

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 14 June 2007

The Council continued to meet at Nine 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.

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.

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, 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 ALBERT HO CHUN-YAN

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

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

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE JOSEPH WONG WING-PING, G.B.S., J.P.
SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY

THE HONOURABLE FREDERICK MA SI-HANG, J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

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

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

THE HONOURABLE DENISE YUE CHUNG-YEE, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

PRESIDENT (in Cantonese): Clerk, a quorum is absent. Will you please ring the bell to summon Members to enter the Chamber.

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

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

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Interpretation and General Clauses Ordinance.

PRESIDENT (in Cantonese): I now call upon the Secretary for Constitutional Affairs to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Good morning, Madam President. Good morning, Members. I move that the Government's resolution proposed under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1), as set out on the Agenda, be passed. The objective of the resolution is to effect transfer of statutory functions from 1 July 2007 pursuant to the reorganization proposal as announced by the Chief Executive on 3 May 2007.

The reorganization serves two key objectives. Firstly, the reorganization aims to rationalize the distribution of responsibilities between Policy Bureaux. Putting related responsibilities under one Bureau will help optimize the synergy and enable the Government to sharpen its focus on important and complex issues. Secondly, the proposal will better facilitate implementation of the priority policy initiatives under different portfolios as pledged by the Chief Executive to meet the opportunities and challenges of Hong Kong ahead.

According to the reorganization proposal, there will be 12 Directors of Bureau, with the net addition of one, being the Secretary for Labour and Welfare. In addition, the reorganization also involves realignment of the portfolios of some of the existing Directors of Bureau. The reorganization proposal was set out in the Legislative Council Brief on "Reorganization of Policy Bureaux of the Government Secretariat" issued to Members on 3 May 2007. Where the reorganization involves transfer of statutory functions from one Bureau to another, legislative amendments are required to give legal effect to the transfer. The legislative amendments will need to come into force on 1 July 2007. Such legislative amendments, in draft form, were set out in the Legislative Council Brief issued on 9 May 2007. The resolution was discussed in the Legislative Council Panel on Constitutional Affairs and the Subcommittee under the House Committee.

I wish to explain the aspects covered by the Government's resolution under section 54A of Cap. 1.

The proposed resolution provides that the statutory functions currently exercisable by the named existing Directors of Bureau be transferred to the named Directors of Bureau after the reorganization. The resolution will not involve substantive amendments to the statutory functions (including powers and duties) provided for in the relevant ordinances. The resolution will provide for the simple substitution of the current title of the Director of Bureau by the new title of the Director of Bureau in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2007. Where appropriate, the proposed resolution also covers the titles of Permanent Secretaries and Policy Bureaux involved.

After the passage of the proposed resolution, the Chief Executive in Council will make an order to amend the list of public officers specified in Schedule 6 to Cap. 1. The Order will also have to come into force on 1 July 2007.

Over the past few years, we have, in the context of consulting the community, Members of the Legislative Council and various advisory groups, received feedback that there is a need to review the existing alignment of policy responsibilities to take account of the changes in workload and scope of various policies. The reorganization proposal is a considered response to these comments and it is generally supported by different political parties and political

groups, and also by the community as a whole. I would like to appeal to Members to support the Government's resolution, so that the reorganization of Policy Bureaux of the Government Secretariat can take effect from 1 July 2007 in conjunction with the commencement and the work of the third term Government of the Hong Kong Special Administrative Region.

Thank you, Madam President.

The Secretary for Constitutional Affairs moved the following motion:

"RESOLVED that with effect from 1 July 2007 -

- (1) the functions exercisable by the Secretary for Constitutional Affairs by virtue of -
 - (a) the Federation of Hong Kong Industries Ordinance (Cap. 321) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 45(5) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
 - (b) the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 9(6A)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
 - (c) the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the

purpose of giving full effect to such transfer, that Regulation be amended in section 84(6)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

- (d) the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 82(4)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (e) the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 81(4)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (f) the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 55(b)(ii) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (g) the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in

section 67(1)(b)(ii) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

(h) the Legislative Council Ordinance (Cap. 542) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

(i) section 3(2A)(a)(ii);

(ii) section 3(2B);

(iii) section 20U(2)(b)(ii);

(iv) section 67(4);

(v) section 67(5);

(vi) section 67(6);

(vii) section 71;

(viii) section 75(4);

(i) the Legislative Council (Election Petition) Rules (Cap. 542 sub. leg. F) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

(i) rule 5(3)(a);

- (ii) rule 10(4)(d);
- (iii) rule 10(5);
- (iv) rule 13(2)(a);
- (v) rule 13(4);
- (vi) rule 15(2);
- (vii) rule 19(3);
- (j) the District Councils Ordinance (Cap. 547) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (i) section 55(4);
 - (ii) section 55(5);
 - (iii) section 55(6);
- (k) the District Councils (Election Petition) Rules (Cap. 547 sub. leg. C) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (i) rule 5(2)(a);
 - (ii) rule 10(4)(d);

- (iii) rule 13(2)(a);
- (iv) rule 15(2);
- (v) rule 19(3);
- (l) the Chief Executive Election Ordinance (Cap. 569) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (i) section 1(4)(a)(ii) of the Schedule;
 - (ii) section 44(4) of the Schedule;
- (m) the Chief Executive Election (Election Petition) Rules (Cap. 569 sub. leg. E) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended -
 - (i) in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (A) section 7(1)(c);
 - (B) section 8(4)(d);
 - (C) section 10(3)(c);
 - (D) section 11(2)(a)(iii);
 - (E) section 13(2)(c);

- (F) section 14(2)(a)(iv);
 - (G) section 17(3)(b);
 - (H) the Schedule;
- (ii) in section 17(3), in the Chinese text, by repealing "政制事務局局長" and substituting "政制及內地事務局局長";
- (2) the functions exercisable by the Secretary for Commerce, Industry and Technology by virtue of -
- (a) the Import and Export Ordinance (Cap. 60) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 39(2) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (b) the Telecommunications Ordinance (Cap. 106) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 32U by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (c) the Dutiable Commodities Ordinance (Cap. 109) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 2(5) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (d) the Reserved Commodities Ordinance (Cap. 296) be transferred to the Secretary for Commerce and

Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 2(3) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";

- (e) the Film Censorship Ordinance (Cap. 392) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the definition of "Secretary" in section 2(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (ii) in section 29(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary";
- (f) the resolution of the Legislative Council establishing the Office of the Telecommunications Authority Trading Fund (Cap. 430 sub. leg. D) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Resolution be amended in item 1(p) of Schedule 1 by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (g) the Bills of Lading and Analogous Shipping Documents Ordinance (Cap. 440) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and

substituting "Secretary for Commerce and Economic Development" -

- (i) section 7(1);
 - (ii) section 7(2)(a);
- (h) the Copyright Ordinance (Cap. 528) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
- (i) in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (A) section 46(1);
 - (B) section 70(4);
 - (C) section 83(3);
 - (D) section 84(2);
 - (E) section 121(16);
 - (F) section 152;
 - (G) section 171(1);
 - (H) section 171(2);
 - (I) section 171(3);
 - (J) section 189(2);
 - (K) paragraph 43 of Schedule 2;

- (ii) in section 70(4)(b), in the Chinese text, by repealing "工商及科技局局長" and substituting "商務及經濟發展局局長";
- (i) the Prevention of Copyright Piracy Ordinance (Cap. 544) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (i) section 38;
 - (ii) section 39;
- (j) the Electronic Transactions Ordinance (Cap. 553) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (k) the Entertainment Special Effects Ordinance (Cap. 560) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (l) the Broadcasting Ordinance (Cap. 562) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect

to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

- (i) section 15(6)(b)(ii) of Schedule 1;
 - (ii) section 29(6)(b)(ii) of Schedule 1;
- (m) the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(2) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (n) the Chemical Weapons (Convention) Ordinance (Cap. 578) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 40(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (o) the Hong Kong Trade Development Council Ordinance (Cap. 1114) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 11(1)(b)(vi) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (3) the functions exercisable by the Permanent Secretary for Commerce, Industry and Technology (Communications and

Technology) by virtue of the Electronic Transactions Ordinance (Cap. 553) be transferred to the Permanent Secretary for Commerce and Economic Development (Communications and Technology) and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Permanent Secretary" in section 2(1) by repealing "Permanent Secretary for Commerce, Industry and Technology (Communications and Technology)" and substituting "Permanent Secretary for Commerce and Economic Development (Communications and Technology)";

- (4) the functions exercisable by the Secretary for Economic Development and Labour by virtue of -
- (a) the Gas Safety Ordinance (Cap. 51) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for the Environment";
 - (b) the Factories and Industrial Undertakings Ordinance (Cap. 59) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(1)(od) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
 - (c) the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg. AF) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Labour and Welfare" -

- (i) section 26(1);
- (ii) section 27(1);
- (d) the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(2)(d) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
- (e) the Port Control (Cargo Working Areas) Ordinance (Cap. 81) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (f) the Specification of Arrangements (Swiss Federal Council) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AQ) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing "Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";
- (g) the Specification of Arrangements (Government of the Republic of Iceland)(Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AU) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing "Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";

- (h) the Specification of Arrangements (Government of the Hashemite Kingdom of Jordan) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AV) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing "Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";

- (i) the Consumer Council Ordinance (Cap. 216) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (i) section 15;
 - (ii) section 16(1);
 - (iii) section 16(3);
 - (iv) section 16(5);

- (j) the Travel Agents Ordinance (Cap. 218) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (A) section 32G(2);

- (B) section 32H(2)(c)(ii);
 - (C) section 32I(1)(b);
 - (D) section 32K(1);
 - (E) section 32K(2)(b);
 - (F) section 32L(5);
 - (G) section 32M(1);
 - (H) section 32M(3);
 - (I) section 32M(5);
 - (J) section 32N(2);
 - (K) the definition of "specified" in section 32N(4);
 - (L) section 32O(1);
 - (M) section 32P(1);
 - (N) section 32P(2);
 - (O) section 32Q;
 - (P) section 50(1);
 - (Q) section 53;
- (ii) in the heading of the following provisions by repealing "**Secretary for Economic Development and Labour**" wherever it appears and substituting "**Secretary for Commerce and Economic Development**" -

- (A) section 32O;
- (B) section 53;
- (k) the Merchant Shipping Ordinance (Cap. 281) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 118(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (l) the Hong Kong Tourism Board Ordinance (Cap. 302) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (i) section 17B(1);
 - (ii) section 17B(2)(b);
 - (iii) section 17B(8);
 - (iv) section 19(2);
- (m) the Shipping and Port Control Ordinance (Cap. 313) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 56 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (n) the Employees Compensation Assistance Ordinance (Cap. 365) be transferred to the Secretary for Labour

and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(o) the Merchant Shipping (Safety) Ordinance (Cap. 369) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -

(i) the Merchant Shipping (Safety) Ordinance (Cap. 369) be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 5(1);

(B) section 8(1);

(C) section 8(2);

(D) section 93(1);

(E) section 94(1);

(F) section 94(2);

(G) section 94(2)(b);

(H) section 95(1);

(I) section 96(1);

(J) section 96(2);

(K) section 97(1);

- (L) section 97(2);
 - (M) section 98(1);
 - (N) section 99(1);
 - (O) section 99(2);
 - (P) section 100(1);
 - (Q) section 101(1);
 - (R) section 102(1);
 - (S) section 102(1)(f);
 - (T) section 103(1);
 - (U) section 104;
 - (V) section 105(1);
 - (W) section 105(3);
 - (X) section 106;
 - (Y) section 107(1);
 - (Z) section 108(1);
 - (AA) section 110(3C);
 - (AB) section 110(4);
 - (AC) section 115(3);
- (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the

Schedule by repealing "Secretary for Economic Development and Labour" where it appears opposite to "Merchant Shipping (Safety) Ordinance (Chapter 369), section 5." in column 2 and substituting "Secretary for Transport and Housing";

- (p) the Merchant Shipping (Safety)(Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg. T) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) the definition of "Certifying Authority" in regulation 2;
 - (ii) the definition of "Government surveyor" in regulation 2;
- (q) the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 6(4) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (r) the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the

definition of "Government Surveyor" in regulation 1(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

- (s) the Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369 sub. leg. AQ) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Government surveyor" in regulation 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (t) the Occupational Safety and Health Council Ordinance (Cap. 398) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 22(5) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
- (u) the Electricity Ordinance (Cap. 406) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for the Environment" -
 - (A) section 36(1)(a);
 - (B) section 38(1);
 - (C) section 39(1);

- (D) section 39(3);
 - (E) section 43(3);
 - (F) section 44(1);
 - (G) section 45(1);
 - (H) section 45(2);
 - (I) section 45(5);
 - (J) section 59(6);
- (ii) in the following provisions, in the Chinese text, by repealing "經濟發展及勞工局局長" wherever it appears and substituting "環境局局長" -
- (A) section 38(1)(c);
 - (B) section 38(1)(d);
 - (C) section 38(1)(e);
 - (D) section 44(1)(d);
 - (E) section 44(1)(e);
 - (F) section 44(1)(f);
 - (G) section 44(1)(g);
- (v) the Electricity Supply Lines (Protection) Regulation (Cap. 406 sub. leg. H) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 13(1)(b) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for the Environment";

- (w) the Employees' Compensation Insurance Levies Ordinance (Cap. 411) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

- (x) the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) section 3(2);

 - (ii) section 3(5)(vii);

- (y) the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) the definition of "Certifying Authority" in regulation 1(2);

 - (ii) the definition of "surveyor" in regulation 1(2);

 - (iii) regulation 35(1);

 - (iv) regulation 36(1);

- (z) the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 23(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

- (aa) the Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) regulation 1(3)(d);
 - (ii) regulation 4(2);

- (ab) the Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) regulation 1(3)(c);
 - (ii) regulation 4(2);

- (ac) the Toys and Children's Products Safety Ordinance (Cap. 424) be transferred to the Secretary for Commerce and Economic Development and, for the

purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

- (i) section 4;
- (ii) section 6(1);
- (iii) section 6(2);
- (iv) section 14(3);
- (v) section 15(1);
- (vi) section 15(3);
- (vii) section 16(1);
- (viii) section 16(3);
- (ix) section 35(1);

(ad) the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) regulation 10(4);
- (ii) regulation 14(6);

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- (ae) the Consumer Goods Safety Ordinance (Cap. 456) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
- (i) in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Commerce and Economic Development";
 - (ii) in section 15(3) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary";
- (af) the Occupational Deafness (Compensation) Ordinance (Cap. 469) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
- (ag) the Merchant Shipping (Seafarers) Ordinance (Cap. 478) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) section 5(2);
 - (ii) section 6(4);
 - (iii) section 6(5);
 - (iv) section 6(6);

- (v) section 17;
- (vi) section 18(3);
- (vii) section 19(1)(c);
- (viii) section 72(1);
- (ix) section 73(1);
- (x) section 80(5);
- (xi) section 81;
- (xii) section 82(1);
- (xiii) section 86;
- (xiv) section 89(1);
- (xv) section 89(2);
- (xvi) section 89(3);
- (xvii) section 95(2);
- (xviii) section 96(1);
- (xix) section 97(1);
- (xx) section 100(1);
- (xxi) section 104(1);
- (xxii) section 107(1);
- (xxiii) section 119(2);
- (xxiv) section 120(e);

- (xxv) section 121(1);
- (xxvi) section 125(4);
- (ah) the Freight Containers (Safety) Ordinance (Cap. 506) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (ai) the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) section 17(3);
- (ii) section 72(3)(c);
- (iii) section 72(3)(d);
- (iv) section 89(1);
- (v) section 89(2);
- (aj) the Tung Chung Cable Car Ordinance (Cap. 577) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and

Labour" and substituting "Secretary for Commerce and Economic Development";

- (ak) the Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 3(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (al) the Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (am) the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (1 of 2005) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(3) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (an) the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (16 of 2006) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

- (5) the functions exercisable by the Secretary for Education and Manpower by virtue of -
- (a) the Dangerous Drugs Ordinance (Cap. 134) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 14 of the Fourth Schedule by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
 - (b) the Legal Practitioners Ordinance (Cap. 159) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 74A(3)(a)(iii) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
 - (c) the Child Care Services Ordinance (Cap. 243) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -
 - (i) section 4(2);
 - (ii) section 12(a);
 - (d) the Education Ordinance (Cap. 279) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -

- (A) section 40AC(1);
- (B) section 40BP(2);
- (C) section 40BR(2);
- (ii) in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -
 - (A) section 5(2);
 - (B) section 79(a);
- (e) the Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, those Rules be amended in rule 15(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (f) the Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, those Rules be amended in rule 16(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (g) the Employees Retraining Ordinance (Cap. 423) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer -
 - (i) the Employees Retraining Ordinance (Cap. 423) be amended -
 - (A) in section 2 by repealing the definition of "Secretary" and substituting -

""Secretary" (局長) means the Secretary for Labour and Welfare;"

- (B) in the following provisions, in the Chinese text, by repealing "教育統籌局局長" wherever it appears and substituting "局長" -
- (I) section 9(2);
 - (II) section 9(3);
 - (III) section 14(4);
- (C) in section 33(1), in the English text, by repealing "Secretary" and substituting "Secretary for Education and Manpower";
- (ii) the Specification of Public Office (L.N. 158 of 2002) be amended -
- (A) in column 1 of the Schedule by repealing "Secretary for Education and Manpower";
 - (B) in column 2 of the Schedule by repealing "Employees Retraining Ordinance (Chapter 423), sections 9(2) and (3) and 14(4).";
 - (C) in the Schedule by adding at the end -

"Secretary for Labour and Welfare	Employees Retraining Ordinance (Chapter 423), sections 9(2) and (3) and 14(4).";
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- (h) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer -
- (i) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be

amended in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -

- (A) section 8(1)(a)(ii)(B);
 - (B) section 40(1);
 - (C) section 41;
- (ii) the Specification of Public Office (L.N. 158 of 2002) be amended -
- (A) in column 2 of the Schedule by repealing "Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493), section 8(1)(a)(ii)(B).";
 - (B) in the Schedule by adding at the end -

"Secretary for Education	Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493), section 8(1)(a)(ii)(B).";
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- (i) the Copyright Ordinance (Cap. 528) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 195(4) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (j) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4 by repealing "Education and

- Manpower Bureau" and substituting "Education Bureau";
- (k) the St. Paul's College Council Incorporation Ordinance (Cap. 1102) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(h) by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
 - (l) the Sir Edward Youde Memorial Fund Ordinance (Cap. 1140) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 9(2)(b) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
 - (m) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer -
 - (i) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
 - (ii) the Specification of Public Office (L.N. 158 of 2002) be amended -
 - (A) in column 2 of the Schedule by repealing "Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (l), 9(1) and (2), 10, 12, 13(1) and (2) and 17.";

(B) in column 2 of the Schedule by adding -

"Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (l), 9(1) and (2), 10, 12, 13(1) and (2) and 17."

after -

"Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493), section 8(1)(a)(ii)(B).";

- (n) the Lingnan University Ordinance (Cap. 1165) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (o) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -
 - (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2;
 - (iii) section 51;

