in his liver near Dabei Photo Studio at Qianmen. He died in the Friendship Hospital in the early morning of 5 June.

LU Jianguo, male, 40, a driver of the Beijing Tourism Administration. At 11.00 pm on 3 June 1989, LU was shot in the left chest near the Sanlihe Shopping Mall on Erqi Juchang Road. He died at Fuwai Hospital.

WANG Zhengsheng, male, 20, a worker at the North China Materials Station. On the night of 4 June 1989, he was killed together with AN Ji (a



victim listed above) and others. His elder brother WANG Zhengqiang was also shot and wounded at the same place.

LI Changsheng, male, a school caretaker in the library of the Automation Engineering College of Beijing Union University. In the early hours of 4 June 1989, LI left home and went to the Tiananmen Square. He never returned and his body was never found.

XU Guiru, female, 24, an employee of the Labor Service Company of the Beijing Exhibition Centre. In the early morning of 4 June 1989, she was shot in her left shoulder at the northern entry to Erqi Juchang Road and died at the People's Hospital.

**MR ALAN LEONG** (in Cantonese): Madam President, I remember that two years ago when colleagues of this Council debated the motion on the 4 June incident, we all mentioned Mr ZHAO Ziyang who had passed away shortly before the debate. Since 1989 Mr ZHAO had been regarded as an important figure of the 1989 pro-democracy movement. Not only had he made a great effort to protect the students 18 years ago, he had insisted to live up to his conscience many years after the incident by refusing to accept the official tone set for the 4 June incident. In fact, the open-mindedness displayed by Mr ZHAO is rare among members of the Communist Party of China (CPC). The 4 June incident was particularly depressing because people had hoped that China could be led onto the road of democracy and the rule of law through reforms initiated by the CPC itself. Regrettably, this hope was dashed in one go following the suppression of the patriotic pro-democracy movement by military force.

This year marks the 18th anniversary of this movement, and the 17th National Congress of the CPC will be held in the latter half of the year. Many people both inside and outside the establishment who are concerned about democracy in China have implicitly felt that an atmosphere of open debate similar to that 20 years ago is now taking shape in the Mainland. The hope that once vanished seems to have vaguely reappeared now.

Mr YU Keping, a member of the think-tank of the higher echelon of the CPC Government, said that democracy is a good thing; the journal, *Yanhuang*

*Chunqiu* (炎黃春秋), with a background relating to elder CPC members has explored the possibility of "democratic socialism"; and Premier Mr WEN Jiabao pointed out before the meetings of the National People's Congress and the Chinese People's Political Consultative Conference the need to "build a country where democracy and rule of law prevail".

Recently, Prof WANG Yukai, a member of the official think-tank in the Mainland, openly stated that the 17th CPC National Congress will be a pivotal and crucial meeting to the development of democracy in China. According to the objective analysis done by Prof WANG, the CPC is studying the expansion of democracy within the Party and possible extension of the scope of basic democratic elections and upgrading of their level to give play to democracy; the National People's Congress will be given more functions to make dismissal and correction, co-ordination and co-operation with other democratic parties and factions will be enhanced, and more extensive participation from the democratic parties and factions will even be allowed in the selection and appointment of officials.

Madam President, recently, the Vice Chairman of Zhi Gong Party, Mr WANG Gang, was appointed the Minister of Science and Technology, the first non-CPC member Minister in 35 years. The United Front Work Department of the Jiangsu Party Committee also stated that in Jiangsu's provincial first-level government and municipal first-level government, one third to half of the departments should be led by non-CPC members, while some departments such as those responsible for education, surveillance, agriculture and forestry, audit, environmental protection and judiciary must have leaders who are non-CPC members. Certainly, we hope that constitutional reforms in the Mainland can be carried out on a more extensive scale and at a much faster pace but anyhow, we only have to take a look at the facts or things that are happening now to firmly believe that China is moving towards democracy and the rule of law, and there is no turning back.

In the process of the reform and opening up of the country, there are bound to be struggles, setbacks and opposition from conservative forces. The Central Administration of Press and Publication published a list of banned books early this year, including the *Past Stories of Peking Opera Stars* (伶人往事) written by famous writer Madam ZHANG Yihe. Madam ZHANG resorted to court and public opinion in order for justice to be done to her and won the

support of many academics and even retired CPC members and government officials. Similar to human rights movements in the Mainland mentioned by some colleagues earlier on, the civil society is awakening amidst government suppression and is making concerted efforts with liberals inside the establishment to protect the rights of the people and break the barriers set up by conservative forces, with a view to fighting for a way out for the opening up and progress of China.

In this process of the whole nation making the utmost effort to walk out of the bottleneck and move towards democracy and the rule of law, each and every member of the Chinese nation should support each other and actively play a part and, more importantly, honestly face the lesson of history and avoid making the same mistake again in the tug-of-war between the new and old forces and ending up in a bloodshed which would cost lives. In fact, the 1989 pro-democracy movement had developed into the 4 June tragedy because those people in control of the state machinery had failed to learn the lesson of the decade-long Cultural Revolution, the May Fourth Tiananmen Square Incident and the 1989 Student Movement and turned a blind eye to the changes in public sentiments.

Madam President, if we once again purposely play down history and distort the facts, we would not only be rubbing salt into the wounds of the families of the victims. What is more, we would miss another opportunity to conclude the lesson of history and prevent the same mistake from recurring. It is absolutely not our wish to see the recurrence of tragedy because if that happens, the blood shed by our compatriots 18 years ago will undoubtedly be wasted.

Madam President, we must face our nation and history positively. To this end, we must treat what we have seen and listened with honesty and humility, and we must have a full understanding of the development of our country. Our nation needs not only robust economic development. We must also work hard to identify the direction of political reform and improvement of the judicial system. Any act to deliberately conceal the wounds of the nation cannot be helpful to putting the country onto the track of democracy and the rule of law. Rather, we must properly seize the opportunity given to us by history, and live up to our conscience and truly make contribution to the country.

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

**MR SIN CHUNG-KAI** (in Cantonese): Madam President, I will continue to read out the names from the list of victims of the 4 June incident. There are altogether 186 of them, and the list has been verified by Prof DING Zilin.

The 42th is DAI Wei, male, 20, a cook in Beijing's Hepingmen Roast Duck Restaurant. In the evening of 3 June 1989, DAI Wai went to Qianmen for work but was blocked at the Minzu Hotel. He was shot in his back and taken to the Post Hospital. He died in the early morning of 4 June from excessive loss of blood.

WU Xiangdong, male, a worker in Beijing Dongfeng Television Set Factory and a third-year student of the department of management in an evening university. At around 11.00 pm on 3 June 1989, he was hit in the neck near the Muxudi overpass. He was taken to Fuxing Hospital by the people, and at around 5.00 am on 4 June, he died of excessive loss of blood. He was still conscious moments before his death and he wrote the address of his office on a 10-cent note and gave it to a student of the Beijing University of Aeronautics and Astronautics, so that he could report the news. On the evening of 4 June, his family members claimed his body.

LIU Jiangguo, male, 35, a salesman in the marketing department of the Great Wall Raincoat Company. At around midnight on 3 June 1989, LIU was shot in the chest at the entrance to Xidan. He was taken to Erlong Road Hospital but died.

LAI Bi, male, 21, a student in class 1987 of the medical school of Peking University. At around 2.00 am on 4 June 1989, he was shot at the intersection between west Chang'an Street and Nanchang Road. The bullet entered his forehead and came out from the right side of the back of his head with a wound about 10 cm in diameter. He was taken to the First Affiliated Hospital of Peking University but efforts to save his life were unsuccessful and he died at 6.00 am.

DONG Lin, male, 24, a worker at the People's Court of the Dongcheng District in Beijing. At around 11.00 pm on 3 June 1989, DONG was shot in his right ribs at Hedongan, Muxudi and was sent to Fuxing Hospital. Four others were shot at the same time. One was hit in the main artery of the thigh and died from loss of blood. The three others were sent to Fuxing Hospital. Among them was an employee of a television station who was wounded in the same place

as DONG Lin. They underwent the same kind of surgery and both died on the night of 4 June because there was not enough blood for transfusion.