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- (6) the functions exercisable by the Permanent Secretary for Education and Manpower by virtue of -
- (a) the Employment Ordinance (Cap. 57) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 50(3)(h)(ii) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (b) the Employment of Children Regulations (Cap. 57 sub. leg. B) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "school attendance certificate" in regulation 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (c) the Employment of Young Persons and Children at Sea Ordinance (Cap. 58) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (d) the Pensions Ordinance (Cap. 89) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 18(1B)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (e) the Pension Benefits Ordinance (Cap. 99) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in section 19(6)(a) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (f) the Inland Revenue Ordinance (Cap. 112) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Permanent Secretary for Education and Manpower" where it appears opposite to "Inland Revenue Ordinance (Chapter 112), sections 16B and 16C." in column 2 and substituting "Permanent Secretary for Education";
- (g) the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 178(1)(b) by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";
- (h) the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 16(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (i) the Auxiliary Forces Pay and Allowances (Pensions) Regulation (Cap. 254 sub. leg. I) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 6(6)(a) by repealing

"Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (j) the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in paragraph (a)(vii) of Schedule 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (k) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Permanent Secretary" in section 3(1) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (l) the Post Secondary Colleges Ordinance (Cap. 320) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer -
 - (i) the Post Secondary Colleges Ordinance (Cap. 320) be amended in the definition of "Permanent Secretary" in section 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in the following items in column 1 of the Schedule by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education" -

- (A) where it appears opposite to "Post Secondary Colleges Ordinance (Chapter 320), sections 3, 8, 9 and 10." in column 2;
 - (B) where it appears opposite to "Post Secondary Colleges Ordinance (Chapter 320), sections 11 and 12(2)." in column 2;
- (m) the Post Secondary Colleges Regulations (Cap. 320 sub. leg. A) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended -
 - (i) in the Schedule, in Forms 1, 2 and 3, by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";
 - (ii) in the Schedule, in the English text, in Forms 1, 2 and 3, by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau";
- (n) the Queen Elizabeth Foundation for the Mentally Handicapped Ordinance (Cap. 399) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(ba) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (o) the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 20(6)(a) by repealing "Permanent Secretary for

Education and Manpower" and substituting "Permanent Secretary for Education";

- (p) the Electricity Ordinance (Cap. 406) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 32(2) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (q) the Environment and Conservation Fund Ordinance (Cap. 450) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (r) the Hong Kong Arts Development Council Ordinance (Cap. 472) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(3)(e) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (s) the Sex Discrimination Ordinance (Cap. 480) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (t) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1) by repealing

"Permanent Secretary for Education and Manpower"
and substituting "Permanent Secretary for Education";

- (u) the Family Status Discrimination Ordinance (Cap. 527) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (v) the Grantham Scholarships Fund Ordinance (Cap. 1076) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (w) the Education Scholarships Fund Ordinance (Cap. 1085) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -
 - (i) the definition of "Permanent Secretary" in section 2;
 - (ii) section 3(3);
- (x) the Munsang College Incorporation Ordinance (Cap. 1094) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 4(2) by repealing "Permanent

Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (y) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the long title by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ii) in the heading of section 2 by repealing "**Permanent Secretary for Education and Manpower**" and substituting "**Permanent Secretary for Education**";
 - (iii) in section 2 by repealing "Permanent Secretary for Education and Manpower" where it first appears and substituting "Permanent Secretary for Education";
 - (iv) in section 8(4) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (z) the Social Work Training Fund Ordinance (Cap. 1100) be transferred to the Permanent Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Labour and Welfare";
- (aa) the Sir Robert Black Trust Fund Ordinance (Cap. 1101) be transferred to the Permanent Secretary for

Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(2)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ab) the Li Po Chun Charitable Trust Fund Ordinance (Cap. 1110) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

(i) paragraph 2(2) of the Schedule;

(ii) paragraph 2(3) of the Schedule;

(iii) paragraph 3(7) of the Schedule;

(ac) The English Schools Foundation Ordinance (Cap. 1117) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

(i) section 6(1);

(ii) section 9(8);

(ad) the Police Children's Education Trust Ordinance (Cap. 1119) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for

- Education and Manpower" and substituting "Permanent Secretary for Education";
- (ae) the Police Education and Welfare Trust Ordinance (Cap. 1120) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (af) the Correctional Services Children's Education Trust Ordinance (Cap. 1131) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ag) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 28(3) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (7) the functions exercisable by the Permanent Secretary for Education and Manpower Incorporated by virtue of -
- (a) the Transfer of Businesses (Protection of Creditors) Ordinance (Cap. 49) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 10(d) by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";

- (b) the Stamp Duty Ordinance (Cap. 117) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "incorporated public officer" in section 38 by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";
- (c) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 40BE by repealing "Permanent Secretary for Education and Manpower Incorporation" and substituting "Permanent Secretary for Education Incorporation";
- (d) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in section 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ii) in section 2 by repealing "Permanent Secretary for Education and Manpower" where it secondly appears and substituting "Permanent Secretary for Education";
- (8) the functions exercisable by the Secretary for the Environment, Transport and Works by virtue of -
 - (a) the Lands Tribunal Rules (Cap. 17 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Rules be amended in the Schedule, in

Forms 10 and 11, by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing";

(b) the Land (Miscellaneous Provisions) Ordinance (Cap. 28) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Development" -

(A) section 2A(3)(a);

(B) section 2A(4);

(C) section 2A(5);

(D) section 2A(6)(b);

(E) section 2A(6);

(F) the definition of "Secretary" in section 8(1);

(G) section 18(1A);

(ii) in the heading of section 18 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Development**";

(c) the Forests and Countryside Ordinance (Cap. 96) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer,

that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(d) the Ferry Services Ordinance (Cap. 104) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) section 22(2);

(ii) section 28(7)(a);

(iii) section 28(7)(b);

(iv) section 41(1);

(e) the Tramway Regulations (Cap. 107 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(f) the Wild Animals Protection Ordinance (Cap. 170) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment,

Transport and Works" wherever it appears and substituting "Secretary for the Environment" -

- (i) section 22(1);
 - (ii) section 22(2);
- (g) the Defences (Firing Areas) Ordinance (Cap. 196) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the Second Schedule by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (h) the Eastern Harbour Crossing Ordinance (Cap. 215) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -
- (i) the Eastern Harbour Crossing Ordinance (Cap. 215) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Eastern Harbour Crossing Ordinance (Chapter 215)." in column 2 and substituting "Secretary for Transport and Housing";
- (i) the Public Bus Services Ordinance (Cap. 230) be transferred to the Secretary for Transport and Housing

and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 6(2A);

(B) section 12A(1);

(C) section 12A(2);

(D) section 12A(3);

(E) section 12A(4);

(F) section 33(1);

(G) section 35(1);

(ii) in the heading of section 35 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";

(j) the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 25 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(k) the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended

in section 11 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(l) the Peak Tramway Ordinance (Cap. 265) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 4;

(B) section 5;

(C) section 7(1);

(D) section 7(2);

(E) section 7(3);

(F) section 7(4);

(G) section 7A(1);

(H) section 7A(3);

(I) section 8;

(J) section 9(2);

(K) section 9(3);

(L) section 10;

(M) section 12;

- (N) section 14B(1);
 - (O) section 14D(1);
 - (P) section 14D(4);
 - (Q) section 14D(4)(b);
 - (R) section 14E(1);
 - (S) section 14E(2);
 - (T) section 14E(3);
 - (U) section 14E(4);
 - (V) section 14F(2);
 - (W) section 15(1)(b);
 - (X) section 15(1)(d)(i);
- (ii) in section 7A(2) by repealing "Secretary for the Environment, Transport and Works's" and substituting "Secretary for Transport and Housing's";
- (iii) in the heading of section 14D by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";
- (m) the Peak Tramway (Safety) Regulations (Cap. 265 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the

Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

- (n) the Air Pollution Control Ordinance (Cap. 311) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (o) the Air Pollution Control (Appeal Board) Regulations (Cap. 311 sub. leg. D) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (p) the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment" -
 - (i) Form 5 in the Second Schedule;
 - (ii) the heading of the Fourth Schedule;
 - (iii) item 8 of the Fourth Schedule;
 - (iv) the heading of the Fifth Schedule;
- (q) the Industrial Training (Construction Industry) Ordinance (Cap. 317) be transferred to the Secretary

for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(1)(da) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

- (r) the Waste Disposal Ordinance (Cap. 354) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (s) the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 8 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary";
- (t) the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (u) the Water Pollution Control Ordinance (Cap. 358) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (v) the Water Pollution Control (Appeal Board) Regulations (Cap. 358 sub. leg. C) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the Schedule, in Form 1, by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for the Environment**";
- (w) the Roads (Works, Use and Compensation) Ordinance (Cap. 370) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -
 - (i) the Roads (Works, Use and Compensation) Ordinance (Cap. 370) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Roads (Works, Use and Compensation) Ordinance (Chapter 370)." in column 2 and substituting "Secretary for Transport and Housing";
- (x) the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) section 4(1)(a);
 - (ii) section 30(1);
 - (iii) the proviso of paragraph 8 of the Second Schedule;
 - (iv) paragraph 14 of the Second Schedule;
 - (v) paragraph 1(2) of the Third Schedule;
 - (vi) paragraph 2 of the Third Schedule;
- (y) the Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended -
- (i) in the definition of "Secretary" in regulation 1A by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) in regulation 14(7) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary";
- (z) the Road Traffic Ordinance (Cap. 374) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) the definition of "prescribed limit" in section 2;

- (ii) section 5(1);
- (iii) section 5(2)(a);
- (iv) section 6(1);
- (v) section 7(1);
- (vi) section 8(1);
- (vii) section 9(1);
- (viii) section 10(1);
- (ix) section 11;
- (x) section 12(1);
- (xi) section 12A(1);
- (xii) section 16(2);
- (xiii) section 16(4);
- (xiv) section 17(1);
- (xv) section 17(2)(a);
- (xvi) section 21(2);
- (xvii) section 39G(1);
- (xviii) section 88B(3);
- (xix) section 102B(4);
- (xx) section 109(1);
- (xxi) section 109(2);

- (xxii) section 116(1);
- (xxiii) section 121(2);
- (xxiv) paragraph (b) of the definition of "expressway works" in section 122;
- (xxv) section 131(1);
- (aa) the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) regulation 12(5);
 - (ii) regulation 17(1);
 - (iii) regulation 17(1)(c);
 - (iv) regulation 17(3);
- (ab) the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 28 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (ac) the Tate's Cairn Tunnel Ordinance (Cap. 393) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -

- (i) the Tate's Cairn Tunnel Ordinance (Cap. 393) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Tate's Cairn Tunnel Ordinance (Chapter 393)." in column 2 and substituting "Secretary for Transport and Housing";
- (ad) the Noise Control Ordinance (Cap. 400) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ae) the Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg. B) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the Schedule, in Forms 1, 2 and 2A, by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment";
- (af) the Ozone Layer Protection Ordinance (Cap. 403) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (ag) the Architects Registration Ordinance (Cap. 408) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ah) the Engineers Registration Ordinance (Cap. 409) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ai) the Surveyors Registration Ordinance (Cap. 417) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (aj) the Planners Registration Ordinance (Cap. 418) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ak) the Western Harbour Crossing Ordinance (Cap. 436) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) the definition of "Secretary" in section 2(1);
 - (ii) section 38(2)(b);

- (al) the Land Drainage Ordinance (Cap. 446) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

- (am) the Environment and Conservation Fund Ordinance (Cap. 450) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

 - (ii) in section 10 -
 - (A) in paragraph (a), by repealing "and" at the end;

 - (B) in paragraph (b), by repealing everything after "1 July 2002" and substituting "but before 1 July 2007 as if done by the Secretary for the Environment, Transport and Works; and";

 - (C) by adding -
 - "(c) on and after 1 July 2007 as if done by the Secretary for the Environment.";

- (an) the Sewage Services Ordinance (Cap. 463) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 13(1) by

repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (ao) the Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463 sub. leg. B) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 4(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ap) the Dumping at Sea Ordinance (Cap. 466) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment" -
 - (i) section 1(2);
 - (ii) section 4(2);
- (aq) the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ar) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and

Works" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) the definition of "Secretary" in section 2(1);
 - (ii) section 17(1);
 - (iii) section 32(3)(b);
- (as) the Marine Parks Ordinance (Cap. 476) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 20(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (at) the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 18(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (au) the Airport Authority (Automated People Mover) (Safety) Regulation (Cap. 483 sub. leg. C) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Regulation be amended -
- (i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (A) paragraph (b) of the definition of "automated people mover premises" in section 1;

- (B) section 5(1);
 - (C) section 5(2);
 - (D) section 6(1);
 - (E) section 6(3);
 - (F) section 6(4);
 - (G) section 11;
- (ii) in the heading of section 6 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";
- (av) the Tsing Ma Control Area Ordinance (Cap. 498) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing";
- (aw) the Environmental Impact Assessment Ordinance (Cap. 499) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in Schedule 1 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ax) the Landscape Architects Registration Ordinance (Cap. 516) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in

- section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ay) the Railways Ordinance (Cap. 519) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (az) the Discovery Bay Tunnel Link Ordinance (Cap. 520) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ba) the Mass Transit Railway Ordinance (Cap. 556) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (bb) the Construction Workers Registration Ordinance (Cap. 583) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Development" -
 - (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2(1);

- (bc) the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (bd) the Construction Industry Council Ordinance (Cap. 587) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Development" -
 - (i) section 1(2);

 - (ii) the definition of "Secretary" in section 2(1);

- (be) the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2004 (L.N. 165 of 2004) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (bf) the Waste Disposal (Amendment) Ordinance 2006 (6 of 2006) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (9) the functions exercisable by the Secretary for Health, Welfare and Food by virtue of -
- (a) the Dutiable Commodities Ordinance (Cap. 109) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (A) section 6(4A)(a);
 - (B) section 6A;
 - (ii) in the heading of section 6A by repealing "**Secretary for Health, Welfare and Food**" and substituting "**Secretary for Food and Health**";
 - (b) the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg. B) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) the definition of "prescribed fee" in regulation 2(1);
 - (ii) regulation 2A(5);
 - (iii) regulation 2A(6);
 - (c) the Hospital Authority Ordinance (Cap. 113) be transferred to the Secretary for Food and Health and,

for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(A) section 4(d);

(B) section 5(l);

(C) section 5(n);

(D) section 8(2);

(E) section 8(3);

(F) section 9(2);

(G) section 10(4);

(H) section 16;

(I) section 17;

(J) section 18(6);

(K) paragraph 6(1) of Schedule 3;

(L) paragraph 18(1) of Schedule 3;

(M) paragraph 18(2)(b) of Schedule 3;

(ii) in the heading of the following provisions by repealing "**Secretary for Health, Welfare and Food**" wherever it appears and substituting "**Secretary for Food and Health**" -

- (A) section 16;
- (B) section 17;
- (d) the Public Health and Municipal Services Ordinance (Cap. 132) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 55(6)(b)(i);
 - (ii) section 55(6)(b)(ii);
 - (iii) section 55(6)(d)(i);
 - (iv) section 55(6)(d)(ii);
 - (v) section 125I(1);
 - (vi) section 125I(1)(b);
 - (vii) section 125I(2);
 - (viii) section 128D(6);
 - (ix) section 128D(20);
 - (x) the entries relating to sections 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I in the Third Schedule;
- (e) the Milk Regulation (Cap. 132 sub. leg. AQ) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 4 by repealing

"Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (f) the Pesticides Ordinance (Cap. 133) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 19(1B);

(ii) section 19(1C);

- (g) the Mental Health Ordinance (Cap. 136) be transferred to the Secretary for Food and Health or the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(A) section 42B(6)(c);

(B) the definition of "special treatment" in section 59ZA;

(C) section 59ZC(1);

(D) section 72(1);

- (ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

- (A) section 44B(5);
 - (B) section 59Z(1);
 - (C) section 73;
 - (D) section 3 of the Schedule;
- (iii) by repealing section 74(4)(b) and substituting -
- "(b) on and after 1 July 2002 but before 1 July 2007, as if they had been made by the Secretary for Health, Welfare and Food; and
 - (c) on and after 1 July 2007, as if they had been made by the Secretary for Food and Health.";
- (h) the Mental Health Regulations (Cap. 136 sub. leg. A) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, those Regulations be amended in the Schedule, in Form 12, by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (i) the Pharmacy and Poisons Ordinance (Cap. 138) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 30(10) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (j) the Quarantine and Prevention of Disease Ordinance (Cap. 141) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 8(5) by

repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(k) the Dentists Registration Ordinance (Cap. 156) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 29(1A);

(ii) section 29(1C);

(l) the Medical Registration Ordinance (Cap. 161) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 21B(2)(f);

(ii) section 33(3);

(iii) section 33(5);

(m) the Midwives Registration Ordinance (Cap. 162) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 23(2);

(ii) section 23(3);

-
- (n) the Nurses Registration Ordinance (Cap. 164) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
- (i) section 27(2);
 - (ii) section 27(3);
- (o) the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (p) the Dogs and Cats Ordinance (Cap. 167) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (q) the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
- (i) section 35(1);
 - (ii) section 35(2);

(r) the Protection of Children and Juveniles Ordinance (Cap. 213) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(i) section 39(1);

(ii) section 39(1B);

(s) the Reformatory Schools Ordinance (Cap. 225) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the heading of the following provisions by repealing "**Secretary for Health, Welfare and Food**" wherever it appears and substituting "**Secretary for Labour and Welfare**" -

(A) section 10;

(B) section 13;

(ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(A) section 10(1);

(B) section 11;

(C) section 13;

(D) section 38;

- (t) the Child Care Services Ordinance (Cap. 243) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 18(2A) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";
- (u) the Agricultural Products (Marketing) Ordinance (Cap. 277) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(6) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (v) the Adoption Ordinance (Cap. 290) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (i) section 20D(1);
 - (ii) section 20J(1);
 - (iii) section 32;
- (w) the Probation of Offenders Ordinance (Cap. 298) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 12(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";
- (x) the Animals (Control of Experiments) Ordinance (Cap. 340) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 13(1);
 - (ii) section 13(4);
- (y) the Medical Clinics Ordinance (Cap. 343) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (z) the Supplementary Medical Professions Ordinance (Cap. 359) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
- (i) section 29(1A);
 - (ii) section 29(1B);
 - (iii) section 29(3);
- (aa) the Smoking (Public Health) Ordinance (Cap. 371) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
- (i) in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (ii) in section 16A by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary";
- (ab) the Community Service Orders Ordinance (Cap. 378) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (i) section 13;
 - (ii) section 14;
- (ac) the Hong Kong War Memorial Pensions Ordinance (Cap. 386) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";
- (ad) the Hong Kong Council on Smoking and Health Ordinance (Cap. 389) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 16;
 - (ii) section 17(4);
 - (iii) section 17(6);
- (ae) the Rabies Ordinance (Cap. 421) be transferred to the Secretary for Food and Health and, for the purpose of

giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (af) the Chiropractors Registration Ordinance (Cap. 428) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(6) of the Schedule by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (ag) the Bedspace Apartments Ordinance (Cap. 447) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(1)(e) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";
- (ah) the Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended -
 - (i) in the heading of section 10 by repealing **"Secretary for Health, Welfare and Food"** and substituting **"Secretary for Labour and Welfare"**;
 - (ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (A) section 10(1);
 - (B) section 10(2);
 - (C) section 10(3);

- (iii) in section 10(4), in the Chinese text, by repealing "衛生福利及食物局局長" and substituting "勞工及福利局局長";
- (ai) the Residential Care Homes (Elderly Persons) (Appeal Board) Regulation (Cap. 459 sub. leg. B) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (i) section 16;
 - (ii) Form 1 in the Schedule;
- (aj) the Human Organ Transplant Ordinance (Cap. 465) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (ak) the Disability Discrimination Ordinance (Cap. 487) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (i) section 65(3);
 - (ii) section 86(1);
 - (iii) section 87(1);