GUO Anmin, male, 23, a 1989 graduate of the Department of Jet Propulsion of Beijing University of Aeronautics and Astronautics. GUO had passed the examination required for entry to a Master degree programme. He was shot in the head in the early morning of 4 June 1989 and died instantly, with half of his face blown off. His body was placed in the main building of the China University of Political Science and Law and was taken back to the Beijing University of Aeronautics and Astronautics a few days later.

LIN Renfu, male, 30, a 1989 doctoral graduate in the School of Material Science of the University of Science and Technology Beijing. In the early hours of 4 June 1989, LIN and his schoolmate WANG Kuanbao withdrew from the Tiananmen Square together. He was crushed by a tank when they reached Liubukou. He was married, and had already made arrangements to go to Japan in October 1989.

SUN Yanchang, male, 24, a driver of the Beijing Construction Furnace Company. On the night of 3 June 1989, SUN left home to look for his younger brother. He was shot by the martial law troops on the southern side of the No. 110 Bus Terminal near Hongmiao in the eastern suburbs of Beijing. The bullet damaged his spinal cord at the fourth vertebra of his neck. He received emergency treatment at Chaoyang Hospital but died six months later.

QIAN Hui, a 1989 graduate of the Department of Journalism of the Communications University of China. In the early morning of 5 June 1989, QIAN was shot outside the entrance of his University and a large calibre bullet from a tank shattered his bladder. Another bullet penetrated the artery of his thigh, but still did not kill him. He told his companions, "Watch out. The tank has not left yet." They dragged him into the campus where he died, leaving a trail of blood 100 m long.

ZOU Bing, a student in class 1988 of the Communications University of China. ZOU was under investigation for participating in the 1989 pro-democracy movement. Unable to withstand the pressure, she committed suicide by jumping from the 13th floor of a tall school building in mid-September 1989.

PIAO Changkui, a musician of the Central Ethnic Minorities Song and Dance Troupe. On the night of 3 June 1989, PIAO was shot somewhere between Xidan and Fuxingmen. The bullet entered the left side of his head and exited through the right side of his neck. He died at the Post Hospital.

BIAN Zongxu, a manager of the Beijing Xijiekou Electronics Supply and Retail Company. In the early morning of 4 June 1989, BIAN was shot in front of the Xidan Furniture Store. The bullet went through his head and he died instantly.

TIAN Daomin, 22, a student of the University of Science and Technology Beijing. In the early morning of 4 June 1989, TIAN finished his thesis for graduation and went to join his fellow students, and he was crushed by a tank.

HE Jie, a graduate student of computer technology in the Chinese Academy of Sciences. On the night of 3 June 1989, HE went to the Tiananmen Square with a classmate and was killed at Nanchizi.

SONG Xiaoming, male, 32, a technician in the Ministry of Space Industry, Factory 283, Lot 2. On the night of 3 June 1989, SONG was walking on the sidewalk to the southwest of Wukesong intersection. A military vehicle coming from the south fired at the slogan-chanting crowd. SONG was shot in the thigh by a bullet that cut through a major artery. He was sent to No. 301 Hospital, but a soldier carrying a gun ordered the doctor not to save SONG and not to give him any blood.

**MS AUDREY EU** (in Cantonese): Is it right or wrong to use guns and bullets and tanks against the people in a peaceful demonstration? Seldom are there cases like the 4 June incident with so obvious an answer to the question of right and wrong. A judgement can already be made by the public without having to wait for history to do so.

I absolutely cannot agree with the view of the Liberal Party or CHIM Pui-chung that the suppression on 4 June was necessary in order for China to enjoy its prosperity today. Could it be that China would not be prosperous if it did not use guns and bullets and tanks against the people?

In fact, anyone with some knowledge of Chinese history will know that the Chinese nation is best known for their tolerance of adversities. They will not take to the streets if there is not a very good reason for them to do so, or a reason that is truly intolerable to them. The Government had failed to solve the problems faced by the people and yet, it nevertheless said that the people were instigated by "black hands" or "foreign forces". I think Hong Kong people know best that this is downright ridiculous. But I do not know why there have been these comments over these many years, and some people seem to believe in them.

In his speech earlier Dr KWOK Ka-ki asked what other governments would use violence at its own people. There were indeed such cases. On 13 November 1887 the army and police of London suppressed workers in a demonstration, killing three and injuring hundreds of others. On 22 January 1905, the imperial army fired at peaceful demonstrators in St Petersburg, Russia, resulting in about 1 000 casualties. On 7 March 1965, demonstrators in a civil rights movement in Alabama, the United States, were suppressed by the police in the course of a procession. A large number of demonstrators were assaulted and seriously injured, resulting in three deaths. On 30 January 1972, the British army in Derry, North Ireland, fired at peaceful demonstrators, killing 14 people. On 18 May 1980, in the Kwangju Incident in South Korea, the number of fatalities resulted from the suppression by the army was estimated to be 2 000. Indeed, there were many such cases in history. Mr CHIM Pui-chung suggested in his speech earlier that a comparison be drawn with other governments. I do not know if he was suggesting that the suppression in this incident was not very serious and that not too many people had died when compared with the other governments. In fact, all these acts will be reproached and held in contempt by the people. What happened in this incident will not be forgotten by history.

Let us look at the wording of today's motion on the 4 June incident. The wording is very simple: That "the 4 June incident be not forgotten, the 1989 pro-democracy movement be vindicated, the civil rights movement be supported, and a constitutional democracy be established." What is wrong with it? Why should it not be supported? But it seems that the motion will not be passed. What does it reflect? It reflects that the conscience of some people is still dancing to the tune of politics.

With regard to the remarks made by MA Lik, there has been discussion among us; his remarks were loaded with subtexts, and he made them in his

discussion on the constitutional reform. He said that national education was inadequate in Hong Kong and so, he considered it appropriate to have universal suffrage only in around 2022. He also cited the 4 June incident as an example to prove the inadequacy of national education as we still cannot forget the 4 June incident. In fact, like the 4 June incident, the system of universal suffrage whereby everyone has an equal opportunity to take part in elections and to be elected by "one person, one vote" in a fair and open manner shows only too obviously what is right and what is wrong. Both are fundamental principles. Why would it be so difficult to achieve them? That the Chinese Government cannot face up to the 4 June incident over the past 18 years, the unlikeliness for Hong Kong to achieve universal suffrage in the foreseeable future and the silence of the Democratic Alliance for the Betterment and Progress of Hong Kong today as well as MA Lik's comments all point to one thing and that is, the conscience of some people is so often controlled by politics.

I share the views expressed by Ms Margaret NG in her speech earlier. We cannot conceal the truth or sell out our conscience in exchange for universal suffrage, because we believe that true democracy is realized only when we can make a choice according to our conscience and beliefs. I, therefore, absolutely support today's motion. See you in the Victoria Park on 4 June and 1 July.

Thank you, President.

**MR FREDERICK FUNG** (in Cantonese): President, the Chief Executive Election earlier was described in the community as a confrontation between "practicality" and "vision". Similarly, the recent issue of the removal of the Queen's Pier has also aroused a series of contentions over the priorities of "conservation" and "development". First of all, let us not discuss whether or not this so-called "dualistic" approach of discussion is reasonable, but it has created a false impression that "ideals" and "reality" can never co-exist. It also seems to suggest that consideration of immediate economic gains overrides all "metaphysical" beliefs. In other words, anything that cannot be "quantified" as tangible benefits will be downgraded as "secondary".

This way of thinking has even been further elaborated and taken forward in politics. As long as the existing political needs are met and immediate economic gains achieved, any principle can be sacrificed, our conscience can be stifled, the principle of right and wrong can be distorted, justice can be



overruled, evil acts can be concealed..... President, does this not reflect the sadness of Chinese people that has long existed? Faced with Japan's distortion of history to deny its crime of invasion, Chinese people can only tolerate in silence for practical economic considerations. Similarly, faced with the cold-blooded atrocities of the Chinese Government at the Tiananmen Square 18 years ago, and when this is weighed against China's robust economic development today, some people have outrageously chosen to think that nothing had happened on 4 June, calling on the people to "put down the baggage". Could it be that Chinese people can never escape from the destiny of confusing right and wrong and stooping to make concessions?