- (al) the Plant Varieties Protection Ordinance (Cap. 490) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 4(2);
 - (ii) section 42(1);

- (am) the Whaling Industry (Regulation) Ordinance (Cap. 496) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) the definition of "licensing authority" in section 2;
 - (ii) section 4(5);
 - (iii) section 5(1);

- (an) the Coroners Ordinance (Cap. 504) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (ao) the Social Workers Registration Ordinance (Cap. 505) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary

for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";

(ap) the Veterinary Surgeons Registration Ordinance (Cap. 529) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 3(2);

(ii) section 3(2)(c);

(iii) section 4(2);

(iv) section 5(h);

(v) section 7(1);

(vi) section 28(1);

(vii) section 29(2);

(viii) section 1(2) of Schedule 1;

(ix) section 2 of Schedule 1;

(x) section 3(6) of Schedule 1;

(aq) the Chinese Medicine Ordinance (Cap. 549) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2(1);
- (ar) the Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (as) the Chinese Medicines Regulation (Cap. 549 sub. leg. F) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (at) the Human Reproductive Technology Ordinance (Cap. 561) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
- (i) section 1(2);
 - (ii) section 2(2);
 - (iii) section 2(10);
 - (iv) section 4(2)(j);
 - (v) section 4(4);
 - (vi) section 5(1)(a);
 - (vii) section 6(5);

- (viii) section 45(1);
- (ix) section 45(1)(b);
- (x) section 46;
- (au) the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 17 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (av) the Po Leung Kuk Ordinance (Cap. 1040) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
 - (i) paragraph 18(2)(b) of the Schedule;
 - (ii) paragraph 18(7) of the Schedule;
 - (iii) paragraph 19(3) of the Schedule;
- (aw) the Tung Wah Group of Hospitals Ordinance (Cap. 1051) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) paragraph 19(2)(aa) of the Schedule;
 - (ii) paragraph 19(7) of the Schedule;
 - (iii) paragraph 20(3) of the Schedule;

- (ax) the Pok Oi Hospital Incorporation Ordinance (Cap. 1068) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 4(4) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (ay) the Yan Chai Hospital Ordinance (Cap. 1106) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 3(1);
 - (ii) section 3(2);
 - (iii) section 3(3);
 - (iv) the proviso of section 7(1);

- (az) the Nurses Registration (Amendment) Ordinance 1997 (82 of 1997) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (ba) the Human Organ Transplant (Amendment) Ordinance 2004 (29 of 2004) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (bb) the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (16 of 2005) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (10) the functions exercisable by the Secretary for Home Affairs by virtue of -
- (a) the Antiquities and Monuments Ordinance (Cap. 53) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Authority" in section 2 by repealing "Secretary for Home Affairs" and substituting "Secretary for Development";
 - (b) the Sex Discrimination Ordinance (Cap. 480) (except the function under section 35(5) of that Ordinance) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer -
 - (i) the Sex Discrimination Ordinance (Cap. 480) be amended in the following provisions by repealing "Secretary for Home Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (A) section 65(3);
 - (B) section 89(1);
 - (C) section 4 of Schedule 6;
 - (D) section 14(1) of Schedule 6;

- (E) section 14(2)(b) of Schedule 6;
 - (F) section 16(2) of Schedule 6;
 - (G) section 16(3) of Schedule 6;
 - (H) section 17(2) of Schedule 6;
- (ii) the Specification of Public Office (L.N. 192 of 2003) be amended -
- (A) in column 2 of the Schedule by repealing "Sex Discrimination Ordinance (Chapter 480), section 65(3) and Schedule 6 (sections 16(2) and (3) and 17(2)).";
 - (B) in the Schedule by adding at the end -
 - "Secretary for Sex Discrimination
Constitutional Ordinance (Chapter
and Mainland 480), section 65(3)
Affairs and Schedule 6
(sections 16(2) and
(3) and 17(2)).";
- (c) the Personal Data (Privacy) Ordinance (Cap. 486) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer -
- (i) the Personal Data (Privacy) Ordinance (Cap. 486) be amended in the following provisions by repealing "Secretary for Home Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (A) section 1(2);
 - (B) section 11(2)(b);

- (C) section 11(3);
 - (D) section 11(4);
 - (E) section 14(6);
 - (F) section 70(1);
 - (G) section 2(2) of Schedule 2;
 - (H) section 2(3) of Schedule 2;
 - (I) section 3(2) of Schedule 2;
- (ii) the Specification of Public Office (L.N. 192 of 2003) be amended -
- (A) in column 2 of the Schedule by repealing "Personal Data (Privacy) Ordinance (Chapter 486), section 14(6) and Schedule 2 (sections 2(2) and (3) and 3(2)).";
 - (B) in column 2 of the Schedule by adding -

"Personal Data (Privacy) Ordinance
(Chapter 486), section 14(6) and Schedule
2 (sections 2(2) and (3) and 3(2))."

after -

"Sex Discrimination Ordinance (Chapter 480),
section 65(3) and Schedule 6 (sections
16(2) and (3) and 17(2)).";
- (d) the Family Status Discrimination Ordinance (Cap. 527) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 67(1) by repealing "Secretary for Home

Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

(11) the functions exercisable by the Secretary for Housing, Planning and Lands by virtue of -

(a) the High Court Ordinance (Cap. 4) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 21F(3A) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";

(b) the Buildings Ordinance (Cap. 123) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -

(A) section 5(1);

(B) section 5(3A);

(C) section 5AA(2)(a);

(D) section 11(1);

(E) section 11(4A);

(F) section 11AA(2)(a);

(G) section 38(1);

(H) the proviso of section 38(5);

- (I) section 39A(1);
- (J) section 46(2)(a);
- (ii) in the following provisions, in the Chinese text, by repealing "房屋及規劃地政局局長" wherever it appears and substituting "發展局局長" -
 - (A) section 39A(2);
 - (B) section 39A(3);
 - (C) section 39A(6);
 - (D) section 39A(9);
 - (E) section 39A(10);
- (c) the Town Planning Ordinance (Cap. 131) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -
 - (A) section 14(2);
 - (B) section 24(1);
 - (ii) in the following provisions, in the Chinese text, by repealing "房屋及規劃地政局局長" wherever it appears and substituting "發展局局長" -
 - (A) section 24(2);
 - (B) section 24(3);

- (d) the Aerial Ropeways (Safety) Ordinance (Cap. 211) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 28(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (e) the Eastern Harbour Crossing Ordinance (Cap. 215) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 21(3) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (f) the Housing Ordinance (Cap. 283) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) section 14(4);
 - (ii) section 15(2);
- (g) the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (h) the Lifts and Escalators (Safety) Ordinance (Cap. 327) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for

Housing, Planning and Lands" and substituting "Secretary for Development";

- (i) the District Court Ordinance (Cap. 336) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 69(3A) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (j) the Electricity Networks (Statutory Easements) Ordinance (Cap. 357) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -
 - (i) the definition of "approved scheme" in section 2;
 - (ii) section 3(1);
 - (iii) section 7(1);
 - (iv) section 9(2);
 - (v) section 9(3);
 - (vi) section 9(4);
- (k) the Tate's Cairn Tunnel Ordinance (Cap. 393) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 16(3) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";

- (l) the Western Harbour Crossing Ordinance (Cap. 436) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(2) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (m) the Sewage Tunnels (Statutory Easements) Ordinance (Cap. 438) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for the Environment";
- (n) the Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance (Cap. 439) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 31 by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (o) the Land Survey Ordinance (Cap. 473) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (p) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(2) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (q) the Estate Agents Ordinance (Cap. 511) be transferred to the Secretary for Transport and Housing and, for the

purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2(1);
- (r) the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 12(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (s) the Urban Renewal Authority Ordinance (Cap. 563) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -
- (i) the definition of "Secretary" in section 2;
 - (ii) section 36(10);
- (t) the Land Titles Ordinance (Cap. 585) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -
- (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2(1);

- (12) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
- (a) anything lawfully done before 1 July 2007 by or in relation to a public officer from whom any function is transferred under this Resolution ("former officer") pursuant to or in connection with that function shall on and from that date be regarded, in so far as necessary for the purpose or in consequence of that transfer, as done by or in relation to, as the case may be, the public officer to whom that function is transferred ("new officer");
 - (b) anything that, immediately before 1 July 2007, may be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution may on and from that date be continued by or in relation to, as the case may be, the new officer;
 - (c) anything that, immediately before 1 July 2007, is required to be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution shall on and from that date be continued by or in relation to, as the case may be, the new officer;
 - (d) without limiting subparagraphs (a), (b) and (c) -
 - (i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that -
 - (A) refers to a former officer, or was prepared, made or entered into by a former officer on behalf of the Government; and

(B) is in force immediately before, or is to come into force on or after, 1 July 2007,

shall on and from that date be construed, in so far as necessary for the purpose or in consequence of the transfer of function under this Resolution from the former officer to the new officer, as if the references to the former officer included references to the new officer;

(ii) in any legal proceedings -

(A) in which a former officer is a party; and

(B) that are subsisting immediately before 1 July 2007,

the new officer shall on and from that date substitute for the former officer as that party;

(iii) any -

(A) right of appeal against a decision of a former officer; or

(B) right to have such decision reviewed,

that is subsisting immediately before 1 July 2007 may on and from that date be exercised as if the decision were a decision of the new officer;

(iv) any right of appeal to a former officer that is subsisting immediately before 1 July 2007 is to be treated on and from that date as being a right of appeal to the new officer;

(v) any right to have anything reviewed by a former officer that is subsisting immediately before

1 July 2007 is to be treated on and from that date as being a right to have that thing reviewed by the new officer;

- (vi) any form that is specified or prescribed before 1 July 2007 for use in connection with any function of a former officer that is transferred under this Resolution may on and from that date be used despite the fact that it contains references to the former officer, and those references shall be construed as references to the new officer;
- (13) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
- (a) the corporation sole known as the "Permanent Secretary for Education" constituted by section 3(3) of the Education Scholarships Fund Ordinance (Cap. 1085) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower" constituted by that section before 1 July 2007;
 - (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower" was entitled or subject immediately before 1 July 2007 are deemed to be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education";
 - (c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower" before 1 July 2007;

- (d) without limiting subparagraphs (a), (b) and (c) -
- (i) a reference to the corporation sole known as the "Permanent Secretary for Education and Manpower" -
- (A) in any agreement, arrangement or contract or in any deed, bond or any other instrument;
- (B) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and
- (C) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the "Permanent Secretary for Education and Manpower" which vests in the corporation sole known as the "Permanent Secretary for Education" by virtue of subparagraph (b),
- shall be taken as from 1 July 2007 as referring to the corporation sole known as the "Permanent Secretary for Education";
- (ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower" immediately before 1 July 2007 that is in the form of any entry in the books of a bank, company or other corporation is to be transferred in those books to the corporation sole known as the "Permanent Secretary for Education" on the request of the corporation sole known as the "Permanent Secretary for Education" by the bank, company or other corporation;

- (iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education" shall with effect from 1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower";
- (iv) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;
- (v) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to give a notice of transfer to the person bound by the chose in action;
- (vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower" in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of this Resolution and may be continued or enforced by or against the corporation sole known as the "Permanent Secretary for Education";
- (vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower" is a party, the corporation sole

known as the "Permanent Secretary for Education" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower" as that party;

- (e) in this paragraph, a reference to property, rights and liabilities of the corporation sole known as the "Permanent Secretary for Education and Manpower" is a reference to -
 - (i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);
 - (ii) property wherever situated or rights and liabilities under the law of any place;
- (14) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
 - (a) the corporation sole known as the "Permanent Secretary for Education Incorporated" constituted by section 2 of the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" constituted by that section before 1 July 2007;
 - (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" was entitled or subject immediately before 1 July 2007 are deemed to be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education Incorporated";

(c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" before 1 July 2007;

(d) without limiting subparagraphs (a), (b) and (c) -

(i) a reference to the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" -

(A) in any agreement, arrangement or contract or in any deed, bond or any other instrument;

(B) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and

(C) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" which vests in the corporation sole known as the "Permanent Secretary for Education Incorporated" by virtue of subparagraph (b),

shall be taken as from 1 July 2007 as referring to the corporation sole known as the "Permanent Secretary for Education Incorporated";

(ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" immediately before 1 July 2007 that is in the form of any entry in the books of a bank,

company or other corporation is to be transferred in those books to the corporation sole known as the "Permanent Secretary for Education Incorporated" on the request of the corporation sole known as the "Permanent Secretary for Education Incorporated" by the bank, company or other corporation;

- (iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall with effect from 1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated";
- (iv) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;
- (v) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to give a notice of transfer to the person bound by the chose in action;
- (vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of

this Resolution and may be continued or enforced by or against the corporation sole known as the "Permanent Secretary for Education Incorporated";

- (vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is a party, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" as that party;
- (e) in this paragraph, a reference to property, rights and liabilities of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is a reference to -
 - (i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);
 - (ii) property wherever situated or rights and liabilities under the law of any place."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Constitutional Affairs be passed.

PRESIDENT (in Cantonese): Two Members have give notice to move amendments to this motion respectively. The motion and the two amendments will now be debated together in a joint debate.

In accordance with the Rules of Procedure, I will call upon Mr SIN Chung-kai to speak first, to be followed by Ms Audrey EU; but no amendments are to be moved at this stage.

MR SIN CHUNG-KAI (in Cantonese): President, the amendment I propose today is actually very simple and that is: The name of "Secretary for Commerce and Economic Development" be substituted by "Secretary for Commerce, Industry, Technology and Economy".

President, the Government in the meetings of the Panel on Constitutional Affairs and also in the Subcommittee gave a reply to my question on whether or not consideration would be given to changing the above name and it stressed that the reorganization on this occasion would not lessen the importance of technology in terms of its functions. I understand the reply given the Government and the reasons behind it. But there is certainly some subjective element in a name. In fact, we should examine if the name of "Commerce and Economic Development Bureau" as proposed by the Government is better than the name "Commerce, Industry, Technology and Economy Bureau".

Of course, the Government has autonomy in making a decision on its Policy Bureaux. But all the Policy Bureaux carry their respective symbolic value. Work in promoting the development of commerce, industry, technology and the economy is not only the responsibility of the Government. We know that government expenditure only takes up 20% or even less than 20% of the Gross Domestic Product (GDP). In other words, government efforts in promoting the economy would not create an impact of more than 20% of the GDP and success in promoting growth in commerce, industry and technology would in fact rely on the sectors concerned. The view of the sectors is that it would be better if the name of the Policy Bureau which provides the relevant services or engages in promotional efforts could carry the words "commerce, industry, technology and economy".

Therefore, the amendment I am proposing today can truly reflect the aspirations of the sectors. In proposing this name, I have had a discussion with Dr LUI Ming-wah of The Alliance. In fact, the name also embodies his wisdom. I attach greater importance to technology while he attaches greater importance to industry. Hence we think up this name of the "Commerce, Industry, Technology and Economy Bureau". President, whenever mention is made of the economy, the idea of development would certainly be associated

with it. I have never heard of a bureau for economic regression. So the idea of development is implied in the word "economy". If this name of the "Commerce, Industry, Technology and Economy Bureau" is compared with the original name of "Commerce and Economic Development Bureau", put simply, the new name is more concise and it has a better coverage than the original name. Therefore, both in terms of the length and coverage¹, the name proposed by me is more desirable.

People in the industrial sector emphasize that the Government should attach greater importance to the industries. We have discussed on many occasions in this Chamber that the Government should pay more attention to an industrial policy, promote the development of science and technology and the innovative industries, and so on. We also urge that the same should be done in commerce, industry and technology. We know that Hong Kong's successful economic development relies heavily on development in commerce and industry. In recent years the Government has also taken many steps to promote technological development, and set up the Innovation and Technology Commission and the Cyberport.

It follows that it is important that a Policy Bureau should have a name that befits its status. The State has done a lot to promote development in technology for so many years. The Premier, Mr WEN, often emphasizes that science and education should be used to build a strong China. I agree with his view. Both the Democratic Party and I also hope that not just science and education will be used to build a strong China but that democracy can be used to advance such an end as well. A century ago the intellectuals of China pointed out that "Mr Science" and "Mr Democracy" were of equal importance. When the Government is to change the name of the bureau, it should not ignore developments in technology. I hope Honourable colleagues can lend their support to my amendment.

President, there is often a subjective side to names. Some names sound better while some are not as good. An example is that Albert CHAN often calls Secretary Stephen LAM a eunuch. I have never called Secretary LAM a eunuch in this Chamber, because I do not think calling him a eunuch is better than calling him Stephen LAM. In other words, the Government should also

¹ the Chinese name for "Commerce, Industry, Technology and Economy Bureau" is "工商科技經濟局" while the Chinese name for "Commerce and Economic Development Bureau" is "商務及經濟發展局".

ponder over whether the new name of "Commerce, Industry, Technology and Economy Bureau" is better than the original name of "Commerce and Economic Development Bureau". Secretary Stephen LAM, I do not think you would like to be called a eunuch or you would choose to be so named. Hence the Government should hear what the sectors have got to say and adopt the name of "Commerce, Industry, Technology and Economy Bureau".

I so submit.

MS AUDREY EU (in Cantonese): President, some people think that since Chief Executive Donald TSANG has won in the election, there should be no one pointing fingers at him and telling him how to organize his government. However, and as we all know, the election on this occasion is not a genuine democratic election and this is also not a democratic government. The resolution this time is about reorganizing the administrative framework of the Government and the various Policy Bureaux. The position of the Civic Party is very simple. We are most concerned about the downgrading of the status of the Legal Aid Department (LAD) by the authorities in the absence of any consultation and convincing reason. As this would impact on the important issue of the rule of law, the Civic Party cannot support the resolution.

The reorganization also touches on many other areas. Other Members of this Council from the Civic Party will speak on different areas later, such as planning and conservation, welfare and human rights. I will focus on sustainable development, environmental protection and animal rights which are related to my amendment. In discussing the detailed arrangements of reorganization in the Government, the Civic Party wants to emphasize that no matter what kind of reorganization in the Government is to be carried out, the crux of the governance problem which has haunted Hong Kong for the past decade still remains. It is the absence of democratic universal suffrage and a democratic policy-making process or mechanism.

In 2002, the SAR Government introduced an Accountability System for Principal Officials. However, this so-called accountability only refers to accountability to the Chief Executive alone. How accountable are the Directors of Bureau to the people and the Legislative Council? The easiest thing is to look at some figures. In response to a letter I addressed to the Chairman of the House Committee, the Legislative Council Secretariat compiled some statistics last Friday. Findings show the percentage of the Directors of Bureau in

attending the meetings of the Legislative Council panels over the past three years. We can see that the number or percentage of their attendance was only 37.7% on average. What is even more appalling is the percentage of items attended and there is only 25% and it is certainly below standard. In six panels, including the Panel on Health Services, Panel on Transport, Panel on Administration of Justice and Legal Services, Panel on Home Affairs, Security Panel and Manpower Panel, the relevant accountability officials only attended one meeting during the entire year past. And the meeting which they attended was that on the briefing on the policy address soon after its delivery. Of the many other important meetings held by the panels, including those to discuss new government policies just launched or hearings in which members of the public were invited, the Directors of Bureau just scorned these meetings and chose not to attend.

It can be seen from the above records of these accountability officials that for many years not only is the accountability of the heads of departments inadequate but also deteriorating from year to year. If there is no democratic election, the top-to-bottom policy-making pattern will never change. The Government will continue to operate like a black box, behind the doors and then the affinity theory will dictate how it is going to strike some political deals and hold talks with certain political parties. The Civic Party believes that in order that government policies can respond quicker to the needs of the people and alleviate their discontent, the first and foremost condition is democratic elections by universal suffrage. This is far more effective than any reorganization of government departments.