President, the economy of Hong Kong has bottomed out, and while we enjoy the economic growth, this year also marks the 10th anniversary of the reunification of Hong Kong. All sectors of the community are trying to create a joyous, harmonious atmosphere in society. Undoubtedly, many surveys have shown increasing confidence among Hong Kong people in the Chinese Government, as everyone is gasping in admiration over the rapid economic development of the country. President, despite such deliberate creation of a general atmosphere of peace and prosperity, in the hearts of Hong Kong people who hope to genuinely and sincerely celebrate the 10th anniversary of the reunification of the Hong Kong, there is still a nightmare which always haunts them at this time every year, and it has been bothering us for 18 years.

What do I mean? The cold-blooded comments made by Mr MA Lik earlier queried whether or not a massacre had taken place and questioned the definition of massacre. In fact, what Mr MA Lik has said is sophistry, sheer sophistry. Applying the logic of Mr MA Lik, I can say, "4 June? Who said that there was the 4 June incident? Strictly speaking, as the earth rotates, when the incident took place in China at midnight on 4 June, I was in America and it was 3 June there and so, there was no such thing as 4 June incident." One can advance this argument. But this is so ridiculous that I think I need not say any more about it. However, it also reflects that the spectre of 4 June has been harrasing us for 18 years, and I think it has also been harassing Mr MA Lik for 18 years.

This spectre has not vanished despite an atmosphere of peace and prosperity or economic abundance. This is proof that the thorn of 4 June was jabbed deep into the heart of every Chinese 18 years ago. Nobody was spared, whether or not you are in the pro-establishment faction (or even if you are in the

pro-establishment faction), or whether or not you are indifferent to politics (or even if you are indifferent to politics).

At this time every year, there are always people concocting various excuses and reasons to play down the 4 June incident, in order to make themselves feel better. But no matter how hard they try to whitewash it, they still cannot sort it out and they still cannot explain it out. Because the 4 June incident is real, a true reality, and it is so real that it made us suffocate. The shocking scenes that we saw on television at the time are still fresh in our memory. On that day, my whole family did not sleep. On that day, my whole family cried. Why did we cry? We cried because the sincerity and determination of the students to fight for democracy for the people had touched a chord in Hong Kong people, in all Chinese people, in the Chinese nation. But what those people in power had done to the unarmed people is still horrifying to us even today. President, this wound of 18 years ago has not healed. It is still bleeding and the pain still persists. We do not wish to remember and yet, we dare not forget. This, I think, is a true reflection of the feeling of many Chinese people (perhaps except Mr MA Lik) about the 4 June incident at the bottom of their heart.

In order for this wound to truly heal up, the relationship between the Government and the people must be mended and mutual trust must be established. Those people in power absolutely cannot make use of their power to arbitrarily impose restrictions on speech or think that they can serve their purpose by playing the card of economic gains. As pointed out by State leaders when they talked about a friendly relationship between China and Japan, Japan must respect history and admit its mistakes before a foundation can be built for China and Japan to develop a friendly relationship in the long term. President, is this not the attitude expected of the Central Government towards the 4 June incident? How can we so shamelessly apply a double standard towards history? How can we distort the 4 June incident for existing political needs? This is actually no different from Japan's attitude towards history, and this would only give a reason for the imperialists in Japan to laugh up their sleeves at us. How could we claim a place in the international arena? How could we command trust from other people and from other countries in our country?

"Past experience, if not forgotten, is a guide for the future" and "learn a lesson from history" are traditional wisdoms of the Chinese people towards history, and these wisdoms have opened a clear way out for Chinese people to

escape from the destiny of "confusing right and wrong" and "stooping to make concessions". Admitting the mistake made in the 4 June incident and vindication of the 1989 pro-democracy movement will be the first step, an important step which is indispensable.

With these remarks, President, I support the motion.

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

**MR ALBERT CHENG** (in Cantonese): President, not wanting to remember but unable to forget. A year has passed quickly and 4 June will be here again soon. Each year, this day always conjures up all sorts of thoughts in the minds of Hong Kong people who cannot help but remember what happened 18 years ago because the people will not forget. A fair judgement of what was right and wrong in the 4 June incident will be passed by the people and the incident will also be given a fair treatment in history. However, to mobilize the army and use force to suppress the students, thus resulting in casualties, no matter on what grounds and regardless of whether a massacre took place or not, is an unpardonable mistake and there is really a need to ascertain culpability.

However, Hong Kong is a place with the freedom of speech and all people have the right to voice their dissenting views freely. This has become a way of life and the culture in Hong Kong. It is an unshakable and deep-rooted core value upheld by us. Because we firmly believe in the rule of the game extolled by Voltaire, who said, "I do not agree with what you have to say, but I'll defend to the death your right to say it."

President, the remarks made by Mr MA Lik this year concerning the 4 June incident have aroused public wrath. Although I totally disagree with him, I believe he should not be deprived of his right to speak. If Mr MA Lik were to come to the Legislative Council today to explain his views, thus stoking a debate, so that the major issues of what was right and wrong could be debated thoroughly, this would in fact be a very meaningful way of commemorating the 4 June incident. To the general public, this would also be a valuable lesson in political education. As "Uncle Wah" says in an article published in the *Apple Daily*, as long as all people have an inextinguishable flame of justice in their

hearts, it is totally unnecessary for MA Lik to add fuel to the fire so that they will not forget the 4 June incident.

President, I admire the political courage of the Democratic Party in moving this motion on the 4 June incident every year. This is an opportunity for everyone playing a part in politics to show the public their political beliefs and values, and I also hope that this debate will not degenerate into a political show in which people of the same feather band together to attack people voicing disagreement. I support this motion debate. Thank you, President.

**MR ALBERT HO** (in Cantonese): Madam President, today, several members of the Democratic Party have read out a list of names of those who died in the 4 June incident, which was compiled by one of the Tiananmen Mothers, Madam DING Zilin, and they will also portray the circumstances of the deaths of some of them. We can see that all these death victims were once people with so much life and vigour, and many of them were young elites who had aspirations in life. Yet, they all died in such tragic and miserable circumstances.

MA Lik, where are you? CHAN Wing-kee, are you listening? In fact, do you consider those massacred human beings? In your minds, how many deaths would be sufficient for justifying the description of "a massacre"? If you still keep on making such inhumane remarks even to this day without feeling any regret, do you still have any conscience at all?

If someone still says that no massacre had ever taken place in the Tiananmen Square, then does it mean that many people among us have been wrongly accusing the Communist Party, which has been aggrieved all the time? In fact, in history, it was the Communist Party that was said to be the expert on wrongly accusing others. If they are made to face such great injustice today, will they remain silent? When they have grasped all the information and power within their control, will they stop the entire society from conducting an open and fair investigation, thus preventing everyone from finding out all the truth? Madam President, just on that point alone, we can easily invalidate MA Lik's groundless remarks.

In fact, we believe the list compiled by Madam DING Zilin is just the tip of the iceberg. This is exactly the reason why the Beijing Administration, up to

this day, still refuses to conduct an open inquiry to let the people know the truth of the 4 June massacre.

James TIEN said that history would pass its own judgement on the incident, implying that we should not discuss it today, and instead we should wait for a very very long time — history does take a long time — before we can pass a judgement. Why does he not dare to discuss it today? Why does he not have the courage to discuss it today, and why does he have to wait and leave the discussion to his grandson and the grandson of his grandson? It seems that James TIEN has also mentioned the economic development in China and the so-called stability that has taken place during the 18 years after the 4 June incident. He seemed to be proving that the suppression of the 4 June incident was correct. Frankly speaking, such remarks are very similar to those made by MA Lik, and they only differ in magnitude. Are you suggesting that the killing was essential to solving the social conflict then? Are you suggesting that ZHAO Ziyang's proposed approach would not work and that the Government could not adopt entirely legitimate and democratic ways to alleviate the people's demands in society and to eradicate corruption and official profiteering which had triggered the people's anger?

Madam President, earlier on, CHIM Pui-chung mentioned in his speech that the suppression was necessary, otherwise China would have been divided and foreign powers would have taken advantage of the divisive situation in our country. He even accused us in the Democratic Party of using the 4 June incident as our political capital. In fact, when I listened to his speech, I could not find any logic in many of the remarks he made. He was simply nonsensical. He seemed to leave us with the impression that there were only two issues in his mind, namely, power and money. Of course, with his life experience, he definitely knows the difference between "having freedom" and "not having freedom", and the difference between "having power and money" and "not having power and money". But deep in his heart, does he find any difference between "facts" and "lies", and "having conscience" and "burying the conscience"?

Madam President, if the 4 June incident is not vindicated, it would have in fact reflected that our country and our people — it should be the government of the country, not the people — have not learned the lessons from history. Even though the tragedy of the 4 June incident may not definitely or possibly be repeated in exactly the same pattern, but in fact during these 18 years, this kind

of tragedies have been repeated in other forms. The black massacre of 4 June incident has in effect become the white terror that has existed during these 18 years: Refusing to launch political reforms, turning all dissidents into the causes of riots which must be suppressed during the initial period, very much similar to the budding stage of plants. This is white terror.

During the past 10-odd years, the economy of our country has been developing most rapidly. But there is no progress at all in political reforms in the country, thus leading to collusion between officials and businessmen, money politics, the great wealth gap between the rich and the poor, the lack of reasonable protection for the people's land and homes, and that civil rights movements have emerged one after the other. This is in fact only a very humble request — the people just want to have the right to survive. Civil rights lawyers just want to fulfil some of their responsibility, display professionalism and hope that the national government can govern the country in accordance with law, respect the dignity of law and the Constitution. In spite of all these, they are still subject to persecution. Do you mean to say that these are the reasons for us to feel good about the development of our country nowadays?

**MR FRED LI** (in Cantonese): President, I shall carry on reading out the list of death victims in the 4 June incident. But I shall read it quite fast because there are really many of them on the list. I shall not be able to read out the details.

LIU Yansheng, 37, male, Beijing.

WEN Jie, male, 26, Beijing.

LI Huichuan, male, 35, Beijing.

ZHANG Runing, male, 32, Beijing.

LIU Fenggen, male, 40, Beijing.

LI Meng, female, 32, Beijing.

BEN Yunhai, male, 22, Beijing.

LIU Hongtao, male, 18, Wuhan, Hubei.

ZHOU Xinming, male, 16, Beijing.

WANG Gang, 20, Beijing.

ZHANG Lin, 37, male, Beijing.

HAN Zichuan, male, 38, Beijing.

LI Dezhi, male, 25, Wuhan, Hubei.

ZHOU Yongqi, male, 32, Beijing.

NAN Huatong, male, 31, Beijing.

HE Anbin, male, 32, Beijing.

ZHONG Guiqing, female, 31, Beijing.

MU Guilan, male, 48, Beijing.

HONG Zhiming, male, 20, Jinxi County, Jiangxi.

ZHANG Weihua, male, 24, origin unknown.

A man surnamed ZHANG, 19, Henan.

GONG Jifang, female, 19, Baotou, Inner Mongolia.

Mr JIANG, 26, origin unknown.

LIU Chunyong, male, 24, Beijing.

LIU Jinhe, male, 56, Beijing.

LIANG Baoxing, male, 25, Beijing.

LUAN Yiwei, male, 35, Baotou, Inner Mongolia.

SU Jinjian, male, 25, Beijing.

ZHANG Luohong, female, 30, Beijing.

WANG Zhiying, male, 35, Beijing.

WANG Hongqi, male, 21, Beijing

LI Shuzhen, female, 51, Beijing.

MA Chengfen, female, 55, Beijing.

A man surnamed GUO, 22, Beijing.

YANG Zhenjiang, male, 21, Beijing.

Anonymous, female, Guizhou.

KOU Xia, 31, female, Beijing.

HAN Qiu, male, 25, Jiamusi, Heilongjiang.

LIU Jinhua, female, 34, Beijing.

WANG Teijun, male, Beijing.

HUANG Tao, male, Zhangjiagang, Jiangsu.

TAO Zhigan, Tiantan County, Zhejiang.

XU Jianping, male, 19.

HE Guo, 27, male, Beijing.

LI Qiang, male, other information unknown.

LUO Wei, male, 30, Beijing.

QI Wen, male, 16, Beijing.

LIU Zhanmin, male, 38, Beijing.



SHI Yan, male, 27, Dalian, Liaoning.

REN Jianmin, male, 30, Dingzhou, Hebei.

SUN Tie, male, 26, Beijing.

Anonymous, male, Beijing.

SU Shengji, male, 43, Beijing.

REN Wenlian, male, 19, Linhe, Inner Mongolia.

HUANG Peipu, male, Beijing.

ZHENG Chunfu, male, 37, Beijing.

Anonymous, male, 16, Beijing.

CAO Zhenping, male, 29, Beijing.

LI Zhenying, male, 45, Beijing.

YANG Ruting, male, 41, Beijing.

WANG Qingzeng, male, 34, Beijing.

ZHOU Deping, male, Tianmen, Hubei.

WANG Wenming, male, 35, Beijing.

YIN Jing, male, 36, Beijing.

YANG Ziping, male, 26, Beijing.

ZHAO Lung, male, 21, Beijing.

LEI Guangtai, male, 33, Huairou County, Beijing.

ZHONG Jinjun, male, 22, Beijing.

GAO Yuan, male, 24, Beijing.

NI Shilian, male, 24, Shandong.

KUANG Min, male, 27, Beijing.

YIN shunqing, male, 30, Beijing.

HE Shitai, male, 31, Beijing.

ZHOU Yuzhen, female, 36, Beijing.

ZHA Aiguo, male, 22, Beijing.

SONG Baosheng, male, 39, Beijing.

CHEN Senlin, male, 36, Beijing.

SHI Haiwen, male, 20.

YANG Hanlei, male, Beijing.

Anonymous, male, Hebei.

WANG Yaohe, male, origin unknown.

PENG Jun, male, 30, Beijing.

LIU Qiang, male, Hebei.

SU Xin, female, 29, Beijing.

BAO Xiudong, male, 41, Beijing.

ZHAO Dejiang, male, 27.

Anonymous, male, Beijing.

A man surnamed CAO, Beijing.

CUI Linfeng, male, 29, Beijing.

WANG Fang, male, over 50, Beijing.

LIU Jingsheng, male, 40, Beijing.

ZHANG Jiamei, female, 61, Beijing.

Anonymous, five persons.

The last one was LI Chun, male, 20, Beijing.

All these were death victims, human beings, not animals. I personally think that there is no difference in using such terms as "the massacre of the city", "bloody suppression" or "violent suppression" to describe the action at that time. We should not spend time arguing about the differences among such terms. In short, real firearms and bullets had been used to suppress students, workers and the people, and in addition, tanks and military vehicles had been used to crush or run over the people and kill them. No matter how affluent and prosperous our country is now, and no matter how open it is now (the NPC Deputies of certain counties are now elected, so our country seems to have some sort of democratic system and they start to have elections), all such good work cannot cover up the acts committed at that time, which were so wrong.

I think some people may use specious arguments to defend what had happened and speak positively of the present situation. And among Members of the Democratic Party, Mr SIN Chung-kai and I are the only ones who still hold a Home Visit Permit. However, my viewpoint has not changed to this day, and I have attended all the annual candlelight vigils in commemoration of the 4 June incident. Every time when representatives of the Central Authorities communicate with us, I would always uphold this position. And whenever our dialogue comes to this point, both sides cannot say anything further. They need to put up a defence, and I do not bother to argue with them over this because I always uphold this position. What was done was very much in the wrong. It is very much in the wrong for them to suppress a democratic movement. Those suppressed were students and some unarmed Beijing residents. Among the death victims whose names have just been read out, most of them were Beijing

residents. What did their family members think? May peace be with all the death victims. And we shall go on commemorating them every year.

I so submit.

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

**MR LEE CHEUK-YAN** (in Cantonese): President, it has been 18 years. Eighteen years have passed since the 4 June incident. With regard to the 4 June incident, I believe all Hong Kong people must agree that we do not want to recall it, but we dare not forget it. In my opinion, the 4 June incident must be the darkest day in the contemporary history of China. As we recall it, we cannot help lamenting how sorrowful it is.