The reorganization on this occasion originates from the progressive development theory put forward by the Chief Executive in his election campaign. This accounts for the new Development Bureau. This newly added Development Bureau is mainly tasked with the promotion of infrastructure development and heritage conservation work associated with development. Although the Development Bureau stresses that a balance would be struck between infrastructure development and heritage conservation, under the main theme of progressive development theory of the Chief Executive, plus the great powers of the Development Bureau in controlling the huge amount of interests at stake concerning the land planning, housing and urban renewal, there are worries that the Bureau would be inclined to giving the green light to development at the expense of conservation and the environment. One finds a mentality of infrastructure development prevailing over conservation throughout the platform

of Donald TSANG. Principles such as sustainable development, heritage conservation and quality of living, and so on, all give way to his overriding concern for taking large-scale infrastructure projects forward, and the speeding up of the planning, vetting and approval of public and private works projects. He claims that he will develop the Lantau Island, open up the Frontier Closed Area and transform Hung Shui Kiu, Kwu Tung, North Fanling, Ping Che, Ta Kwu Ling, and so on, into new towns. He wants the Hong Kong-Zhuhai-Macao Bridge project to commence and the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail be finalized within one year. But in the area of conservation he only proposes in a vague manner that the policy on heritage conservation would be updated and that efforts in heritage conservation would be stepped up. No specific strategies and measures are given.

The amendment which I am going to propose may look very simple, but it carries a profound meaning. The concept of sustainability has since the Planet Earth Summit held at Rio de Janeiro in 1992 become part of the consensus of countries and places in the world. It is acknowledged that a balance ought to be struck between the environment, society and the economy when development is undertaken. It is much more than a simple green concept. Hong Kong claims to be Asia's world city and we have a highly developed economy. However, in the reorganization of government departments on this occasion, it is evident in many aspects that the guiding philosophy behind this reorganization initiative runs counter to the global trend of sustainable development.

First, the name is a misnomer. About this Development Bureau, I do not know why the Government refuses to add in the word "sustainable" before the name of the Bureau. The naming of a Policy Bureau is reflective of the conviction and direction behind it. Hence the Development Bureau should attach a greater symbolic meaning to its name by adding the word "sustainable" before it. The explanation given by the Government is that this is not necessary, for the concept of sustainability is implanted in the hearts of the officials, found in every department and taken care of by all of them. I think the Secretary will know that a problem which often appears is that when the Government tells the public that all the Policy Bureaux are concerned about something, it would turn out that no Policy Bureau would be responsible. Even if the Policy Bureaux all show their concern, but for this Development Bureau, since it is so named and since it has also to take care of heritage conservation in addition to its main duty of development, then why can the word "sustainable"

not be added? Where in fact does the problem lie? Is it because it is something proposed by the Civic Party and therefore it is no good? Even if the word is added before the name of the Development Bureau, it would not make its name very long. On the other hand, it can certainly be in tune with the trend in our society and it will convince people that the Government supports the concept of sustainable development and insists on it.

Second, we have a Strategy Subcommittee under the Council for Sustainable Development and all along it has been under the leadership of the Chief Secretary for Administration. However, in this reorganization, this Subcommittee is relocated to under the Environment Bureau for no justifiable reason. Some experts and scholars have said to me that this is a very wrong decision for, as I have just said, the concept of sustainable development is not only about environmental protection and the Subcommittee is also responsible for urban planning, population policy and other macro issues. The downgrading of the Subcommittee on this occasion and placing it under the Environment Bureau has already led to much criticism and this is not only the view of the Civic Party, for we have heard many similar views expressed on that subject.

President, third, in the reorganization exercise, since the Permanent Secretary of the Environment Bureau is also to take charge of energy matters, the ranking of this Permanent Secretary post would be raised from D6 to D8. Both the Civic Party and I do not see any problem with this change and we do not object to this upgrading from D6 to D8. Then what is wrong about it? It is the Government's insistence that the holder of this Permanent Secretary post should also double as the Director of Environmental Protection. We know that under the existing legislation, the Director of Environmental Protection is a gatekeeper in environmental protection matters and he or she is to issue Environmental Permits or make decisions on environmental impact assessment. These are actually very important decisions to make. As we can see, there is an increasing number of problems in environmental protection and very specialized experience and expertise are needed to handle matters like recycling, solid wastes, how to deal with landfills and many others. Now there is a scheme of energy labels and the people are urged to use energy efficient light bulbs, but how are we to deal with the mercury in these light bulbs and how to avoid the risk involved? What is the most environmentally-friendly way to dispose of plastic bags? This in fact hinges on how to distinguish between degradable and non-degradable materials. Or in respect of sewage treatment, when are we

going to have secondary sewage treatment and what are the problems involved? Last time when we discussed the question of raising the sewage charge, we asked why secondary treatment could not proceed faster. The explanation given by the Secretary was that the issue was very complicated and a lot of chemical terms were cited to in the process. It is therefore obvious that even in matters like air pollution, a lot of expertise and technology are involved and they are changing very rapidly over time.

Countries abroad are very concerned about the problems of global warming and greenhouse gases. Actually, not many people discussed these issues five or 10 years ago. At that time, the experts were still arguing whether the problems were really that serious, but now everyone agrees that these are very serious problems. In Hong Kong, there is to date no regulation on the emission of greenhouse gases. Recently when Secretary Stephen IP gave a reply to an oral question which I raised in this Council on his negotiations with the two power companies, that is, whether mention was made on the emission of greenhouse gases in renewing the scheme of control agreements, he only said that discussion going on then was on the prevailing regulation situation. As for greenhouse gases issues such as what such gases are and how their emission should be regulated, and so on, or even emissions trading, these are all very important environmental protection concepts.

On environmental protection issues and leaving aside such big issues, there are many works projects that have to be approved by the Director of Environmental Protection as part of his/her day-to-day work such as approving or rejecting environmental impact assessment reports like the recent one about natural gas terminals or that about sewage treatment at 2A level, that is, chlorination or dechlorination. All these would touch on environmental impact assessment work. What the Government is doing now is that most of such work has been briefed out and that has led to a big problem. It is because often times work has been briefed out to one or two contractors. So because of the professional background required of the Director of Environmental Protection and the independent nature of the office-bearer, the post should not be doubled by an Administrative Officer who would be posted elsewhere every two or three years. These are all very important issues to address. Many civil servants in the Environmental Protection Department (EPD) have given some brief views on solving problems related to the reorganization exercise but, unfortunately, they have not been handled by the Secretary. However, at least Secretary Denise

YUE has agreed that the issue would be studied within the next six months by all means. I would like to stress that as the Civic Party sees it, this is not just a problem about the promotion of civil servants but the focus should instead be put on the gatekeeping function of the office-bearer in environmental protection matters. This is very important, for this would make people see that the EPD is led by an independent professional and there will not be a situation where the Director would be an Administrative Officer and every two or three years or even less than two years he or she would have to go and the post is taken up by a newcomer after a round of musical chairs. When that happens, those veterans well-versed in the field will have to teach this layman about the relevant matters. Work in environmental protection in Hong Kong has been progressing very slowly. I know that the Government would say that a lot of work has been done. But looking at the concrete results, we can see that we are slower than other people in matters like product eco-responsibility system, or many other areas like the recycling of solid wastes and emission control, and so on. The air quality indicators that we use were formulated back in 1987 and the World Health Organization (WHO) has already got new indicators. But we are still studying them and it is not sure when this can be done. As evident in many aspects, the Director of Environmental Protection is a key post, because we still have a lot to catch up in environmental protection matters.

Moreover, I would also like to talk about the decision to have the Agriculture, Fisheries and Conservation Department (AFCD) tasked with fauna, flora and conservation matters subsumed under the Food and Welfare Bureau instead of an agency related to the environment. This is an absurd move to take. The work of the AFCD nowadays is not just confined to regulating the agriculture and fisheries industries and the supply of food. The AFCD is also in charge of matters other than food such as the conservation of fauna and flora, conservation of fish ponds, managing the country parks and marine parks, and protection of endangered species and animals. When animal lovers come to this Council, they are baffled to see that the task of protecting the animals and animal rights matters handled by those who manage food matters. The Secretary should recall that I have requested the authorities to consider whether the AFCD can be detached and placed under the Policy Bureau in charge of environmental matters. Unfortunately, the Government has not made use of the good opportunity this time to conduct a review of the operation of the accountability system and to straighten out the division of labour between bureaux. This is much to be regretted. Thank you, President.

MR TAM YIU-CHUNG (in Cantonese): Madam President, I wish to speak first in my capacity as Chairman of the Subcommittee on Legislative Amendments Relating to the Proposed Re-organisation of Policy Bureaux of the Government Secretariat.

The Subcommittee has held six meetings to discuss the resolution and other relevant matters.

The object of the resolution is to stipulate that with effect from 1 July 2007, the statutory functions currently exercisable by a specified Director of Bureau by virtue of the ordinance set out in the resolution be transferred to another specified Director of Bureau who will take charge of the relevant policy responsibilities following the reorganization of the Government Secretariat.

Most Members of the Subcommittee support the reorganization of the Government Secretariat and they are of the view that this would distribute the statutory functions of each Policy Bureau in a rational manner and help the Chief Executive implement the various key measures pledged during the Chief Executive Election.

The main concerns of some of the members of the Subcommittee include the following three areas:

- The post of Permanent Secretary for the Environment Bureau, currently pitched at D6, is proposed to be upgraded to D8, and the post holder will continue to assume the title of Director of Environmental Protection (DEP). Some members expressed concern about the diminished prospect for departmental grade staff to fill the D8 post. Some members share their concern and consider that the post of DEP should be reinstated and filled by professional grade staff instead of Administrative Officer grade staff.
- Some members have expressed concern about the proposal to provide a Permanent Secretary to take charge of labour and welfare matters. They point out that of the 12 Bureaux after reorganization, with the exception of the Labour and Welfare Bureau, those with portfolios in two policy areas are provided with two Permanent Secretaries. They have requested that two posts of

Permanent Secretary be provided to the Labour and Welfare Bureau, with one post dedicated each to the labour and welfare portfolios respectively.

- Another proposal which is quite controversial is to transfer the legal aid portfolio from the Administrative Wing of the Chief Secretary for Administration's Office to the Home Affairs Bureau. Some members consider the move to transfer the legal aid portfolio to a Policy Bureau is unprecedented and contrary to the concept that the Legal Aid Department (LAD) should be as independent as possible and therefore a retrogression. They are worried that the proposal will downgrade the status of the LAD and undermine its independence.

The Administration has made specific responses to each of these areas of concern. Members may refer to the written report submitted by this Subcommittee to the House Committee on 8 June.

Finally, I would like to make use of the opportunity to thank Members for their participation and the assistance given by the Secretariat to the work of the Subcommittee.

Madam President, I now speak on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB).

Madam President, in the "ruling of Hong Kong by Hong Kong people" during these 10 years after the reunification with the Motherland, the people have ever-increasing demands on the Government. When this is coupled with the rapid change in the economic structure, the Government is obliged to respond to social demands in a swifter and more effective manner. Ever since 2002, the SAR Government has introduced the Accountability System for Principal Officials and with the reorganization of the administrative framework, the lateral co-ordination of various departments has been enhanced. This results in greater administrative speed and efficiency. Under the new system, the top officials are directly involved in the final decisions of various policies and they must bear the political responsibility of the success or failure of the policies under their respective ambits. This results in greater political accountability and administrative efficiency, as well as enabling prompt responses to social aspirations. Hence, better services can be provided to the people. Over the past five years, the accountability system as practised has made considerable achievements.

A system has to be kept under constant review and improvement before it can mature. The accountability system has been in force for five years and the problems that have been identified in the meantime should now be addressed and fine-tuned. Now in the distribution of the functions of various Policy Bureaux, there are some which have too large a scope of work to handle. The result is that not all the portfolios are given equal and adequate attention. An example is that currently, policies on health, food safety, environmental hygiene and social welfare all come under the purview of one Director of Bureau. He is the person to take charge of the prevention of avian flu, respond to a food poisoning incident, promote health care reform and prevent domestic violence. He is also under fire for failing to attend various relevant meetings of our panels. I do not think that Secretary is a superman and so dividing up his various portfolios and transferring some of them to other bureaux would enable more focused, thorough and prompt work to be done in the remaining portfolios.

The reorganization of the Policy Bureaux on this occasion involves a total of eight different Policy Bureaux and by adjusting the portfolios of these Policy Bureaux, policy objectives can be achieved more effectively. An example is to transfer the welfare portfolio from the Health, Welfare and Food Bureau to the new Labour and Welfare Bureau. This will further strengthen overall planning and commitment of the Government in social welfare, promote the integration of employment and vocational training, thereby achieving the welfare objective of poverty assistance through the creation of employment and helping others to help themselves. The decision to separate the environment-related portfolios from the Environment, Transport and Works Bureau and group them under one bureau can serve to highlight the Government's great attention paid to environmental protection and care for the quality of life of the people. In terms of operation, a more specialized framework can lead to better deployment of professionals and resources for the creation of a quality living environment. Another example is to rename the Constitutional Affairs Bureau as the Constitutional and Mainland Affairs Bureau. Apart from being able to better reflect the portfolios of the new Bureau, of greater importance is that the Government in its institutional set-up can realize the close partnership between the SAR Government and the Mainland, promote synergy of the two places in economic and livelihood issues as well as protect the rights and interests of the people of Hong Kong.

As for the newly established Development Bureau, it will group various areas of work in planning, lands, works and heritage conservation under one roof. We hope that through the co-ordination work done by the Bureau, the efficiency in planning and implementation can be enhanced, hence speeding up the progress of large-scale works and infrastructure projects while work in heritage conservation can also be well taken care of.

All in all, the DAB supports the reorganization of the Policy Bureaux. We hope that after the reorganization, the work done by various Directors of Bureau can be made finer and the bureaux can be better positioned to meet the demands of the public. On the other hand, the Government should increase inter-departmental co-ordination and interface, thereby achieving more flexible use of resources and swifter and more effective handling of matters straddling different policy areas.

On the name of the new Commerce and Economic Development Bureau, there is a view that the two areas of industry and technology should be added, for if not, this would leave people with an impression that the Government is not paying enough attention to industry and technology. The DAB would not insist on the abovementioned name issue and we consider of greater importance is the SAR Government taking practical steps from now on to prove the importance it attaches to industry and technology.

As for the demand to change the Development Bureau to Sustainable Development Bureau, the DAB does not agree with the view. The concept of sustainable development refers to the fact that the quest for economic growth will not override the requirements for the biosphere, such as those for the air, waters and biodiversity. These are the core thinking and values of environmental protection, a principle which all Policy Bureaux should adhere to. The fact that the Government plans to set up a Development Bureau is mainly to speed up the infrastructure projects and the Bureau is not equipped with professional expertise in environmental protection as such. Instead the Environment Bureau is in a better position to make use of the expertise and technical know-how to promote the concept of sustainable development, and formulate quantifiable standards for compliance by all Policy Bureaux including the Development Bureau. As professionalism determines quality, when work to take forward sustainable development is put in the hands of the Environment Bureau which is better equipped with the expertise in environmental protection, we believe that this

would better achieve the goals of protecting the natural environment and raising the quality of life of people than leaving the task to the Development Bureau.

Madam President, the proposed reorganization of the Policy Bureaux has been discussed in detail in various meetings of this Council. Often times, however, the ideas expressed are rather repetitive. And this was already noticed in the meeting of the Finance Committee held some time ago. There are endless repetitions. I hope this situation can be improved.

All along the DAB has been standing on the side of the people and we strive to promote a better organizational structure in the Government and hence better governance.

With these remarks, I support the original motion but not the two amendments.

MR ANDREW LEUNG (in Cantonese): Madam President, ever since Chief Executive Donald TSANG announced his decision to reorganize the Policy Bureaux in a Question and Answer Session held on 3 May in the Legislative Council, that is, to change the current 11 bureaux into 12 bureaux, the industrial sector has been very concerned because after reorganization, the current Commerce, Industry and Technology Bureau will be merged with the Economic Development and Labour Bureau to form the Commerce and Economic Development Bureau.

With respect to this new set-up, like the technology sector, the industrial sector had very strong reactions initially. I might even put it as voices of opposition. This is because the Government wants to strike off the words "industry" and "technology" from the name of the Bureau concerned. We were very worried because we did not know if this move would mean that the Government was brushing industry and technology aside again and belittling them. We were not sure if this would also mean that there would be less input and support from the Government for the development of industries and technology.

Many people think that industries belong to the past of Hong Kong and they even brand industries as sunset industries. But in fact, industries do take up an important part in the GDP of Hong Kong.

In a study entitled "Made in PRD: challenges & opportunities for HK industry" released earlier, the Federation of Hong Kong Industries (FHKI) states that 52% of the GDP is attributable to producer services derived from industries. Such producer services are product design and development, sales and marketing, sourcing of raw materials, trade financing, transport and logistics, after-sale services and such like high value-added services. In such high value-added links in the production chain, about one third is linked with technology. In this, the importance of industry and technology to the sustainable development of the Hong Kong economy is evident.

If the Government displays a stand which does not support or attach any importance to industry and technology, it would greatly affect the future development of the sectors. We would find it hard to attract talented people to join the sectors. In the long run, this would produce an adverse impact on the future economic development of Hong Kong.

At the end of last month, we raised questions on the renaming issue in a meeting of this Council. Secretary for Constitutional Affairs Stephen LAM was only standing in for the Secretary for Commerce, Industry and Technology on that day and he took questions from Members. He explained clearly that although the name of the new Policy Bureau did not include the word "industry", it was in no way indicative of the disregard on the part of the Government for the contribution made by industries to Hong Kong society and economy, as well as the importance of industries in the economy. He also said that the new bureau would continue to formulate policies in support of local industries, in the same way as the current Commerce, Industry and Technology Bureau was doing. He said that the Government would not inject less resources in this regard after the reorganization and he even pledged that the Government would act on the recommendations made at the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong" and assist Hong Kong manufacturers in Guangdong Province to develop their business on the Mainland. The new Policy Bureau would continue to provide suitable support to the sustainable development of local industries.

Subsequently, Joseph WONG, the Secretary for Commerce, Industry and Technology also wrote to the FHKI on the renaming issue. He reiterated the SAR Government's high regard of the contribution made by commerce, industry and technology and their vital role in the economy. He also agreed with the FHKI that industry and industry-driven service industries are important pillars of

the Hong Kong economy. Therefore, the Government is committed to supporting the development of the industries and it would introduce support measures especially those for the small and medium enterprises (SMEs).

In the meeting of the Financial Services Panel last Monday, Financial Secretary Henry TANG who also comes from the industrial sector like me made the point that Hong Kong would seize the future development direction of the nation in autonomy and innovation and encourage the local industrial sector to move in the direction of high technology, innovation, creativity, and so on. The Financial Secretary also stressed that the change was no more than that in name and he undertook that nothing would change in the actual work done. Likewise, nothing would change in government input and commitment.