Some members of the Democratic Party have read out the name list compiled by Madam DING Zilin. This is by no means a good list. It is just a list of names of the death victims of the 4 June incident. We feel sad at the disillusionment of our ideals. When the 1989 pro-democracy movement first emerged, we wondered whether or not China could eventually tread on the road leading to democracy and freedom. The students had such aspirations, and they were so patriotic, and they had such great passion for democracy and they were so determined to fight against corruption. We could all sense their fervent and naive young passion as well as their strong love for the country. But what happened in the end? It ended in a bloody suppression. Tanks and soldiers were mobilized to suppress the students. Whenever we recall such scenes, we cannot help feeling genuinely miserable. Apart from feeling miserable for the death victims, we also feel miserable for the bumpy road that China will have to trudge in future. But what is most miserable is, MA Lik, Chairman of the DAB, has recently been rubbing salt into the wounds of the families of the death victims. He said that the 4 June incident could not be regarded as a massacre.

I do not know in his opinion what constitute the criteria for satisfying the definition of a massacre. Does he think that with so many death victims whose names have just been read out from Madam DING Zilin's list — maybe there were more death victims than those on the list, we really do not know how many people died in the incident — the incident with so many gunshots still could not be called a massacre? He also said: If tanks could run over human beings to

crush them into fleshy pulp, why did we not try this on a pig? Does he still qualify to be a human being in making such remarks? May I ask what had happened to MA Lik's own conscience? I feel that we must call on the entire society to launch a strong condemnation of the cold-blooded and shameless remarks made by MA Lik. Why should he do a beautifying job of the massacre and bloody suppression by those in power? Why should he act like a cleaning chief to "clean up" the blood stains in the Tiananmen Square? Such blood stains have already existed in the collective memory of Hong Kong people, which can never be erased — no matter how hard MA Lik tried to erase them. However, very unfortunately, MA Lik is not in the Chamber today. I heard that he is now hospitalized in Guangzhou. I do not know what kind of mood he was in when he made those remarks which had enraged everyone. Was he already affected by his medical condition? We do not know. However, after he had made such remarks, he started to fall sick and was hospitalized in Guangzhou. And now we have no idea of his whereabouts.

I really wish to ask the DAB: Do MA Lik's remarks represent the stance of the DAB? It is because while MA Lik is its Chairman, the DAB has not distinctly drawn a line to say that his remarks are not necessarily the views of the DAB. LAU Kong-wah, Deputy Chairman of the DAB, has only made one remark, that is, he would like to apologize for the unnecessary controversies caused. Now, we are not demanding apologies for any controversies. What we want to know is: What is the stance of the DAB? What is their stance with regard to the suppression and the massacre in the 4 June incident? Also what is the DAB's stance on MA Lik's cold-blooded and shameless remarks? These are precisely questions that the Democratic Party would like to ask them. So far they have not spoken today, and I do not know whether they will say anything at all. However, I feel that their act of not saying anything actually means ..... As I look at their logo (the insignia of their Party), if we really take a closer look at their insignia, may I ask all Hong Kong people to take a very close look at their insignia, in fact, it does look like a cowardly tortoise. It looks exactly like a cowardly tortoise. Please take a look at it. Is it true that they dare not take part in a debate with us on the suppression of the 4 June incident? I do hope that the DAB can summon up the courage to face Hong Kong people.

I must also respond to the earlier remarks made by Mr CHIM Pui-chung and the Liberal Party. Mr CHIM Pui-chung said that if there were no suppression, China would have been divided. I have heard a lot of such

theories. In order to justify the massacre, many people would say, "No, if it was not suppressed, China could not have made any development." I find great misery at hearing someone making such remarks. Is it always a must for China to resort to bloody suppression for the sake of stability and development? Once such logic is established, China can never make any forward progress. It is impossible to accept such logic. Is it an attempt to look down upon the Chinese people — since they are a lowly race, so they must be suppressed before they can have any development? Why can we not think in a different perspective: If the 4 June incident was not suppressed, China could have already enjoyed peaceful development? It is possible that, in addition to development in the economic aspect, we might have made many forward strides in democracy and freedom, too.

Recently, we have come across certain so-called theories of the rise of major powers. In fact, we may consider this as well: While civilization is a very significant factor by itself, a democratic system and the quality of the people are also very significant. I could not possibly be convinced that the Chinese people do not possess such qualities. However, some people have chosen to describe China as having no hope of seeing any improvement and that suppression was inevitable.

The Liberal Party only cares about "money", so they keep talking about the strength of the country and boast that the present productivity and economic growth have been very strong. Is it necessary to care about nothing but "money"? Please do not act like that. If they consider China a gold mine where people can make a lot of money, they could be correct, but please do not betray your own conscience just for the sake of money. The Chairman of the Liberal Party, Mr James TIEN, advises us to look forward. He also considers the 4 June incident a tragedy. If he finds the 4 June incident a tragedy, he should support the vindication of the 1989 pro-democracy movement. Why does he not support it? I think he should consider the issue with a clearer mind. It was a tragedy, but he does not support its vindication; eventually he might have to please those in power and betray his own conscience. Why should he do that? Is it always necessary to accord top priority to "money" in whatever we do?

Therefore, President, I can only say this: Let us meet at the Victoria Park in the evening of 4 June.

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

**DR FERNANDO CHEUNG** (in Cantonese): "You are listening to Radio Beijing International. This is June 3, 1989. Please remember this day, for the most horrifying tragedy has happened in Beijing, the capital of China, today.

"Thousands of people, most of them innocent people, were killed by fully-armed soldiers making their way forcefully into the city. Among the victims were staff members of Radio Beijing International.

"While steering the tanks, the soldiers used their machine guns to shoot at the large number of people and students who were trying to block the advancing tanks. Soldiers were shooting indiscriminately at the people in the street even after the way had already been cleared for the advance of the tanks. Some eye witnesses reported that infantry soldiers who hesitated to advance in the face of the resisting public were rolled over by armoured vehicles.

"The staff of the English Department of Radio Beijing International would like to express their deepest grief over the death of many victims who died in this tragedy, and we call upon our listeners to join us in condemning these unscrupulous acts of trampling on human rights and suppression of the people in the most barbaric manner.

"In the light of the most unusual circumstances in Beijing now, we have no other news to report at the moment. We beg the understanding of our listeners, and thank you for listening to us at this most lamenting moment."

President, the above report came from Radio Beijing International, the predecessor of China Radio International, which was one of the two national radio networks in the People's Republic of China — our own country. It was also the only national radio that was broadcast internationally.

This year marks the 18th anniversary of the 4 June incident. In all these years, the authorities have prohibited any public memorial activities to commemorate the death victims of the 4 June incident. The Tiananmen Mothers have demanded vindication and compensation, but they have been subject to oppression, incarceration, and surveillance of different forms. The 4 June incident has not only inflicted agonies to the victims and their families, it

is also a wound that keeps excruciating the entire nation and the entire country. We believe our country can walk tall in the face of history and rise up to a bright future only if it is willing to face up to its past misery.

Remembering past agonies is certainly excruciating. But it is also a kind of commitment. If we should choose not to remember, by employing whatever excuses, it would not serve any purpose. Some argue that time can heal, and that things will be forgotten eventually. These people have chosen not to remember. Some people have even dismissed the case of a massacre by arguing that it ran short of having a qualifying number of fatalities. Some have put the cart before the horse by saying that the students were the culprits of the massacre. Even more people have chosen to adopt the self-duping approach by arguing that the bloody massacre was simply a transient problem at that time. If the Government had not maintained stability when the 4 June incident took place, they argued, how could our country have achieved the present economic prosperity which all of us are enjoying today?

In the light of this, even our Chief Executive said that, in view of the remarkable and spectacular economic and social development in our country, we could now make a more objective comparison in a more composed manner after the lapse of 16 years since the incident. Composed indeed is our Chief Executive. However, basing on this logic, Hong Kong did enjoy economic prosperity 100 times or even 1 000 times better than that of the Mainland before the reunification, which took place after the forced signing of unequal treaties by our country subsequent to the British invasion in the Opium War, including the fact that Hong Kong was ceded to Britain, did we not? If this was how we thought at that time, and if we were happy with the robust economic development we had at that time, if this was the case at all, why do we have to pursue the reunification at all? In view of the robust development we had, why are we standing here today declaring explicitly that Hong Kong is Chinese territory? If we say that there was no problem at that time just because we are having robust development today, or by using economic development or other development as a pretext, it is simply absurd and ridiculous! If we adopt the same logic, then we would have to admit that the British invasion was a worthy cause, and it was something we should feel happy about. Is this what we would say?