The Chief Executive, Donald TSANG, also met with the Chairman, Vice-chairman and me from the FHKI on the same day and guaranteed that after the renaming of the Policy Bureau, the amount of resources allocated to the support and development of industries and innovative technology would in no way be less and that included matters like the organizational structure, establishment, funding of the relevant departments. As for the two Permanent Secretaries, there would only be a change in title from Permanent Secretary for Commerce, Industry and Technology (Commerce and Industry) and Permanent Secretary for Commerce, Industry and Technology (Communications and Technology) to Permanent Secretary for Commerce and Economic Development (Commerce and Tourism) and Permanent Secretary for Commerce and Economic Development (Communications and Technology). As regards the involvement of the top officials including the Chief Executive, it would only be greater instead of less. The Chief Executive also promised to meet members of the FHKI and representatives of the SMEs towards the end of July when he would explain to them in person the various support measures for the sustainable development of Hong Kong industries.

We can see that in China, the Ministry of Commerce also co-ordinates development in many areas such as the industries. With increasing exchanges and communication between Hong Kong and the Mainland, we hope that the SAR Government would take matching actions in response to work done by the Ministry of Commerce and the State's call for autonomy and innovation, as well as promoting research and brand development as all along requested by the local industrial sector. I hope the SAR Government can increase its support for the industry and help the industry rid itself of the impression it being backward and

failing to catch up with the times among the people. This would attract young people to join the industrial sector and work hard for a better future.

Both the FHKI and I wish to stress that all along we have thought that while the name of a bureau is very important, we understand that it is not possible to include every policy area in the name of a bureau. And we would value actual work done by a bureau more than its name.

Madam President, both the FHKI and I believe in the pledges made by the Chief Secretary, the Financial Secretary and the Secretary lately. We hope that the new bureau would not disappoint us and it will start to collaborate with the industrial sector soon to take forward and implement the series of measures in support of the industry and technology, especially those announced in the action agenda on industrial development, support for Hong Kong manufacturing bases on the Pearl River Delta (PRD), promote design and brand development, protect intellectual property, support for the restructuring of the industries, green production, and so on. I think these are the core issues that should be considered in this renaming controversy. The Government has the obligation to make the local enterprises feel that they have government support and that social conditions conducive to harmony are fostered for the benefit of the overall development of the economy. I expect that after the reorganization of the Policy Bureaux, work can be better and thorough in many areas and the industries would be impressed by such.

In future the FHKI would keep a close watch on work done by the Government to promote industrial and technological development and will urge the officials concerned to do their best to ensure that after the reorganization of the bureaux, support would continue to be given to industry and technology. The FHKI also hopes that the policy address and the Budget next year would see specific measures proposed to honour the pledge made in respect of the development of industry and technology.

Madam President, I so submit.

DR YEUNG SUM (in Cantonese): Madam President, I speak in support of the amendments proposed by Ms Audrey EU and Mr SIN Chung-kai respectively. I will also focus on the transfer of the legal aid portfolio.

Sustainable development has become common language of the world and the policies of every government, especially those on environmental protection, are heading in the direction of sustainable development. There is a Council for Sustainable Development in Hong Kong and it has released many research reports on sustainable development. It follows that it is necessary to add the word "sustainable" to the name of the Development Bureau.

As for technology, we know that a few years ago the Government had put in much effort in setting up the Cyberport, promoting information technology and it even pointed out that technology was a new way out for Hong Kong. But in no time the authorities seem to relegate technology to a secondary position and so the amendments proposed by the two Members are appropriate. It is most important to have the right name for everything and so if the name of the bureau is changed, it would serve to consolidate government policies in that area and this would be beneficial to government image and policies, as well as boosting public confidence.

Having said all this, I think I would focus on the transfer of the legal aid portfolio. Secretary Stephen LAM has reassured us many times that the independence of the Legal Aid Department (LAD) would not be undermined. He also said that the foundation of the rule of law in Hong Kong was solid and the Government had no plans to make use of this transfer to encroach on the independence of the LAD.

Madam President, is the rule of law in Hong Kong that firm and unshakable? Actually, the rule of law here is maintained by two things, one is civic consciousness and social culture, that is, whether or not local culture and the public pay great attention to the independence of the rule of law. On the other hand, the stand taken by the Government also matters a lot. In other words, can the Government adopt a steadfast stand and refrain from making any excuse to upset the rule of law? Unfortunately, the Government holds that the transfer on this occasion is no big deal and it would not matter so much, hence Members should not worry about it. The relevant resources and practices will be the same as before and there will not be any change. Since there is no serious problem, why should there be any change after all?

Those Members returned by popular elections and those Members from the democratic camp have insisted their view on that issue and the chairman of the Bar Association came to the Legislative Council to attend our public hearing

and made an open and unabashed opposition to the transfer. But the Government has not heard the voice of this professional body and the views of Members returned by popular elections. It even goes as far as to say that the transfer only causes a storm in a teacup and there is no need to care so much about it and the Government has no intention to change in any case.

When the Government is deaf to these many voices and professional advice, and when it is bent on having its way, this has aroused my suspicions all the more. I do not know if this is a sign of a gathering storm. Are we placed at the calm eye of a storm and is one imminent? We have no idea. But I think people's suspicions should not be caused to be aroused.

When the new administration started its term of office, the Democratic Party had wanted to lend its full support and it was hoped that everything would start afresh. To our shock the authorities proposed to transfer the legal aid portfolio. The LAD used to be under the Administration Wing of the Chief Secretary for Administration's Office and it enjoyed a rather lofty position, in much the same way as the Independent Commission Against Corruption. In the absence of any consultation, it is to be transferred to a Policy Bureau. What are the symbolic implications of this move? This is why thoughts of an impending storm began to haunt my mind.

Let us see if the foundation of the rule of law in Hong Kong is that rock solid. The interpretation of the Basic Law by the National People's Congress (NPC) on three occasions has made international headlines and effectively undermined the rule of law. Of late, the remarks made by NPC Standing Committee Chairman WU Bangguo have aroused grave concern. He held that the Basic Law is a kind of vesting constitution. He was not wrong on that. But when remarks like these are made at this time and with such an attitude, I can only see two points and that is: to put a blanket of cold water on Hong Kong people in their fight for universal suffrage in 2012. This is especially the case when the Chief Executive wants to play the ultimate game of proposing the final solution. As for the public, a survey conducted by the democratic camp recently indicates that close to 60% of the people want to have universal suffrage at the soonest and to have dual elections by universal suffrage in 2012. The remarks made by NPC Standing Committee Chairman WU Bangguo are in fact another gesture by the Central Authorities to assert authority on the basis of their established power and it is aimed at putting a cold blanket over Hong Kong people in their demand for universal suffrage.

We can also see the second point and that is, if and when necessary, the Central Authorities would not hesitate to wield their power. Even though there is a lack of clearly-defined powers, a new power can be vested by resorting to interpreting the Basic Law under the framework of the same. In such circumstances, is the foundation of our rule of law still very strong? If the Government does not insist and if it does not defend the rule of law in Hong Kong without yielding an inch of ground, this would arouse public suspicions of the erosion of the rule of law, then the Government has failed in its duties. Each time when leaders of the Central Authorities make menacing remarks, the foundation of our so-called high degree of autonomy is rocked and shaken. Can the edifice above it withstand such pounding shocks many times?

Madam President, there are still two things that rack my nerves. The first thing is Radio Television Hong Kong (RTHK). Mr LEE Wing-tat will propose a relevant motion later on. As a government agency receiving government funding, RTHK has managed both in the colonial times and after the reunification to sound out a somewhat independent voice, instead of contenting itself to being the government mouthpiece. A survey by the Government, that is, a report of a review conducted by a panel, proposes that a public service radio should be set up. However, it also considers that RTHK should not go in that direction because the burden on it would be too great.

From my observation, the Government would use many administrative means to dry up these independent views and voices. Often these independent views are seen as thorns in the side of the Government and if they are considered to be thorns, then in the eyes of the Central Government with its centralized power system, they are damnable sinners. Why do I think that this would make me worry all the more? Because many comments held that the Courts in Hong Kong are becoming more and more politicized. Many issues that should be decided at the political level are handed over to the Courts by way of the judicial review mechanism. When the Courts decide on such matters, they will only get more and more politicized. There are also views, including those from mainland law experts, that the people of Hong Kong are abusing the judicial system. It is not just said that the powers of the Legislative Council are abused, but the judicial system is also abused.

It is amid such worrying remarks that the Government in complete absence of consultation has made the sweeping move to change 12 bureaux into 13 bureaux and bundled up with the move is the takeover of the LAD by the Home

Affairs Bureau. This is a clandestine way to achieve an ulterior motive. When this is added to a rather matter-of-fact conclusion I have reached from the above recount of recent events, the people cannot help but ask, "Is the foundation of the rule of law in Hong Kong really solid? Is the Government trying to rock the foundation again when it wants to reorganize the bureaux when there is no apparent justification for it and at this moment in time?" My doubts are not dispelled even to this day and that is why the Democratic Party cannot vote in favour of the proposed reorganization.

The Government had of late called for our support to this resolution and it said that it would take active steps to support the Legal Aid Services Council (LASC) and conduct a review of the possibility of its breaking away from the government structure. I looked up the history books and found that in 1993 there was already a proposal to make the LAD independent and the United Democrats of Hong Kong moved a motion to urge for the independence of the LAD. The motion was passed with support from a majority of Members. Now the Government is playing the same old tunes again on the question of our support for the reorganization proposal. The Government says that it backs the idea from the LASC that a study should be made on its independence. But is it sincere about that?

Well, now the Democratic Party is not going to accept this, but will the Government still lend its full support to the LASC undertaking a genuine review?

I hope when Secretary Stephen LAM makes a response later, he would speak on this issue. The LASC had submitted papers on 4 June saying that it would propose a review of the independence of the LAD. Does the Government still back up this idea or is it considering it? When the Democratic Party is not supporting the Government, will the arrangement made be cancelled? This is also related to the Government's stand in maintaining the rule of law too. I hope the Secretary can make this clear.

Finally, I wish to stress and this is the fourth time, the fourth time when this request is made. Can the legal aid arrangements be kept as they are? That is, the LAD placed under the ambit of the Director of Administration and reporting to the Chief Secretary for Administration. This would maintain quite an independent set-up. The best option would be to go independent and acquire a statutory basis by the introduction and passage of a bill. There should be a legal basis and an independent system so as to enable those members of the

public who have less financial means to get legal aid and hence obtain equal treatment before the Court. They will then not be affected by any setback as they institute legal proceedings.

I hope the Government can rethink this request of ours and maintain the status quo of the legal aid portfolio. With respect to the review of the LAD, we would lend it our full support. It is because the rule of law can only be possible with collaboration between the people and the Government and when no concession whatsoever is made to compromise the rule of law. If this is done because of some matter that may appear trivial, the price to be paid by society later could be very heavy indeed. I so submit.

MS MARGARET NG: Madam President, I rise to oppose the proposed resolution, and I would like to explain why. On its face, this resolution merely concerns some name changes. In reality, it is part and parcel of the Government's reorganization. The Government has made it part of the reorganization to transfer the Legal Aid Department (LAD) to the Home Affairs Bureau. Even in well-established democracies where the reshuffling of ministerial portfolios is not normally a matter for the intervention of Parliament, changes to the organization providing legal aid are serious matters, which require the broadest public consultations because they touch on fundamental constitutional rights. There is much, much more to the Government's move than just reorganization. In the context of the recent chilling comments made by NPC Standing Committee Chairman WU Bangguo about Hong Kong's autonomy, this reorganization takes on new significance for the separation of powers in the Hong Kong Special Administrative Region (SAR).

While the expression "separation of powers" is not used in its text, the Basic Law clearly lays out a three-branch government structure which creates a system of checks and balances. The reorganization undermines this system. By reducing the independence of the LAD, the Government is threatening to limit the public's access to Courts and to restrict judicial review. Equally important for those of us sitting in this Chamber today, the fact that legislators are powerless to amend this proposal to stop the transfer challenges our very role as lawmakers. Without an effective Judiciary and legislature, how are the people of Hong Kong supposed to check the power of the executive Government? For that matter, how are the people of Hong Kong ever going to have their voices heard by the Government at all?

Let us first look at the threat to the justice system. The Government has repeatedly and brazenly tried to argue that moving the LAD from the Administration Wing to the Home Affairs Bureau will have no substantial effect on the Department at all. If that were the case, I ask the Government to pray tell why the move is even necessary in the first place if it has no effect. Moreover, I would like to point out that no consultation has been carried out prior to this move. Neither the Legal Aid Services Council, nor the Bar Association or the Law Society, or this Council was consulted. The Government certainly did not consult the vast Hong Kong public who relies on legal aid to uphold equality before the law. In fact, the Government's explanations and actions concerning the move defy all pragmatism and logic. This lends force to the already strong suggestion that the Government is trying to hide its true motives.

Contrary to the Government's assertions, moving the LAD to the Home Affairs Bureau will further endanger the independence of legal aid and so will affect our whole justice system. I am not alone in this belief as other esteemed Members of the Legislative Council, the Honourable YEUNG Sum just a minute ago, the Bar Association, and the Human Rights Monitor have voiced similar concerns. Similar concerns were also expressed by some members of the Legal Aid Services Council, although these concerns were not dealt with. Since its creation over 30 years ago, the LAD has remained under the umbrella of the Administration Wing and has never been a part of any government bureau. This arrangement provides the most independent structure for the administration of the LAD so long as it continues to be within the Government. It is the same arrangement for the ICAC, the Judiciary and this Council for the same reason that actual and perceived independence is paramount. Furthermore, in 1999, the Government accepted that the LAD should progress towards greater institutional independence. Moving the LAD to the Home Affairs Bureau is an abrupt reversal of this position without explanation.

Legal aid is crucial because it embodies the principle that all people are equal before the law. It gives the neediest inhabitants of our city the chance to seek redress from our justice system by bringing cases against the rich and powerful, including the Government. They could be denied this chance if the LAD's independence is threatened. Although it is not an independent department at the moment, moving the LAD to the Home Affairs Bureau can only enmesh it more deeply in government policies and subject it to even greater government influence and control. The possibility for conflicts of interest in

cases involving the Government should be blindingly obvious. It is just as unimaginable as transferring the ICAC to the Security Bureau or under the Commissioner of Police.

The Government tells us that the Legal Aid Ordinance will preserve the neutrality of the LAD and the independence of the Director's decisions in granting or refusing legal aid. But as we legislators must know, the efficacy of a law depends heavily on its implementation. Statutory protection of neutrality and independence is not automatic and depends on those whose job it is to implement it. With the Director of Legal Aid (DLA) answering to the Secretary for Home Affairs, government interference in granting legal aid to challenge government policies and championing unpopular causes not only becomes more likely, but also more difficult to detect and practically impossible to prove. This vulnerability will sap public confidence, and cynicism will be inevitable.

Even if the Home Affairs Bureau refrains from direct interference in cases unfavourable to the Government, the perception of the LAD as biased will remain. A refusal of legal aid is bound to be seen as politically motivated, particularly when legal aid is sought to bring a court challenge against the Secretary for Home Affairs or other government entities.

Any direct or indirect influence which limits the type of cases brought before our Courts will have a further serious consequence. As most ordinary citizens are unable to fund their own litigation, it will mean that those grievances will never reach the Courts, and the legal rights and wrongs will never be argued, never adjudicated by an impartial and independent Judiciary. Putting aside the obvious socio-economic problems this raises, it is also important to realize that this threatens the very function of the Judiciary as a check against government abuses. The Judiciary cannot review laws or government action or decision on its own initiative. Courts can only adjudicate on cases brought before them. How can judicial supervision work if cases against the Government cannot even make it to the courts?

Since reunification, people who do not understand the Hong Kong system, including senior mainland figures and their supporters in Hong Kong, have persistently attacked the Judiciary for "abusing" their power under the Basic Law. They say that the Courts have no powers to review the actions of the Government or declare a law unconstitutional and therefore invalid. They

attack those who seek judicial review against government decisions for "abusing the judicial process." They attack the LAD for giving financial support for these reviews. They either say that people are abusing legal aid, or that legal aid is wasting public funds and should be brought under stricter control. They cannot understand why one government department is allowed to give money to people — some of them not even Hong Kong residents — to litigate against another government department. Pressure is mounting for the SAR Government to "do something." Against this background, concerns for the independence of legal aid has increased likewise. Can one wonder why upon his appointment for a further term, the Chief Executive Donald TSANG is laying his hands on legal aid?

What worries and frustrates me most about this threat to our justice system is that as a legislator, I am powerless to stop it. We legislators are unable to amend the proposed resolution to address any of our objections to the reorganization concerning legal aid. Indeed, there is nothing to amend where legal aid is concerned because it involves no name changes. We cannot amend this resolution in this Chamber, and we could not amend the related financial proposals in the Finance Committee either. In fact, our only recourse is to vote against the entire resolution before us today as a means of making Government listen. This is an extreme measure that I am sure many are understandably hesitant to take. But the Government is forcing the Legislative Council to operate this way. It is clear that this is done to show contempt for our role as legislators. The Government's submission of this proposal is a dangerous precedent because this is not what lawmaking is about. We are here literally to formulate laws and to bring the public's concern to bear on public policies. We are not here to rubber stamp the Government's decrees without having any real say in shaping them. I especially refuse to lend false legitimacy to the Government's actions by accepting some superficial name changes while the Government conveniently performs the real changes behind the back of the Legislative Council.

With this reorganization proposal, the Government is taking small but dangerous steps to damage the separation of powers in Hong Kong. In undermining the role of judicial supervision and trampling on the legislature, the Government is slowly but surely removing checks on the executive. Regardless of what Beijing senior officials like Mr WU Bangguo may say about Hong Kong, the fact remains that the spirit of the Basic Law pushes Hong Kong towards a democratic government with checks and balances, not towards a dictatorship of

the executive. Thus, as the representative for the legal profession concerned about the justice system and as a Member of the Legislative Council concerned about the legislator's role and as a resident of Hong Kong concerned about the city's future, I oppose the resolution. Thank you, Madam President.

MR JEFFREY LAM (in Cantonese): Madam President, the Government proposes that the Policy Bureaux be reorganized from the offices of the three Secretaries of Departments and 11 Directors of Bureaux to the offices of the three Secretaries of Departments and 12 Directors of Bureaux. Part of the reorganization is a merger of the Commerce, Industry and Technology Bureau and the Economic Development and Labour Bureau. The labour portfolio will come under the Labour and Welfare Bureau. The remaining portfolios now come under the Commerce and Economic Development Bureau. However, the name of this Policy Bureau cannot reflect fully the scope of its work.

Put simply, the new Commerce and Economic Development Bureau no longer carries the words "industry" and "technology" in its name and it is understandable that the industry and technology sectors think that this is an attempt to belittle industrial development and ignore information technology.

I do not think anyone would doubt the importance of commercial and economic development in Hong Kong which is rightly called an international financial hub. Hong Kong is a diversified and knowledge-based economy, the advances in technology therefore form an indispensable part in driving economic development. Many professional services, such as law, accounting, advertising, warehousing, transport, communications, technology training, and so on, are sectors that back up production activities. The above professional services are called producer services on the Mainland. These form a vital link in the industrial production chain and they make great contribution to the Hong Kong economy, acting as a crucial force in driving economic development. It can therefore be said that commerce, industry and technology are closely linked and these three form a pillar for economic development.

I understand that it would be difficult for the name of a Policy Bureau to cover its entire scope of work. But as a saying goes, "an invalid name makes something unjustified", many people from the industry and technology sectors share a view and that is, after the labour portfolio is taken away from the

Commerce, Industry and Technology Bureau and the Economic Development and Labour Bureau, the original set-up of having the labour portfolio come under one and a half bureaux would be changed to having it come under just one bureau. To top it all, the names of the bureaux are shortened and contents taken away, and some portfolios have even disappeared from the names of bureaux. People therefore worry that resources would be cut at the same time. The needs of the sectors would simply be ignored, and hence their development hindered. I urge the Government to take concrete actions to dispel the anxieties and misgivings of the sectors.

Madam President, I recall that in the report of the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong", mention is made to assist Hong Kong manufacturers on the Mainland, provide consultant and technical support services and help promote the building of Hong Kong brand names. In terms of technological development, there are the Innovation and Technology Fund, the DesignSmart initiative with the creation of a \$5 billion-plus fund, five R&D centres with more than 30 R&D projects ongoing such as those on automotive parts and ancillary systems, nanotechnology and advanced materials, and so on. I hope all such support would be increased and even if it is not carried in the name of a bureau, efforts must be made to achieve reality even in the absence of a name and that the demands of the sectors can be well addressed in a positive and practical manner. This would drive development in the sectors and enable our economy to scale new heights.

Madam President, I so submit.

MISS TAM HEUNG-MAN (in Cantonese): I speak in support of the amendments proposed respectively by Ms Audrey EU and Mr SIN Chung-kai.

Madam President, in 2002, the Accountability System for Principal Officials was introduced by the Government in the absence of any detailed study and consultation. Five years on, the system has been constantly under fire and Principal Officials are snapped for not being accountable all the time. An example is that the Harbour Fest fiasco only results in the reprimand of one man, Mike ROUSE, while all Directors of Bureaux involved could wash their hands of the matter. This calls into question the effectiveness of the Accountability System for Principal Officials.

The proposal from the Government to reorganize the Policy Bureaux on this occasion is a move made by the Donald TSANG Administration which stresses "strong governance". No review of the accountability system has been conducted at the same time to make officials in the accountability system truly accountable. When the proposal is unveiled, what we see is merely a reshuffle and a musical chair exercise. It is so very disappointing indeed.

Even if the proposal is just a musical chair proposal, there are still doubts that have to be addressed. According to the Government, the proposal to reorganize the Policy Bureaux is to group related policy areas under one bureau and redistribute the workload of the Directors of Bureau, so that there would not be some Bureau Directors with a crushing workload while others have nothing to do. But can the proposal achieve this?

First, on the interrelationship of the policy areas. The reorganization groups related policy areas under the same bureau. I have no objection to this practice. Grouping, for example, infrastructure, public works and planning can serve to enhance the efficiency and speed of infrastructure projects. It would also be possible to look into the social impact of infrastructure projects at the site formation and planning stages.

However, some reorganization proposals fail to make people see why they are so proposed. One example is the proposed Transport and Housing Bureau which is tasked with everything in the housing portfolio and everything about sea, land and air transport and freight forwarding. I cannot help but ask: Why are two totally unrelated policy areas like housing and transport put together?

I have asked the Government how much public money would have to be spent per annum if the housing and transport portfolios are split up and put under the roofs of two different Policy Bureaux. The reply is such separation will incur an extra \$8 million a year. Since this is by no means a large sum of money to set up another bureau, why can this not be done?

Some people may say that if the two portfolios of housing and transport are split up, the same should be done in other Policy Bureaux with a heavy workload. By then the increased expenditure will not be just \$8 million. It is true that if one or more new bureaux are set up, the money to be spent would be

much more. As a representative of the accountancy sector, should I not make a proposal that will save more public money?

I always think that public money should be used where necessary and it should also be saved where necessary. If splitting up a Policy Bureau can make the Directors of Bureau focus their attention more on a certain policy area and achieve better results, then we should not mind spending some tens of million dollars more each year. If the result of money-saving is that the Directors of Bureau cannot do a good job in all the policy areas, then I would think that money-saving would not be the best option to take.

Before the introduction of the accountability system, the number of Policy Bureaux was even more than 12 and there were 14 or 15 of them altogether. Although the set-up was a legacy of the colonial past, I think that such division was not bad at all. The system continued for some time after the reunification. Why can we not have one or two more Policy Bureaux so that the Directors can be more specialized and their portfolios can be better related.

Many Honourable colleagues, especially the pan-democrats, have raised some queries about the proposal. Ms Margaret NG questions why the legal aid portfolio would come under the Home Affairs Bureau. I think we all agree that legal aid should be a service independent of the Government as it is important to avoid conflict of interest and cronyism.

Legal aid used to fall under the ambit of the Administration Wing of the Chief Secretary for Administration's Office. Admittedly, it is not the most desirable arrangement. Now the Government is going even further as to transfer the legal aid portfolio to the Home affairs Bureau. What in fact is the Government driving at? Does it want to say that it is going to use a Policy Bureau to restrict the right of the people to legal aid protection?

If the Government has no such intention in mind, should it not let an independent statutory agency handle legal aid service? I think the Government must consider undertaking a study on that soon. This will enable the Legal Aid Department become an agency that can fight for legal aid for the people.

Madam President, another problem is that the purpose of this reorganization should be to narrow the discrepancy in workload among various

bureaux. Like the Policy Bureaux headed by Dr York CHOW and Dr Sarah LIAO, both Directors have to take charge of three or four policy areas. This is in stark contrast to Secretary Stephen LAM who has got only one policy area, that is, constitutional affairs. Such is the great discrepancy in workload among the bureaux.

The proposal seems on the surface able to reduce the workload of some bureaux which has obviously become too heavy. An example is to separate the welfare portfolio from health and food. However, I do not know if Members are aware that the proposal has in fact created another Policy Bureau with a crushing workload.

The proposed Commerce and Economic Development Bureau has a portfolio that includes all the functions of the existing Commerce, Industry and Technology Bureau plus the fair competition and consumer rights portfolios of the Economic Development and Labour Bureau. Just imagine how great the workload of the future Secretary for Commerce and Economic Development is.

What is the point after all if the reorganization exercise just transfers a huge amount of work from one bureau to another? If this is the case, it means that the reorganization has failed to achieve its goal. In view of this, should the Government not go back and think about it more carefully before tabling the proposal in this Council again? I just fail to see why this resolution on the reorganization of the Policy Bureaux should be passed in such great haste.

Another proposal that completely goes over my head is to upgrade the director of the Chief Executive's Office to the same par as the Directors of Bureau. Under the new organization framework, the duties of that "chamberlain" who tends to the Chief Executive's affairs remain the same, but why do taxpayers have to pay tens of thousand dollars more a month in exchange for the same kind of work done? This is unjustified for cost efficiency reasons.

Some people may say that the director of the Chief Executive's Office has to help the Chief Executive in his communication with the Directors of Bureau and if the rank of the two parties is not the same, the Directors of Bureau may pay no attention to the "chamberlain" and so the latter should be upgraded. Such a view is ridiculous actually.

Work in co-ordinating various Policy Bureaux should be done by the Chief Secretary for Administration and the Financial Secretary, what does this have to do with the director of the Chief Executive's Office? This view only shows disrespect for the two Secretaries of Departments.

Madam President, the new accountability system for senior officials fails to address the greatest shortcoming of the accountability system and it cannot offer any solution to the problems it sets out to tackle. So what is all that great haste for? This is not only a change of staff on a big scale but a huge reform in political structure, so should there not be sufficient consultation beforehand?

The resolution before us today was tabled before the House Committee for scrutiny only last month and a Subcommittee was then set up. After a few rush meetings, the resolution is then tabled before this Council. In such great haste, the public may not be in the full picture of this reorganization exercise. But as the impact of this reorganization cannot be considered small at all, then should the public not be given an opportunity of involvement and discussion? After all, for a proposal of such magnitude, I do not think a consultation can be skipped.

Last week we had a debate in this Chamber on the Rail Merger Bill and there were Members who criticized the Government for proposing the resumption of the Second Reading of that Bill in haste and it was like treating the Council as a rubber-stamp and there was no respect for the Council. Now the Government is acting its stubborn self and employing the same trick. It is bent on having its way. Once it has got the votes required, it will force the legislation through.

I know that regardless of what reservations we have for this resolution, it is going to be passed. But I wish to point out that no matter how the Policy Bureaux are reorganized and how perfect the accountability system may end up, if the Government still thinks that the Legislative Council is no more than a rubber-stamp, it is certain that the executive and legislature relationship and the efficiency in governance will never get any better. So senior officials please ponder over this point.

If the Government is really for the people and respects the relationship between the executive and the legislature, and if it really wants to implement the new division of labour among the Policy Bureaux by 1 July, should it not have started with the related work sooner? Should it not have set aside enough time

to consult the public and the assemblies? If the Government knows well that such work cannot be completed by 1 July, then why does it have to set the deadline for implementation at 1 July?

The reorganization of Policy Bureaux can be done at any time. Obviously, the Government — and that applies to the Chief Executive in particular — wants to make use of this reorganization to assert authority and practise strong governance. I see no reason other than this that the Policy Bureaux should be reorganized at once. I hope Secretary Stephen LAM can offer us a good explanation when he gives a response later.

This strong governance and such monolithic manner can also be seen in some matters than may look trivial. Some Members propose that the word "technology" be added to the name of the new Commerce and Economic Development Bureau to show that the Government does attach importance to innovative technology. But what does the Government think of this? It rejects it wholesale. Does face matter more to the Government or does it show that the Government does not consider the technology portfolio important?

And as Ms Audrey EU has pointed out, the Development Bureau should be renamed Sustainable Development Bureau to show that the policy direction is one of sustainable development. How does this amendment differ from the Government's position? Why does it not agree to such minor changes?

Madam President, reorganizing the bureaux and improving the accountability system are well-intentioned and they point in the right direction, but the details of taking these forward do not make people happy at all. Can the Government in its response later make some suggestions that will make us Members satisfied?

I so submit. Thank you, Madam President.

MS EMILY LAU (in Cantonese): President, I rise to speak in opposition to the resolution moved by the Secretary for Constitutional Affairs.

The Chief Executive is the head of the executive authorities. We Hong Kong people hope that the Chief Executive can be elected by universal suffrage, so that with the people's mandate, with the people's acceptance, he can proceed to form his governing team. Unfortunately, however, the interpretation of the

Basic Law by the Central Government and the decision made by it in April 2004 ruled out the implementation of universal suffrage in Hong Kong this year. To Hong Kong, this is regrettable and a big blot as well. Since the Chief Executive is not elected by us, how can the team he forms understand and respond to people's aspirations? This is indeed a very big test.

In 2002, Mr TUNG Chee-hwa said that he did not want civil servants to rule Hong Kong because they would make it impossible for him to implement his policies. He therefore launched the Accountability System for Principal Officials. But all ended up in a mess, President, and he even had to step down in 2005. The present reorganization is not preceded by any review of the accountability system. As rightly put by Miss TAM Heung-man just now, all has been done in a rush, without conducting any consultation whatsoever. Even former Chief Secretary for Administration Anson CHAN once said in this Chamber that no review had ever been conducted. But Mr TAM Yiu-chung, a Vice-Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), still remarked just now that achievements had been made over the past five years. Honestly, I do not know what achievement has been made.

I have recently met with some people from the business community. These people are not particularly keen on elections. They all think that people can have elections if they want to. But their greatest concern is the problem of governance. They all want to know how elections can tackle the problem of governance. They actually imply that there are problems with governance now. President, over all these years, I have always maintained that Hong Kong's political development must be based on party politics, on a multi-party system and on a ruling party or ruling coalition. I am of the view that even though there is no universal suffrage in Hong Kong now, Hong Kong should still follow this direction. I have told the business sector that I do not have any interests at stake because The Frontier is not a political party. Even if there is to be a ruling party, we will not have any chance of becoming one. But we still maintain that this should be the direction. This idea is no sudden invention. Just take a look at other civilized places, and you will see that they have all adopted the same practice.

However, Mr TUNG Chee-hwa, Mr Donald TSANG and, most importantly, the Central Government all do not permit any ruling party in Hong Kong. That is why they have repeatedly emphasized one concept which is not

provided for in the Basic Law — an executive-led system. I think this is simply ridiculous. Unless the legislature is abolished, how can there be any executive-led system? If ours was really an executive-led system, the Government would not have to wait for our approval of this resolution here. And, it would not have been so scared yesterday, fearing that the Housing Ordinance might be amended. How can there be any executive-led system? Some refused to attend the meeting, and it was only after some very strenuous efforts that the Government finally managed to persuade them to come and win by a margin of three votes. President, even though you were sitting in the Chamber, you could still sense the tension outside. Therefore, all talks about any executive-led system are simply ridiculous.

President, I wish to repeat that I look forward to the emergence of a ruling party in Hong Kong as soon as possible. Our political development must be based on party politics. Therefore, when it comes to the selection of principal government officials, I must make one point. The Basic Law does not permit any Legislative Council Members to become a principal official, but there are many members in a political party, so some of them may serve as Legislative Council Members while others may become principal officials. Why is this impossible?

Some argue that political parties cannot supply enough talents. However, President, once a new situation emerges, once the people know that there are prospects..... People now think that a political career will lead them nowhere. But once a new situation emerges, I believe that many people will be interested in joining political parties. President, what actually is the virtue of party politics?

PRESIDENT (in Cantonese): There are insights in what you are saying, but you must speak on the motion under discussion.

MS EMILY LAU (in Cantonese): I am really puzzled. No matter who are selected as principal officials — K.C. CHAN, civil servants or TSANG Tak-sing — I will not support such a system. President, it is said that the Government is trying to reshuffle the posts of Bureau Directors, but who are going to be appointed to fill all these posts? This involves a whole host of problems, President.

Why should it be said that my speech is about something else? We are now talking about the so-called Accountability System for Principal Officials, about inviting retired civil servants to serve as Bureau Directors. I think this will lead Hong Kong in the wrong direction. I hope the President can agree that this debate may..... I hope this debate is not simply restricted to shifting one portfolio of responsibilities from one bureau to another. I think this is a very narrow perspective, President.

I hope you can understand my point and agree to my argument. The reason is that I totally disagree to the authorities' present approach of identifying this or that government official or other persons to fill the posts. I frankly do not have any strong views about whether, for example, labour affairs should be removed to under welfare issues, President. Because I do think that the executive authorities should have the power to do so. Naturally, I must add that it is alright for Members to voice their views if they have any. But the important thing is that after the Government has completed the reshuffling and decided who should fill which posts, we must still ask whether the governing framework of the Special Administrative Region can thus be rationalized, and whether the decisions are conducive to good governance. This is in fact more important. If you say that all this does not matter so much, and that all will be fine after choosing the three Secretaries of Departments and the 12 Bureau Directors.....

PRESIDENT (in Cantonese): Ms Emily LAU, you should actually raise all these points in another debate. We are discussing the amendment of the relevant ordinance for the purpose of changing the designations and portfolios of some government officials. But you have been talking about who should be selected to fill these posts. This actually involves the power of the executive to appoint government officials. You may move a motion debate on this on another occasion.

MS EMILY LAU (in Cantonese): I believe that there will be no opportunity other than this occasion today. This is the one and only chance. But it does not matter, President.....

PRESIDENT (in Cantonese): This is not the case. Legislative Council Members can always move motion debates. But since you have expressed such

a view now, I must remind you that you must return to the topic under discussion and talk about matters related to Policy Bureaux. As for who should be selected, it should be pointed out that this matter is beyond the purview of the Legislative Council because the appointment and dismissal of principal officials is not a responsibility of the Legislative Council.

MS EMILY LAU (in Cantonese): President, this is precisely the saddest thing about the Legislative Council. We in the Legislative Council does not have the power to make any decisions.

PRESIDENT (in Cantonese): That is why I suggest you to move a separate motion debate. As for the question today, I am obligated to remind you that what you have been saying has departed from the subject of the motion.

MS EMILY LAU (in Cantonese): Anyway, this is how I look at the development of the whole political system. But you want me to restrict my remarks in such a way, to talk only about what should be put into which drawers. Honestly speaking, I think that the executive authorities have the power to do so, though they must offer an explanation to the public.

But, President, there is still one issue which I must raise — sustainable development. When the authorities raised this issue several years ago, it came under severe criticisms because they hijacked the whole concept. At that time, sustainable development was discussed in relation to economic activities, social development and the natural environment, but one area was missing from such discussions — political development. At that time, the authorities already dissociated political development from sustainable development. And, they were thus criticized for hijacking the concept. Now..... Ms Audrey EU requests the Government to place sustainable development under the portfolio of the Development Bureau. But the only job of the Development Bureau is just the incessant construction of buildings. We are talking about conservation, President. But I frankly do not know how we can possibly achieve this objective. Besides, sustainable development should not be the responsibility of any single Policy Bureau either. Since many different policy areas are involved, it should be put under the central leadership of the Chief Executive or the Chief Secretary for Administration.

However, the Government is not prepared to adopt such an arrangement. President, the Government now wants to place sustainable development under environmental protection. Environmental development should just be one of the topics under sustainable development. Even if we accept the Government's explanation regarding the three components of economic activities, social development and the natural environment, we still have to question why sustainable development should be put under environmental protection. The Government now wants to rename its Policy Bureaux clearly. That being the case, it should rename the bureau concerned as the Sustainable Development Bureau. But it has refused to do so. The Government already hijacked the whole concept years ago, and the four components were reduced to three at that time. The situation today is even worse — the remaining three components will be reduced further to just one. Regarding the placement of sustainable development under the Environment Bureau, I do not know whether I should quote Secretary Denise YUE. She once remarked that there was no need to pull ranks in the process of negotiations. But very often, when they submit papers to us and apply for the creation of new posts, we will invariably ask them why such a post at such high ranking must be created. They will reply that if the post is not so pitched, so senior, there will be no bargaining power in discussions. I therefore cannot help feeling that one simply cannot argue with government officials. Or, maybe, in the words of some, it is totally impossible for one to argue with the Special Administrative Region Government. I think the authorities must explain what has happened to sustainable development. Have there really been changes in the environment? Political development was long since dissociated. Economic activities and social development have also been dissociated now. Only the environment is left.

Many Members have discussed the issue of legal aid. I can well understand the very strong feeling felt by both the authorities and Beijing over the past few years. They must have been wondering what has happened to Hong Kong. Many people have used government money to sue the Government, and in many cases, the Government even lost the lawsuits. They simply wonder why this can be the case. Several years ago, President, the Equal Opportunities Commission sued the Government for its allocation of secondary school places, questioning whether there was any discrimination against girls in the allocation process. This caused huge reverberations in society. I heard that some in the Government grumbled and wondered why something like this should happen. They wondered why the Commission should still bite the Government's hands when it was fed by the Government.

They wondered whether the Chairman of the Commission should resign. We were very worried, because on many public and private occasions, the Government remarked that the provision of legal aid had consumed huge sums of money.

Therefore, I must ask, "Is the Government under pressure to deal with the Legal Aid Department (LAD), or has it chosen to do so of its own accord?" We simply do not know the answer. We only know that over the years, the authorities have never responded to the request for the independence of the LAD. Even as recently as a few days ago, Secretary Stephen LAM still failed to give a concrete reply. He just said that the authorities supported such a practice and would wait to see what could be done. We initially thought that he would appeal to Members for support and ask the Government to conduct a review. But it has turned out that we may have been asked to support a farcical review.

Many people, the legal profession, human rights activists and the grassroots thought that the policies of the authorities are..... Since the accountability system is such a complete mess, the people are seething with anger. The public think that one of the most effective ways to challenge the executive authorities is to turn to the judicial authorities. Some say that the executive authorities now fear nobody except the Court. It is therefore probable that some people just do not want to see so many challenges. Actually, President, from the perspective of the Government, improving its policies should be better than having to deal with so many challenges from the public. We in the Legislative Council and the Legislative Council Secretariat will certainly thank the Government for improving its policies. The Complaints Division of the Legislative Council now has to handle numerous complaints, President. What are all these complaints about? Since government policies are all in a mess, people want to seek assistance from our Complaints Division. Instead of improving its policies, the Government now wants to reorganize the Policy Bureaux. President, although you do not permit me to dwell on this topic, I must still say that the Government will not be able to achieve anything desirable. The reason is that what the Government puts together is nothing but a ragtag team.