Now, the 4 June incident has become a "demon-spotting mirror". On this issue involving the cardinal principle of right and wrong, if someone still



chooses to be circumventing and evasive, then all we need is this "demon-spotting mirror" which could be used to identify who are the demons and who are the human beings.

This reminds me of the story of LU Xun, who had given up his medical pursuit to become a writer. As we all know, LU Xun had given up his medical practice with a determination to alter the fate of China by writing literary works. He did so after he had watched a short film which portrayed the decapitation of a Chinese by the Japanese army surrounded by Chinese onlookers in complete apathy. Likewise, it is equally horrible for us to see people nowadays displaying the same apathy in the face of the sorrow of the 4 June incident, for it means that the entire nation has lost the soul, and the people have lost their feelings towards their nation and justice and all the values other than economic benefits.

I hope time will not numb the senses of the people. Regarding the 4 June incident, we must champion this right cause with determination until it is vindicated.

President, I so submit.

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

**MR ANDREW CHENG** (in Cantonese): Madam President, I should have been looking at you when I raised my hand. Instead, I was looking at Mr LAU Kong-wah, because I was hoping that he would raise his hand for his turn to speak. Anyway, he did not raise his hand to indicate his wish to speak. I hope, after listening to our speeches, he can raise his hand and speak before Mr Martin LEE gives his reply.

I think Hong Kong people would very much like to see a DAB representative explain their position on the 4 June incident and their views on the remarks made by DAB Chairman MA Lik in respect of the 4 June incident.

Madam President, 18 years have passed. Today, we are carrying on with our demand for the vindication of the 4 June incident in this Chamber. As I

have said just now, Members from the DAB have kept dodging the issue in this Council. But it has been somewhat different this year. The Chairman of the DAB, MA Lik, had spearheaded the discussion prior to the motion debate in this Council. Unfortunately, what he had come up with was a heart-sickening and shameful "pig theory", and a remark on the massacre which is unacceptable to the public —MA Lik questioned if a massacre had ever happened in the 4 June incident. Maybe in his opinion a massacre must present itself with streams of blood flooding the city, where not a single person could survive, and anything less than that does not qualify as a massacre. As such, I would like to ask the DAB or the Hong Kong Federation of Trade Unions (FTU): In future, when you stage anti-Japanese demonstrations, on what grounds and moral strength could you accuse the Japanese Government of being the culprit of the Nanjing Massacre?

Apart from his "pig theory" and remark on the massacre, the most important point which we can understand is his theory on patriotism and universal suffrage. This is how MA Lik commented on the 4 June incident. He even went so far as to suggest that if we should talk about the 4 June incident again, it may show that we are not patriotic enough. If you still insist on bringing up the 4 June incident again now, you are really unpatriotic, and then you are not qualified to have universal suffrage so soon.

I would like to share the following with colleagues from the DAB and those colleagues who do not support the motion today: I would like to remind them that universal suffrage is a political right which strives for democracy and equality. Universal suffrage does not call for any obligation for unquestioning allegiance to the party in a top-down fashion. Allegiance to the party is not equal to patriotism. Therefore, you have your right to pledge allegiance to the party, but please do not try to distort history and defame people who love the country with your insensitive remarks. Therefore, Mr LAU Kong-wah, you should pay attention to the remarks I am making now, and I hope you can rise to your feet later on and give a response to the remarks made by MA Lik. I believe the issues of massacre and universal suffrage do warrant your attention and responses.

MA Lik also questioned the number of fatalities on 4 June 1989. Did all the 4 000 students die? That was indeed an interesting question. A number of colleagues have said that, since we had been unable to get hold of any conclusive

evidence, so we could only try to understand the incident from different sources, such as reporters, the media and news reports on the television, and so on. For this reason, we would like to conduct a fair, impartial and open inquiry into the incident, so as to uncover the historical truth.

As a matter of fact, whether the fatalities were 400 people or 4 000 people, we cannot deny that some people had really died and they were killed unlawfully. Even delegate to the Chinese People's Political Consultative Conference (CPPCC), Mr CHANG Ka-mun, admitted in last week's "City Forum" that the number of fatalities ranged from 300 to 600 people. He held that it was only a matter of statistical differences which had little bearing on how we understand the nature of the incident, and that is, the Central Government had brutally suppressed innocent, patriotic and unarmed students and civilians on 4 June 1989, whose aim had been opposing corruption and official profiteering. It ended up in bloodshed and fatalities.

Mr CHANG Ka-mun argued that some of the students had forced the government to resort to gunfire. However, did the students have as much power and authority as the government did? Even if the students were radical in their speeches, stubborn and ignorant, it was not necessary for the Central Government to suppress the students with the army, tanks and gunfire. It is unacceptable for a government to kill its own citizens; even the killing of one citizen is unacceptable. Suppression with gunfire was a serious mistake in itself; since it was a mistake, we are demanding a vindication today.

The Hong Kong Alliance in Support of Patriotic Democratic Movements of China and the pro-democracy camp have never had any doubts about our own identity as Chinese. We sincerely hope that our country can relieve itself of its past mistakes and free itself from its complexes in the past. It is on this premise that we insist on moving this motion debate every year, pointing out the mistakes the government made in the past and demanding vindication. We did not do this to embarrass anyone. Instead, we did this out of respect for history, to do justice to the victims and their families, and to leave a profound lesson for our posterity.

Look, even mistakes made during the Cultural Revolution which last for 10 years have already been vindicated now. We believe there is nothing shameful for a government to publicly admit the mistakes it made. On the

contrary, one could earn the respect and appreciation of the international community only if one has the courage to admit past mistakes and to heal the wounds to history. This is how one can come to terms with history without feeling shameful. The sooner the incident is vindicated, the less price the country and society will have to pay. Only by vindicating those who have been aggrieved and fostering a general reconciliation among the people can a truly harmonious society surface. The magnitude of the problem will only snowball if we adopt an ostrich approach to ignore the problem.

Today, on the one hand, we keep saying that we need to instil a sense of patriotism into the mind of the younger generations, but on the other, they are told not to mention the 4 June incident again. This is selective patriotism, this is wrong. This is speculative, and this will only result in blind allegiance to those in power. But this is not going to bring a bright future to the country and society. On the contrary, will it instead undermine the national awareness and sense of patriotism of the younger generations, so much so that they would become speculative, insensitive to the differences between right and wrong, and pledging blind allegiance to those in power? We hope that the Central Government will vindicate the 4 June incident expeditiously, so as to build up a truly harmonious society early.

Madam President, I so submit.

**MR ALBERT CHAN** (in Cantonese): President, in fact, I had wanted to wait for a while to see whether LAU Kong-wah and Jasper TSANG would like to speak, because basically all the Members of the pro-democracy camp have already spoken. In the debates we had during the past 18 years, they would invariably wait for the chance to make the concluding speech after all the pro-democracy Members had delivered theirs, thereby leaving us with no opportunity to respond to them.

President, several Members from the pro-democracy camp have commented on the remarks made by MA Lik, so I am not going to repeat those comments. President, I only want to comment on the remarks made earlier on by James TIEN and CHIM Pui-chung, who asked us to adopt a forward-looking stance because we have enjoyed all the benefits brought about by the economic development during the past 18 years, as if, in their opinion, the current

economic prosperity is a direct result of the suppression of the 4 June incident. I am afraid many colleagues, particularly those who are running business, might have, in many instances, not just their conscience but also their views blinded by money when they make their judgement.

We all remember clearly how the 4 June incident took place. What was the main theme of the 4 June incident? I remember clearly that the students protesting on the street had made three basic demands, namely opposing official profiteering, corruption, and official degradation. The call for democracy was introduced only at a later stage. The three basic demands were made in response to acts of profiteering by the privileged classes and the privileged who abused their authority in the government for personal gains subsequent to the opening up of the economy of China at that time. These causes then led to the phenomenal 4 June incident. The 4 June incident is synonymous with opposing official profiteering, corruption, and official degradation.

Let us review the political system as well as the problems related to official profiteering, corruption and official degradation in the 18 years that follow the 4 June incident. Looking back to those years, there have been cases of senior officials being sentenced to jail or being imposed death penalty on account of corruption. A couple of days ago, news reports had it that the former chief of the State Food and Drug Administration had been sentenced to death. If the Central Government had taken heed of the voices and calls of the students in 1989, the problem of corruption would not have existed now and resulted in this case in which death penalty was given to a corrupt official 18 years after the 4 June incident.