Therefore, President, despite the renaming of Policy Bureaux and various other measures, I still think that apart from the introduction of universal suffrage, there is no way out for our political system. The authorities have actually taken the wrong path in handling the issue of forming the governing

team. In regard to appointees — I do not mean to pick on individual candidates — the Government focuses on civil servants. This can neither rationalize the development of Hong Kong's political system nor answer the many aspirations in society. We will only see the continuation of strong public discontent and street protests. This is something that we in the democratic camp do not wish to see. We also hope that Hong Kong can enjoy prosperity, stability, democracy and freedom. But the Chief Executive has led us onto a path which does not go in this direction.

With these remarks, I oppose the resolution.

MR LEUNG YIU-CHUNG (in Cantonese): President, I can remember that when the Government launched the Accountability System for Principal Officials in 2001, it emphasized one point in the paper it submitted to the Legislative Council. On the most important reason for introducing the new system, the paper said, "As public officers (sic) were involved in policy making and played a leading role in public affairs, they should be held accountable for the outcome of their policies." President, it was also mentioned that if the Secretaries of Departments and Bureau Directors continued to be appointed on civil service terms, a problem would arise. It was pointed out, "Asking them to leave, not because of any misconduct or poor performance on their part, but because of perceived failure of government policy or its outcome, is incompatible with the terms of their appointment as civil servants."

President, this Accountability System for Principal Officials has been implemented for some five to six years already. But after all these years, how much do the public know about the accountability of principal officials for the so-called "failure of government policy or its outcome"? People are full of doubts, President.

As a matter of fact, in the past few years, we witnessed not only many cases of "failure of government policy and its outcome". We can observe that many policies simply failed to win public support and recognition. But what happened in the end? Did any accountability officials leave early as mentioned in the paper? Was any principal official held accountable? The Government will claim that there were indeed such cases and it is wrong to say the contrary. It will argue that some Bureau Directors and a Secretary of Department did resign early for special reasons. However, President, the Government has

never admitted that their resignations were due to any "failure of government policy and its outcome". What were the reasons for resignation in most of these cases? Personal reasons.

President, we are not saying that people must be "executed" eventually for blunders. But since it is clearly stated that under the accountability system..... It is very clear from the quotations I read aloud a moment ago that policy failure and unsatisfactory outcome will not be tolerated, and public officers must be held accountable. Since the officials concerned resigned for personal reasons, how can we associate their resignations with accountability? The authorities have never admitted any blunders, nor have they ever offered any explanation. I therefore think that after so many years of implementation, the underlying spirit of the accountability system has never been realized.

President, this policy has been implemented for such a long time, but there is in fact another emphasis — enhancing the interaction between the executive and the legislature. This sounds most appealing. We often talk about improving the relationship between the executive and the legislature. Successive Chief Executives — TUNG Chee-hwa and Donald TSANG — have been talking about the necessity of improving such relationship. And, this is also an emphasis of the accountability system. But let us look at the relevant information, President. What was the attendance rate of principal officials in the 690 meetings of the various panels in the past three years? The rate was just 37%, even lower than 50%, President.

Our intention is not so much to tell others that Members are very hardworking, though some Members present now are certainly so and their attendance rates were 100%. My point is that we simply cannot see any interaction between the executive and the legislature, President. As mentioned just now, the rate was merely 37%. How could there be any interaction? How could there be any communication? How could we improve the relationship? We simply fail to see how. Therefore, how can there be any accountability to the public under this accountability system? People are full of doubts.

President, before the Government launched the accountability system, the Research and Library Services Division of the Legislative Council studied the political systems of many other countries. The conclusion was that the effective implementation of any accountability system must depend on a democratic

electoral system, under which the President or Premier responsible for appointing cabinet members must themselves be democratically elected, and, in some cases, cabinet posts must even be filled by members of parliament after their victory in the parliamentary election. This is the only way to ensure that instead of working behind closed doors, the government will listen to the people's views in the course of policy formulation.

Unfortunately, this is not the case in Hong Kong. The electoral system in Hong Kong is not democratic. Rather, the Chief Executive is responsible for appointing principal officials, in marked contrast to the practices in other countries. In other countries, if any important government official commits a blunder, he may have to step down. Even if he does not step down, his political party will sustain impacts, thus affecting its own chances of winning the next election. Therefore, I believe that for any accountability system for principal officials to function smoothly, there must be a democratic electoral system. But, President, this is not the case in our context because our electoral system is prescribed by the Basic Law. For instance, the Chief Executive is elected by a coterie of just 800 persons. Therefore, I believe that the operation of the accountability system will always be marked by this huge drawback.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, I must interrupt you. You have been speaking on the accountability system for more than six minutes. Please return to the topic under discussion as quickly as possible.....

MR LEUNG YIU-CHUNG (in Cantonese): After saying just a few more words, I shall return to the topic under discussion.

PRESIDENT (in Cantonese): If I do not ask you to do so, I will be unfair to Ms Emily LAU. I must therefore remind you.....

MR LEUNG YIU-CHUNG (in Cantonese): I know. You have been looking at me for a very long time. I understand your point and I will return to the topic under discussion as quickly as possible.

PRESIDENT (in Cantonese): Because we still have two amendments and one original motion to deal with.

MR LEUNG YIU-CHUNG (in Cantonese): I will return to the topic under discussion as quickly as possible, President. Thank you.

As I mentioned just now, for the accountability system to function smoothly, there must be a democratic electoral system. Unfortunately, however, this is not the case in our context. That is why in many cases, the executive can say whatever it likes. And, in the words of Ms Emily LAU, we cannot say anything — we cannot argue with them, or it is even totally impossible for us to argue with them. We do not have any decision-making power at all.

For instance, in regard to the reshuffling of Policy Bureaux and departments this time around, we have been expressing the hope that a separate bureau can be vested with the responsibility for labour affairs, and another separate bureau can be tasked with welfare issues. But the Government has still grouped labour and welfare under the same bureau. We do not think that such a bureau can deal effectively with these two types of issues with any sharp focus. In the past few years, we observed that the workload related to these two types of issues had been on constant increase, thus arousing the people's concern. Grouping them under one single bureau would definitely reduce the effectiveness of work. If possible, it will be better to set up two separate bureaux for these two policy areas. This will be better, as proven by the experience of many other countries.

Regarding the Legal Aid Department (LAD) which some Members talked about just now, I share their views, especially that of Ms Emily LAU. In other words, I doubt whether there is any strong justification for taking the special action of placing the LAD under the Home Affairs Bureau. This really arouses our suspicion. The reason is that the independence of the LAD is no new issue at all. Instead, it has been talked about for a very long time. But instead of going in this direction, the Government now proposes to put it under the charge of a Policy Bureau. What actually is the purpose? The implication?

I do not know whether the President can still remember that I have asked this question: What is the problem with putting the LAD under the charge of the

Administration Wing, with the result that a change is considered absolutely necessary? President, I do not know whether you can still remember this. Secretary Stephen LAM replied that it was hard to explain, and that all was just about "appropriateness". What is meant by "appropriateness"? But he did not give any clear explanation on this. There must be some reasons for any changes. But he could not give any. I think Ms Emily LAU was certainly right in saying that the authorities can make all the decisions. We cannot argue with them, or it is even totally impossible for us to argue with them.

If the Government wants to introduce any policy changes or adjustments, it must offer justifications to convince others. When I ask whether there were any problems in the past, the authorities cannot cite any examples. Apart from what Ms Emily LAU said just now, that is, the possibility that the Government is extremely frustrated by all the applications for judicial review filed by the public with assistance of the authorities, can there be any other problems? It will not talk about judicial review, but it cannot prove that Ms Emily LAU's words are true either. This is the most serious problem. Therefore, he simply tried to gloss over the whole thing by using the word "appropriateness". This is not convincing at all, President. We very much hope that not only the LAD, but also the Audit Commission, can become independent and answer to the Chief Executive direct. It is only in this way that the public can have any confidence in the operation of these organizations.

President, confidence is very important. People's lack of confidence in a government department will certainly impact the work of that department very greatly. The present achievements of Hong Kong owe themselves entirely to the people's confidence. I do not want to see that the people's confidence in the Government is eroded just because of some changes. Therefore, if the Government really wants to forcibly implement this change, it must offer a detailed and convincing justification, telling us why the LAD must be put under the Homes Affairs Bureau. If it cannot do so, it must maintain the *status quo*. This is still better than making a change. For all these reasons, it is very difficult for us to support the Government. I hope the Government can stop before it is too late.

President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, before I speak on the three areas, namely, the Labour and Welfare Bureau, the Environmental

Protection Department and the Development Bureau, I wish to raise one point. The reason is that although we already made some proposals at various meetings in the past, we were invariably given just several minutes to speak each time. For this reason, at the meeting today, I very much hope to discuss things in detail with the two Secretaries and other government officials. I wish to tell them why we still want to express our views although the labour sector has all the time supported the formation of the Labour and Welfare Bureau. I also wish to explain why we want to emphasize the importance of professional expertise to the Environmental Protection Department. Owing to the time constraint, there has been no thorough discussion. Besides, I also wish to say a few words on the Development Bureau.

Madam President, you often hear me speak in the Legislative Council. But the two Secretaries seldom have any chance to listen to me, so I must say a few more words to them now. As we can notice from the operating framework, the Labour and Welfare Bureau will be vested with three major tasks, namely, welfare, labour and the work of aiding the poor presently undertaken by the Commission on Poverty. Therefore, when it was announced yesterday that Mr Stephen FISHER was appointed as the Director of Social Welfare, we all expressed our welcome, because he is a very dedicated government official and he has served as the Secretary to the Commission on Poverty for a long time. This means that the welfare portion of Secretary Dr York CHOW's present portfolio, the labour affairs now under the charge of Secretary Stephen IP and the work of the Commission on Poverty chaired by Financial Secretary Henry TANG will all be combined under one single bureau.

I think this is basically a very good combination. But how about manpower arrangements? Currently, there are two Permanent Secretaries in the Economic Development and Labour Bureau. There are at the same time two D4 or D6 officers, both at directorate grade. In other words, there is the Commissioner for Labour, and both the department and the bureau are under the charge one single person.

Similarly, we can see that the Government will also assign high-ranking government officials to oversee economic development. But then, the Government now tells us that in the new bureau, despite its having to deal with three major tasks, there will just be one Permanent Secretary. Naturally, we cannot deny that the rank of the Commissioner for Labour has been upgraded to D6, which is a bit higher than necessary.

I must emphasize the point made by Mr WONG Kwok-hing in the Finance Committee a couple of days ago. The point is that to the labour sector, it is very important to have a Commissioner that also serves in the bureau. He can relay the messages he personally handles at the front line to the bureau. I think the two Secretaries should know only too well that ranking is very important in the whole officialdom. If a person is just the Commissioner for Labour, what weight can he carry? When it comes to changing policies, it will at least be easier to communicate, pass on views and offer advice if the Commissioner also belongs to the bureau.

We in the labour sector — not only the Hong Kong Federation of Trade Unions but also all Members from the labour sector — all like the former Commissioner for Labour. Because he could relay our concerns to the bureau in a timely manner. I hope that the two government officials can understand what we mean. The authorities say that there is no cause for concern because the Commissioner for Labour is a D6 officer. But if he is to make the department and the bureau understand each other well, as we have always wanted..... Such understanding will make it easier to deal with the major social problems now.

When it comes to our handling of labour poverty and working poverty in the past, I do not always mean that there were problems with the government officials concerned. But if the bureau and the department can become one single whole and see things from the same perspective, he will at least understand what the grassroots are referring to. Whenever an issue is raised, he will understand our rationale and the actual situation of the grassroots. I do not know who will be the Commissioner for Labour. I only know who will be in charge of the Social Welfare Department. Both Mr Matthew CHEUNG and Mr Stephen FISHER share one common point. Both of them are on call 24 hours a day. For instance, I once worked with Mr Stephen FISHER in other departments. When we dealt with legislation relating to the Urban Council (the public had many views on the composition of the Urban Council), he often held meetings with people's organizations until midnight. I once saluted him, saying, "You just keep on!" I had not yet contracted any cancer at that time. Such officials can relay opinions to the bureau.

I wish to emphasize that the views raised by Mr WONG Kwok-hing in the Finance Committee several days ago are the outcome of our long-time observation. The post-bearer can, if the bureau and the department can work as

one single whole..... But if he is just the Commissioner and people are very concerned about ranking, we really wonder whether he can relay messages to the bureau. This is really a great problem.

Well, if the Government still wants to implement the idea, it may give it a try for some time. I hope that the Secretary and the Commissioner can really achieve some sort of telepathy. If not, I just do not know what we are going to do. Madam President, I am just using this as an example.

I also wish to say a few words on welfare. I think Secretary Dr York CHOW is a hardworking official. But he has just too many responsibilities. I agree with the Secretary that when he must attend to three tasks, he can only devote one third of his time and efforts to welfare. That is why he seldom attends the meetings of the Legislative Council. I am dissatisfied with his rare attendance, and I have actually criticized him face to face. Since I am the Chairman of the Panel on Welfare Services, I once extended a special invitation to him and told him that many Members were dissatisfied with his rare attendance. But of course we can also see that he must attend to many other tasks.

Why are members of the Panel on Welfare Services dissatisfied with the failure of the Secretary responsible for welfare policies to attend their meetings? The reason is that many welfare issues have not yet been tackled. Why was the legislation introduced on domestic violence yesterday generally welcomed by civil organizations? Because it tackles one of our concerns. We have discussed many issues without seeing any actions taken afterwards. We have seen no actions taken even after the passage of motions. The government official concerned must make more efforts, and this will require co-ordination between the bureau and the department. And, the work of aiding the poor is still put aside.

During his election campaign this year, the Chief Executive raised five major issues. One of them was working poverty. This is a problem that calls for an urgent solution. When he talked about the 10 relationships, he also accorded quite a high priority to this issue. In the past few years, there was a process of interaction between the Chief Executive and the labour sector. When we protested, he gave a reply. And, when he replied, we gave him our further response. In this way, he has gradually come to appreciate our situation. However, now that he can understand our situation, I still cannot see any visions on his part, nor can I notice how he is going to solve the problem of

working poverty in Hong Kong. He has simply told us how the problem of structural unemployment can be tackled, and how the posts in various industries are gradually draining away in the course of economic globalization. I am referring not only to openings in the grass-roots level, but also the middle level jobs. Even the manpower forecasts of the Government also indicate that as a result of economic globalization, many people in our 3 million-strong workforce will gradually lose their jobs. All this will require policy changes, but I cannot see any measures on the part of the Chief Executive.

Madam President, a newspaper has recently invited me to write an article on the 10th anniversary of the reunification. I have decided to write an article on what will happen to us after the 10th anniversary, that is, in the next 10 years. As far as we can observe, the Government has not yet worked out any integrated approach to tackle the poverty problem faced by wage earners or grass-roots people in Hong Kong. Since the economy has started to pick up recently, the Chief Executive simply keeps on saying that when the economy is in good shape, there will naturally be employment opportunities. This viewpoint is exactly the same as the one advanced by Mr TUNG during his discussions with us in the early years after the reunification. If he really thinks that way, he is totally wrong. Under economic globalization, in this very place of ours that boasts itself of high wages, even one who lives in a public rental housing unit must pay a rent of some \$2,000. One must also spend \$30 to \$40 on transportation every day. The total transportation expenses will amount to more than \$1,000 a month. And, there are still other daily necessities to pay for. As a result, even when one earns more than \$4,000 a month, one will still be hard up. But a post offering this level of wages is already a very high one as wages are generally low.

PRESIDENT (in Cantonese): Miss CHAN, I must also remind you that you should not go on speaking like this. We must deal with one original motion and two amendments.

MISS CHAN YUEN-HAN (in Cantonese): I understand.

PRESIDENT (in Cantonese): I must repeat my advice to Ms Emily LAU and Mr LEUNG Yiu-chung and request you to return to the subject under discussion as quickly as possible.

MISS CHAN YUEN-HAN (in Cantonese): Yes, Madam President. Actually, my only intention is to lobby the Government. I just wish to tell one or two stories to the two government officials who have been listening to my remarks.

I wish to point out why there are such strong reactions from the labour sector. We very much hope that the Labour and Welfare Bureau to be formed by the Government can work out measures, formulate policies and tell us how to deal with the problems associated with economic globalization and structural unemployment, instead of adopting a piecemeal approach. But there have been no such visions, not even any concepts.

When Policy Bureaux were formed under the accountability system in 2002, the authorities initially wanted to merge the two policy areas of financial services and labour. But due to our opposition, economic development and labour were subsequently put under one single bureau. We hoped that this could help us bring forth a pluralistic economy and create employment opportunities in the face of economic globalization.

Madam President, with all these remarks, I hope to convince the two Secretaries that..... This is actually not the view of me alone; rather, the whole labour sector thinks that way. I very much hope that the Government can grasp the opportunity presented by our economic improvement and the formation of the Labour and Welfare Bureau and seriously consider what measures it should adopt to solve the problems raised by us all along, instead of sticking to the existing approach.

Madam President, next, I wish to say a few words on the Environmental Protection Department. The Hong Kong Chinese Civil Servants' Association has already put forward its views and we have also relayed its opinions to the two government officials. At that time, we pointed out that while professional expertise should be very important to the Director of Environmental Protection, his subordinates must also be given promotion prospects. This is their opinion. Many Members have already mentioned this.

I wish to mention another point to the two Secretaries. This is about my personal experience. If the Director of Environmental Protection is a professional on environmental protection, he will understand what we say very quickly. I am not going to cite any more examples. I have some personal experience to tell. I raised the idea of building a water revitalization park at

Laguna City. The Director's subordinates initially could not understand my point. But when I talked to a Deputy Director, who was a professional in this field, he immediately understood what I was talking about. He said that this was found in Chongqing and other places. He was able to follow my environmental perspective, understand how water can be recycled for use. People have polluted water, so it is only natural for them to purify water again through the process of revitalization, right?

Another example is the Kai Tak Nullah. Owing to the drastic ecological changes in recent years, the water there has become very clean and pure, attracting many species of birds. I have informed the technocrats in the Drainage Services Department, and we all agree that the Kai Tak Nullah is even better than the Cheonggyecheon in Seoul. We observe that it is always easier to communicate with professionals.

In the case of Southeast Kowloon, for example, we have maintained communication with the professional staff of the Planning Department, and both sides can understand each other's viewpoints easily. This is far better than dealing with other government officials who have completely no knowledge of..... I am not saying that Administrative Officers are incompetent. They are very competent, but sometimes, communicating with them is just like speaking to a wall, for all our words will be bounced back. I always have a hard time explaining things to them, and I must make many extra efforts to get my messages across. I just wonder why this should be the situation. In talking about all this, I hope that the two Secretaries can understand what we mean.