In the course of our economic development, if the problems of official profiteering, corruption and official degradation have ceased to exist or ceased to exist continually, there would not have been such a huge number of cases in which disciplinary actions were taken against senior officials, including senior officials from the Community Party of China (CPC), in major cities, as well as cases of senior CPC officials fleeing abroad on account of or in connection with corruption charges. In 2000, HU Changqing was sentenced to death on account of corruption involving RMB 7 million yuan. If we bother to examine such cases during the past decade or so, we can find that there is ample evidence to testify the existence of such problems in every province and city.

As a matter of fact, the anti-corruption campaign advocated by leaders of the Central Government represents, to a certain extent, a response to the students' call for opposing corruption in the 1989 pro-democracy movement. The Central Authorities' current campaign against corruption and degradation basically can be described as having inherited the spirit of the 4 June incident. While the official stance of the Government is not to recognize the spirit of the 4 June incident in opposing corruption and degradation, many organizations and people are actually carrying on upholding such a spirit. The actions taken by the civil rights lawyers are examples of upholding such a spirit. I respect Mr Albert HO very much. He takes part in a fast every Wednesday, and he has been doing this for many months. Several months ago, I took part in a fast with him for 24 hours. If such opportunities arise again in future, I would take part in a fast with him again. It might be good for my kidneys, President.

In fact, similar to the 4 June incident, the civil rights movement is basically a legal campaign since it is based on a set of principles that is peaceful, rational, and non-violent, and actions taken in this movement are in compliance with the law in China. People participating in the civil rights movement have stressed repeatedly that they welcome suggestions of and positive interaction with the Government. The basic purpose of the civil rights movement is to maintain social stability.

Now, 18 years have passed since the 4 June incident. Eighteen years has a very special meaning to the Chinese people. People always say, "A man can start everything anew in 18 years", do they? "A girl aged 18 is like a flower", which suggests something pleasing. However, the past 18 years mean agonies to China in general and to the families of the death victims in particular. As long as the 4 June incident remains not vindicated, the agonies will only keep perpetuating.

Lastly, President, I would like to say that lies written in ink can never cover up history written in blood. Likewise, regardless of whatever political or economic reasons some may have or due to their denial of conscience, those who attempt to distort and smear the 4 June incident will eventually be subject to harsh criticisms in history.

Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon Mr Martin LEE to reply. Mr LEE, you still have four minutes 42 seconds.

**MR MARTIN LEE** (in Cantonese): Madam President, several years ago, I visited a WWII Nazi concentration camp in Germany. There was a big hall. When I went inside, I found it very dark. But as I looked up, it seemed that many stars were shining, and a recording was played continuously with names of massacred children being read out aloud. Everyone was deeply moved. I believe next year when the Democratic Party moves the relevant motion again, we shall continue reading out names contained in Madam DING Zilin's book.

I am afraid I cannot agree with the opinions expressed by some of the Members who have spoken on today's motion. In the speeches delivered by Mr James TIEN and Mr CHIM Pui-chung today, part of the logic is hardly acceptable. Do they mean to say that if there were no massacre, the economy of the country would not have grown? If this logic is correct, then is it necessary to launch more massacres if we want the economy of our country to grow even better? Such logic is simply ridiculous.

Madam President, the 1989 pro-democracy movement had not brought democracy to our country, but this torch of democracy had quickly spread to Eastern Europe, and democracy has borne fruits there now.

In fact, such a democratic trend cannot be reversed. I often say that our state leaders should understand that if they fail to ride on this democratic wave to move forward, eventually they would be knocked down by it instead. However, I believe Premier WEN Jiabao does understand this point — I can see this from what he has said recently. He recently mentioned a remark made by DENG Xiaoping to which I have frequently referred, that is: With a good system, even the bad guys cannot do anything bad; without a good system, even the good guys cannot do anything good, and they may even be forced into doing bad things. I believe, Premier WEN Jiabao would also agree that a democratic system is what DENG Xiaoping had described as a good system.

Madam President, I feel that, and I am also confident that, democracy will soon come to our country. Therefore, those who try their best to stifle the democratic development in the Mainland and Hong Kong, or those Members who play the trick of "disappearing" in debates but returning to the Chamber when the moment of voting comes, you will understand very soon that you will fail. Democracy will come to our country, and to Hong Kong. What you have been doing is in fact making a fool of yourselves. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Martin LEE 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 Philip WONG, Mr WONG Yung-kan, Mr WONG Kwok-hing, Mr WONG Ting-kwong and Mr KWONG Chi-kin voted against the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, 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 CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the motion.

Mr James TIEN and Mrs Selina CHOW 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, seven were in favour of the motion, five against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 17 were in favour of the motion, six against it and two abstained. 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.

**NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 6 June 2007.

*Adjourned accordingly at fourteen minutes past Seven o'clock.*

**Appendix 1****REQUEST FOR POST-MEETING AMENDMENT**

**The Secretary for Health, Welfare and Food requested the following post-meeting amendment in respect of a supplementary question to Question 4**

**Lines 3 to 6, second paragraph, page 31 of the Confirmed version**

To amend "In principle, we hope that the business sector in particular can assist various districts in the development in this area. For example, the Home Affairs Bureau has launched the Enhancing Self-Reliance Through District Partnership Programme and \$150 million has been allocated since 2006. At present, 41 programmes have been implemented in various districts and some results have been achieved." as "The Administration has earmarked \$150 million for the five years starting from 2006-2007 to step up efforts in poverty alleviation through the district-based approach. For this purpose, the Home Affairs Department launched the Enhancing Self-Reliance Through District Partnership Programme (the Programme) in June 2006. The Programme encourages various sectors in a district to co-operate in implementing projects designed to create employment opportunities for disadvantaged groups and promote the development of social enterprises in a district. Since the launch of the Programme in 2006, over 40 applications to implement such projects in various districts have been approved." (Translation)

(Please refer to lines 5 to 10, third paragraph, page 7522 of this Translated version)



**Appendix I****WRITTEN ANSWER****Written answer by the Secretary for Financial Services and the Treasury to Mr Albert HO's supplementary question to Question 1**

As regards whether the Government would review the extra-territorial effect of the relevant provisions of the Securities and Futures Ordinance, after consultation with the Securities and Futures Commission (SFC), the Government and the SFC keep the relevant legislation and its implementation under review so as to maintain and promote the fairness, efficiency, competitiveness, transparency and orderliness of the securities and futures industry.

## Appendix II

## WRITTEN ANSWER

**Written answer by the Secretary for Financial Services and the Treasury to Mr CHIM Pui-chung's supplementary question to Question 1**

As regards the number of delisted companies and the management of their assets on the Mainland, according to the Rules Governing the Listing of Securities on the Stock Exchange of Hong Kong Limited (SEHK) (Listing Rules), the SEHK may cancel the listing of any securities in such circumstances and subject to such conditions as it thinks fit. In particular, the SEHK may, in accordance with rules 6.01 and 6.04 of the Listing Rules, do so where it considers there are insufficient securities in the hands of the public; the issuer does not have a sufficient level of operations or sufficient assets to warrant the continued listing of the issuer's securities; or the continuation of a suspension for a prolonged period without the issuer taking adequate action to obtain restoration of listing. In case of prolonged suspension, according to Practice Note 17 of the Listing Rules, if the issuer or its representative does not submit any valid resumption proposal, the listing of the securities may be cancelled at the end of 18 months of suspension.

An issuer may also voluntarily withdrawn its listing if it satisfies certain requirements under the Listing Rules, for example, when all the listed securities of the issuer are subject to a mandatory offer, or the issuer is privatized, under the Takeovers Code published by the Securities and Futures Commission or on the approval of its shareholders.

The number of companies delisted by the SEHK and those that voluntarily withdrew their listing between 2004 and 2006 from January 2007 to May 2007 is listed below:

	<i>No. of companies delisted by the SEHK</i>			<i>No. of companies which voluntarily withdrew their listing</i>			<i>Total</i>
	<i>Main Board</i>	<i>GEM*</i>	<i>Sub-total</i>	<i>Main Board</i>	<i>GEM*</i>	<i>Sub-total</i>	
2004	6	0	6	3	2	5	11
2005	8	7	15	7	6	13	28
2006	2	4	6	13	5	18	24
January to May 2007	0	2	2	5	1	6	8

\*GEM: Growth Enterprise Market

**WRITTEN ANSWER** — *Continued*

After a company has been delisted or has withdrawn its listing, its securities will no longer be traded at the SEHK. Unlike liquidation, however, the ownership or title of the company's assets will not be affected by its delisting or withdrawal of listing. Therefore, there will be no change in the status of any assets of the company on the Mainland before and after its delisting or withdrawal of its listing (as the case may be). The interests of the shareholders will be protected by the articles of association of the company, the laws of the jurisdiction where it is located and the laws and regulations governing the determination of assets held on the Mainland (including the Property Law newly promulgated by the Mainland, which will take effect from 1 October 2007).

**Appendix III****WRITTEN ANSWER****Written answer by the Secretary for Financial Services and the Treasury to Mr Alan LEONG's supplementary question to Question 1**

As regards co-operation arrangements with the China Securities Regulatory Commission (CSRC), the CSRC is empowered to investigate and require the persons concerned to provide answers or explanations relating to issues under investigation. The amended Securities Law of the People's Republic of China, which took effect on 1 January 2006, enhances and expands the powers of the CSRC, and explicitly states that the CSRC is entitled to exercise such powers on behalf of non-mainland regulators. Article 183 of the mainland Securities Law expressly provides that any entity or individual from which the CSRC requests information should co-operate with it and provide it with the relevant documents and information in a faithful manner. Besides, Article 230 provides that if a person obstructs the CSRC or its personnel in the exercise of powers of supervision, examination and investigation, the CSRC may refer the case to the Public Security Bureau, which may impose a penalty on that person. Article 179 expressly empowers the CSRC to exercise such powers on behalf of non-mainland regulators. Should there be no express provision on such empowerment, the CSRC would only provide assistance on a voluntary basis. The Side Letter jointly signed by the CSRC and the Securities and Futures Commission of Hong Kong prescribes the relationship between both parties in terms of enforcement co-operation and ensures that they will exercise the relevant powers for each other in a clear and consistent manner.



## Appendix IV

## WRITTEN ANSWER

**Written answer by the Secretary for Commerce and Economic Development to Mr Howard YOUNG's supplementary question to Question 5**

As regards the numbers of local and overseas visitors to the Ping Shan Heritage Trail, Lung Yeuk Tau Heritage Trail and Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre, the requested information is at Annex.

Annex

Numbers of Local and Overseas Visitors to  
Ping Shan Heritage Trail, Lung Yeuk Tau Heritage Trail and  
Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre

- According to the Antiquities and Monument Office of the Leisure and Cultural Services Department, there were about 190 000 and 30 000 visitors to the Ping Shan Heritage Trail and the Lung Yeuk Tau Heritage Trail respectively last year. The number of visitors to these trails up to end July this year were 120 000 and 20 000 respectively. In addition, about 40 000 people have visited the Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre since its opening in mid-April this year. Of these visitors, about 50% are from local tour groups (including local residents and tourists), while about 1% are overseas and mainland tourists.
- As shown by the visitor surveys conducted by the Hong Kong Tourism Board (HKTB) in 2006, over 6% of the respondents have visited the cultural heritage attractions in Hong Kong, examples include the Kowloon Walled City Park, Ping Shan and Lung Yeuk Tau Heritage Trails, as well as the Po Lin Monastery, the Giant Buddha and the Wisdom Path of Lantau Island. According to the travel trade, overseas visitors, especially those from the long haul markets, have great interest in Hong Kong's cultural heritage. In view of this, the Government, in collaboration with the HKTB, will continue to develop and promote cultural heritage tourism, enhance the itineraries, and work with the Travel Industry Council of Hong Kong to provide specialist training for tourist guides with a view to further boosting Hong Kong's tourism and local economy.

## Appendix V

## WRITTEN ANSWER

**Written answer by the Secretary for Labour and Welfare to Ms LI Fung-ying's supplementary question to Question 6**

The total number of work injuries and prescribed occupational diseases witnessed a slight increase during 2004 to 2006. This was mainly due to the increase in the number of work accidents reported by employers to the Labour Department (LD) during the same period.

Figures on the total number of successful and pending compensation claims for cases reported in 2004 to 2006, as at 30 April 2007, are tabulated below:

<i>Year</i>	<i>Total number of cases reported<sup>Note (1)</sup></i>	<i>Number and ratio of successful compensation claims (as at 30 April 2007)</i>	<i>Number and ratio of pending compensation claims (as at 30 April 2007)</i>
2004	46 587	45 549 (97.8%)	1 038 ( 2.2%)
2005	47 478	45 082 (95.0%)	2 396 ( 5.0%)
2006	50 235	42 767 (85.1%)	7 468 (14.9%)

Corresponding figures for cases in the sector of community, social and personal services are as follows:

<i>Year</i>	<i>Number of cases reported in the sector of Community, Social and Personal Services<sup>Note (1)</sup></i>	<i>Number and ratio of successful compensation claims (as at 30 April 2007)</i>	<i>Number and ratio of pending compensation claims (as at 30 April 2007)</i>
2004	11 715	11 494 (98.1%)	221 ( 1.9%)
2005	12 190	11 659 (95.6%)	531 ( 4.4%)
2006	13 064	10 920 (83.6%)	2 144 (16.4%)

Note (1): Figures above refer to work injuries and prescribed occupational disease cases reported under the Employees' Compensation Ordinance with sick leave exceeding three days and/or with permanent loss of earning capacity. Fatal cases are included.

**WRITTEN ANSWER — *Continued***

The above figures indicate that the success rate in claiming compensation in respect of cases on the community, social and personal services sector was in line with the general trend of cases reported in all sectors.

As regards cases reported in 2006 and pending settlement as at 30 April 2007, some work accidents took place in the latter period of 2006. For cases where employees are still on sick leave after the work injury, the medical clearance and assessment procedures are not yet completed. The LD is thus unable to issue a Certificate of Compensation Assessment. There are also cases which involve disputes over liability for compensation. As the Court needs time to hear these claims, the cases are not yet resolved. The abovementioned types of cases take longer time to settle and the success rate of compensation claims will increase when these cases are eventually resolved.

To help injured employees obtain compensation as soon as possible, the LD actively follows up all pending claims and tries to simplify related work procedures. For cases involving disputes over liability for compensation, the LD will offer the necessary assistance to employees concerned, including referring them to the Legal Aid Department for assistance or assisting them to lodge claims directly at the District Court.

**Appendix VI****WRITTEN ANSWER****Written answer by the Secretary for Economic Development and Labour to Dr KWOK Ka-ki's supplementary question to Question 6**

The Labour Department (LD) is committed to protecting the safety and health of people at work through legislation, enforcement, education and promotion. As regards the Government's input to improve the occupational safety and health of the catering, wholesale and retail, and transport trades over the past few years, the relevant information is set out below.

In respect of enforcement, the LD carried out regular inspections as well as territory-wide or localized special inspection campaigns to establishments of the catering, wholesale and retail, and transport trades to ensure that employers had taken adequate and appropriate precautions to protect the safety and health of their employees. In addition, the LD also conducted promotional visits to sizable, chain or problematic establishments of these trades to remind duty holders concerned of the importance of improving the safety and health of their workplaces.

The abovementioned enforcement work was mainly conducted by the 238 front-line Occupational Safety Officers of the LD. About half of these front-line Occupational Safety Officers were responsible for conducting inspections to workplaces other than construction sites, including catering, wholesale and retail, transport and other trades. The LD does not have breakdown on the number of Occupational Safety Officers responsible for each individual trade.

Besides enforcement, the LD has been striving to enhance occupational safety and health awareness of people in the catering, wholesale and retail, as well as the transport trades through educational and promotional activities. Such activities held in the past few years included seminars and talks; large-scale safety award schemes for the catering industry; promotional visits by volunteers; roving exhibitions; Announcements in the Public Interest on television and radio; safety posters at MTR and KCR stations; mini-dramas and safety messages on radio; and publishing occupational safety and health publications, and so on. Seven Occupational Safety Officers were involved in organizing the above activities in addition to their other educational and promotional duties.