What is more, we have always maintained that sustainable development should embrace people, the natural ecology and many other areas. The Government has already set up a working group under the leadership of the Chief Executive. I like the name "Development Bureau" very much. Ms Audrey EU remarked just now that a word should perhaps be added to this name. I appreciate her view, but I have consulted some architects. They have given some relevant documents to me. All of them confirm that the name "Development Bureau" can cover all the areas involved. But, of course, we still have some worries, and we also understand Ms Audrey EU's worries. The reason is that the work of the Development Bureau may just be divided into two parts, namely, development and the protection of monuments and the ecology. But there are other things which should also be included, such as the assessment of sustainable

social and economic development. If these are not covered, the Government's planning may easily be dominated by the erection of high-rise buildings.

Owing to serious unemployment, I have done lots of work in this respect over the past decade or so. I observe that whenever a property developer succeeds in bidding for a land lot at a price of several billion dollars, they will stop considering allocating any government land for people's uses. Even though negotiations on a certain project are already in progress, the authorities will still auction the land lot concerned immediately. I hope the President will not say that I am deviating from the topic under discussion. I do not have much time left anyway. Madam President, I will exercise self-discipline.

I sometimes find that it is very difficult to communicate with the authorities. Is the land use planning for a community all about the construction of high-rise buildings? Land can be developed in a wide variety of ways. From the economic perspective, for example, while the sale of a lot may give the Government a lump sum amounting to several billion dollars, the sustainable development of the lot may also enliven the local economy and create new employment opportunities.

I observe that the Government has always preferred the first option. It always prefers a lump-sum revenue of several billion dollars to sustainable economic development. I strongly disapprove of this approach, not least because in many cases, I find that the problem is caused by the overall policy of a bureau instead of any individual government officials.

I have a project proposal which involves the use of the 352-hectare land lot in Southeast Kowloon. When discussions touch the skyline of Tung Tau, they will immediately say that the matter is beyond their scope of responsibilities. Even these government officials also agree that from the perspective of sustainable development, the project is technically feasible and better and enable people to have a clear view of the front and back of the Lion Rock, but they nonetheless say that the matter is beyond their scope of responsibilities.

If there is a Sustainable Development Bureau, we will be able to fight for more. I can understand Ms Audrey EU's point. Having discussed with professionals, we must say that we like the approach of establishing a Development Bureau. But, of course, all must depend on which Secretary of

Department is put in charge. A Secretary of Department with foresight will be totally different from one without any vision.

Madam President, I so submit.

MR FREDERICK FUNG (in Cantonese): President, I hope you can first allow me to spend a minute or two on expressing my views regarding the Accountability System for Principal Officials, because my stance on the system will affect my voting decision.

As early as 1998, when Mr TUNG was still the Chief Executive, the Hong Kong Association for Democracy and People's Livelihood (ADPL) already told him how it looked at the accountability system. After the reunification, the Chief Executive is returned by an election. Regardless of whether it is just a coterie election or one based on universal suffrage, there is still a change in system. In the past, a Governor was appointed by the colonial sovereign to govern Hong Kong. Because of this change, there is a need for implementing a new system. At that time, we called it a ministerial system.

In 2002, the then Chief Executive, Mr TUNG Chee-hwa, introduced the Accountability System for Principal Officials. The essence and spirit of this system is similar to the proposal made by the ADPL years ago. The accountability system cannot possibly eliminate all blunders by the Government, nor can it remedy the various shortcomings of the political system. One is just day-dreaming if one thinks that way. The only solution it can offer is that it can improve the accountability of government officials before or after a democratic political system is established. Holding government officials accountable is one of the solutions, but it does not mean that the accountability system can enhance the Government's legitimacy or popularity rating.

We may review the various blunders committed before the time of the accountability system. At that time, ruling power was in the hands of civil servants, who were responsible for both policy formulation and execution. As far as I can observe, there were actually several instances which could prove that government officials would never admit any mistakes before the implementation of the Accountability System for Principal Officials.

The first incident was the substandard piling works scandal connected with Tin Chung Court in 1999. The then Director of Housing, Tony MILLER,

simply kept himself out of the scandal. In contrast, following a Legislative Council motion debate on the scandal, the then Chairman of the Housing Authority tendered her resignation. But Tony MILLER subsequently rose steadily in his civil service career. He did not need to resign, but was promoted subsequently.

Another incident was the chaos following the inauguration of the new airport in 1998. This became a laughing stock in the whole world. But despite the investigation of The Ombudsman, the government officials in charge were not held accountable in any way.

In contrast, some incidents after the implementation of the accountability system can prove that principal officials must hold themselves accountable to the public. Dr YEOH Eng-kiong resigned as Secretary for Health, Welfare and Food owing to the SARS outbreak. Mr Antony LEUNG resigned as Financial Secretary due to the car purchase scandal. Mrs Regina IP stepped down as Secretary for Security because of people's discontent with her high-handed approach of selling the legislation on enacting Article 23 of the Basic Law. And, Secretary for Financial Services and the Treasury also made a public apology for the "penny stocks" incident.

By citing all these examples, I want to deliver this message to Members: The ADPL agrees that there are bound to be problems and a need for further development and improvement since the inception of the accountability system, but I do not think that all these problems should pose any hindrance. Rather, they will enable the system to improve itself.

President, since the implementation of the accountability system, the ADPL has been putting forward to the Government various proposals on how best to reorganize the Policy Bureaux, so as to enhance its capability of taking policies forward. I have also offered our advice on the reshuffling of Policy Bureaux this time around.

First, we propose to centralize the various labour issues which are currently handled by different Policy Bureaux. In response to this proposal, the Government intends to set up the Labour and Welfare Bureau. In particular, it agrees to put a Policy Bureau in charge of helping the poor. Such work is currently undertaken by just an advisory committee, so there will be improvement in terms of the level of authority. But the scope of such work will be reduced on the other hand. The reason is that, chaired by the Financial

Secretary, the existing Commission on Poverty can actually involve a greater number of Policy Bureaux in its work. The only drawback of the Commission is that it is purely advisory in nature, without any policy-making power. The Labour and Welfare Bureau will have policy-making power, but the scope of assistance will be reduced because it is responsible only for labour and welfare issues. Aiding the poor involves much more than labour and welfare issues. Other policy areas, such as health care and housing, must also be involved. I therefore think that there are both pros and cons. We cannot help wondering why it is impossible to put a commission with policy-making power in charge of the work of aiding the poor. I suspect that this will be better.

Second, the establishment of an Environment Bureau is also a proposal made by the ADPL. The ADPL hopes that the Government can establish an Environment Bureau in its new term because environmental issues have been attracting increasing concern. The establishment of such a bureau is especially important at a time when environmental protection is not just an internal problem of Hong Kong, but also a problem which directly involves Guangdong Province and the cities and provinces in South China. A government official at the bureau level, such as a Bureau Director, will have the necessary status and authority to hold discussions with mainland officials on environmental protection issues involving the Mainland, such as water and air pollution.

Third, the ADPL has also proposed to split up the cultural and leisure services currently managed by the Leisure and Cultural Services Department under the Home Affairs Bureau. We hope that a separate Culture Bureau can be established. The reason is that culture bureaux are found in many other countries in the world, and such bureaux are often independent. The governments concerned all attach very great importance to their culture bureaux and cultural ministers. These ministers have the authority to attend the meetings of other bureaux, so that they can constantly remind other bureaux and give them advice on conservation, collective memories and even educational values. Other countries attach very great importance to their culture bureaux because culture represents the heritage of a place or even a people. The continuation of heritage is considered very important. Therefore, the ADPL has proposed that the Government should establish a culture bureau. The need for such a bureau has become especially great because over the past two years or so, the people have been expressing increasing concern about collective memories and conservation. Obviously, however, the Government has not accepted our proposal.

Our fourth proposal is about the fact that the portfolio of the Health, Welfare and Food Bureau is much too extensive. Its expenditure even accounts for one third of the Government's total expenditure. The Secretary for Health, Welfare and Food is really very pitiable, for his workload is very heavy. We therefore propose to dislodge some of the responsibilities from the Bureau.

The Government is agreeable to some, but not all, of these four proposals of ours. I have mentioned the development and present situation of the Accountability System for Principal Officials and also the relevant proposals of the ADPL. We basically support the resolution. But at the same time, we still have one very strong view to put forward — the change regarding the Legal Aid Department (LAD).

Although the change regarding the LAD has nothing to do with the reshuffling of Policy Bureaux, it may still be..... Irrespective of the passage of this resolution, the Government can still accept the advice of the Legislative Council on reviewing the LAD and making it independent. In common law jurisdictions where the rule of law is comparatively well-established, such as the United Kingdom and the United States, legal aid and the related services are invariably provided by independent organizations for the purposes of ensuring impartiality and preventing government interference. Before the year of 1970, legal aid services in Hong Kong had been provided by the Judiciary. In 1970, a government department known as the LAD was established under the Colonial Secretary, who was the equivalent of the present-day Chief Secretary for Administration. Today, the LAD is still under the Chief Secretary for Administration. There have always been requests for the independence of the LAD, but the Government has so far refused to comply. In 1996, the Legal Aid Services Council, which is vested with very limited powers, was established to monitor the services provided by the LAD and give advice on policy matters. But the Legal Aid Services Council does not have any authority to interfere with personnel and financial matters. Actually, the LAD, as a government department, has not been able to enjoy complete autonomy. The Legal Aid Services Council once commissioned a consultant to study the pros and cons and feasibility of making the LAD an independent body. In this study, reference was also made to the experience of other common law countries. According to the findings, the independence of the LAD was questionable and it was proposed that the department should be made independent in stages. But the Government has turned a deaf ear to the proposal.

Currently, the LAD is under the Administration Wing of the Chief Secretary for Administration's Office. Its status as a government department invites doubts about its independence. There are no doubt statutory approval criteria, but the administration, financial resources and personnel changes of the LAD are all under government control. Therefore, if our aim is to make the LAD independent eventually, its placement under the Home Affairs Bureau will be a regression instead of a progress step. Since the Home Affairs Bureau is a sensitive organization which does the work of gauging public opinions and collecting information, since it is also a policy-making and administrative organization, it is probable that the public may challenge its policies in Court. This can show that it is not appropriate to place the LAD under the Home Affairs Bureau. We hope that the Government can promptly reconsider the change.

I agree to the amendments put forward by the Members concerned today because I think that the views of these Members (including the views of the ADPL) can all provide useful reference to the Government. Although the Government will have the final say, although I can even notice that the Government has more votes than us and the resolution will certainly be passed, I still think that as the legislature, we are duty-bound to give our advice to the Government.

On the other hand, the Chief Executive or the Government is after all responsible for administrative matters. From the political point of view, I do think that the executive should be given the final say. The experience of the ADPL as a political party can be cited as an example to illustrate my point. In the 1990s, we wanted to become a territory-wide political party. To this end, we put in place many systems and expressed our views on different policy areas. Then, in 1998, we lost the election. At that time, the executive committee of the party decided to focus on turning ourselves into a local political party of Sham Shui Po. Over the past few years, we have come to realize the seriousness of the poverty problem in Hong Kong. So, we reformed the executive committee again to focus on tackling poverty. We will certainly heed the voices of our members, but the final decision rests with the executive committee. I actually look upon the Government as an executive committee. The Chief Executive has a political platform, and there is a theme for his governance in the next five years. He should have his own views on how the responsibilities of Policy Bureaux and Secretaries of Departments are to be reshuffled to honour his political platform. On our part, we will just put forward our advice, in the hope that he can accept our opinions.

I have actually considered how I should vote today. This explains precisely why at the beginning of my speech, I first talked about the background of the accountability system and my stance. I think I have three possible options. I may vote in favour of the resolution. I may vote against it. I may also abstain from voting. I do not think that we can abstain from voting because this is a very political issue and we cannot possibly refrain from expressing our stance or attitude.

Another possible option is to vote against the resolution. There may be several reasons for casting a negative vote. First, we may oppose the system. But we do not oppose the system. Rather, we are in favour of it and we even hope that the system can further develop. Second, we may cast a negative vote to highlight our opposition to the arrangement regarding the relationship between the LAD and the bureau. But in this connection, as I have mentioned, the ADPL thinks that the accountability system is a political system which brings in new development to our officialdom, and we hope that it can continue to improve itself. When we compare this consideration with casting a negative vote to highlight our opposition to the proposed arrangement for the LAD, we really think that supporting the accountability system should be more important than opposing the proposed arrangement for the LAD. The third reason is just to make known our stance. But as I have just mentioned, after weighing the overall development of the accountability system against the development of the LAD, we naturally think that the former is more important. This means we cannot cast a negative vote.

I will cast a positive vote. But I hope the Secretary can listen to what I have said, especially my advice on the LAD. I hope that apart from listening to the views of Members, he can also be aware of the very clear findings of the studies conducted by the LAD years ago. I hope that the Government can undertake to conduct a review. It is also hoped that when giving a reply later on at this meeting, it can tell us a timeframe and a direction for review and also when a new decision will be taken. Thank you, President.

MR RONNY TONG (in Cantonese): President, I must confess before you because this morning, I once thought that I would not be attending this meeting. When our party leader rang me up this morning, telling me that there would not be a quorum, I immediately asked myself, "What will happen if we must abort a Legislative Council meeting?" President, I have been a Legislative Council

Member for three years, but all this time, I have been wondering whether the Legislative Council can really fulfil its functions as set out in the Basic Law. I am always doubtful about this.

President, the moving of this motion today is a step which the Government must take under the law. But has the Government in fact upheld the spirit behind this step? The underlying spirit of this resolution should be: the seeking of a sensible consensus through open debates in the Legislative Council, in the hope of identifying a satisfactory solution. However, when it comes to policy issues in particular, the Government has never shown any awareness of the art of compromise. It has always relied on the votes of its blind apologists in the Legislative Council, treating the Legislative Council either as an obstacle or a voting machine and rubber-stamp. If this is really the attitude of the Government, it is no use coming here for any meetings. Personally, even if I do not attend any meetings, I will have no sense of guilt at all.

We are discussing the reorganization of the three Departments and the 11 Policy Bureaux. Admittedly, no matter how a government redistributes its work, outsiders should not be overly concerned as long as it can get the job done. But if this round of reorganization affects some major principles, the Government should really listen to the views of the Legislative Council. What I am referring to is the reorganization of the Legal Aid Department and its placement under the Home Affairs Bureau, a topic which we have been discussing repeatedly these past few days, and which has aroused strong opposition from the people.

President, this actually involves a very significant principle, a principle relating to the rule of law in Hong Kong. When discussing such an important topic, the Government has to listen to the views of the Legislative Council. President, we must not forget that we are being reminded every day..... Most importantly, even State leaders have recently reminded us that we must read the Basic Law well. I carry this booklet with me every day. It is already worn-out, so I must dispose of it very soon. What is Article 64 of the Basic Law all about? President, you should know the answer. This Article reads, "The Government of the Hong Kong Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region" The Government must be accountable to the Legislative Council. The Government must hold itself accountable to the Legislative Council. If the

accountability system is to achieve any success, it must uphold the spirit of the Basic Law. If the Government only wants to treat the Legislative Council as a rubber-stamp, if it only thinks about the passage of its motions, if it continues to ignore opinions voiced in the Legislative Council, then it will fail to uphold the spirit of holding itself accountable to the Legislative Council.

President, several days ago, at a meeting of the Finance Committee, Secretary Stephan LAM and I had a debate on the meaning of the rule of law. Since the Chairman of the Finance Committee, Ms Emily LAU, was very strict with the rules, I could have just a few minutes to speak. It was a pity, therefore, that I was unable to respond to the views of Secretary Stephen LAM. I could only express my regret, my regret that though he is a lawyer, his basic understanding of the rule of law is not quite so accurate.

President, the important thing about the rule of law is the people's confidence in the binding effect of the law. The rule of law is not meant to regulate the people. It is instead meant to regulate the government. Last week, I remarked that the rule of law in Hong Kong was very fragile. But Stephen LAM argued that this was not the case, and that the rule of law was very strong in Hong Kong. President, there is one difference in opinion here. Stephen LAM or the Government seems to think that the rule of law is just an object of some kind, and once it is wrapped up and put into a safe deposit box, it will never perish. President, this is not the case at all. The rule of law is just like air, intangible. The rule of law is about people's confidence in the law, in the Government.

Why do we say that the rule of law is fragile? Because confidence will change at any time. When one discovers any change, it may already be too late. Therefore, in order to uphold a social environment underpinned by the rule of law, there must be a democratically elected government. Why? The reason is that a democratically elected government is subject to the handover of power at regular intervals. This can increase the people's confidence that a government will eventually be checked by the law. A totalitarian government, or a government that never listens to the people, especially a government that never listens to the Legislative Council, will give people the impression that it has put itself above the law. There have been many recent examples, one of which is the Race Discrimination Bill being scrutinized by us. The Government has made it clear that it does not want to be bound by this piece of legislation.

President, coming back to the Legal Aid Department (LAD), why do we think that the change is not acceptable? The reason is that the change may lead people to doubt whether our legal aid system can effectively enable the people to challenge the Government. If, one day, a person fails to get any legal aid, he may whisper to himself on leaving the department, "This is a foregone conclusion anyway. I want to sue the Government, and the LAD is under the Home Affairs Bureau, also a government department. This must be the reason for my unsuccessful application for legal aid." This Government has all the time refused to be bound by the law. In the eyes of this legal aid applicant, the rule of law in Hong Kong is already dead. Secretary Stephen LAM, if anything like this really happens, how are you going to explain to the applicant, to convince him, that the rule of law in Hong Kong is still intact?

President, very often, the rule of law is all about image. You may put up posters that read "The rule of law in Hong Kong is sound" all over the streets, but it does not mean that the rule of law in Hong Kong is necessarily sound. Even if Secretary Stephen LAM makes a hundred such claims in the Legislative Council, the aim will not thus be achieved. By the same token, Stephen LAM is also right in saying that even though Ronny TONG says a hundred times in the Legislative Council that the rule of law in Hong Kong is dead, that may not necessarily become reality. The important thing, therefore, is that we must strive to uphold a sound image of the rule of law. But the present proposal will undermine such an image, much to people's disappointment. We have been advocating for many years that the LAD must become independent. But the Government has refused to follow this path; not only this, it has even taken this regressive step. People will have the feeling that, from now on, the LAD will become a *bona fide* part of the Government. This will not only fail to uphold the rule of law but also cause huge damage.

We have presented such opinions here many times before. And, the Hong Kong Bar Association has also put forward its views many times. But the Government has still chosen to do so without any prior consultation. It has never offered any explanation to the Legislative Council. Worse still, it even insists that there will be no problem, saying that it cannot understand why there should be any objection. President, having stated the reasons for our objection a hundred times, having found that the Government has never listened, I must say that it is the Government, not Legislative Council Members, who refuses to compromise.

President, I find the whole thing very regrettable. I actually do not intend to make all these remarks. I should not have attended this meeting in the very first place. Back in my chamber, I have lots of cases to attend to, and I can earn more money too. Martin LEE is smiling..... Martin LEE can earn a lot of money, earn much more money than I do. President, having said all this, we must still express our views on the reorganization of the three Departments and 11 Policy Bureaux as the representatives of the people. We are totally against the resolution and will never accept it. I hope Secretary Stephen LAM can think twice.

MR WONG KWOK-HING (in Cantonese): Madam President, there are 16 days to go before the 10th anniversary of the reunification of Hong Kong, and the third term of the Government of the Hong Kong Special Administrative Region (SAR) will be established soon.

The Government announced early last month the reorganization of Policy Bureaux in the third term of the SAR Government by reorganizing the established structure consisting of three Secretaries of Departments and 11 Directors of Bureaux into one consisting of three Secretaries of Departments and 12 Directors of Bureaux. I agree to and support this direction. Overall speaking, the reorganization of Policy Bureaux of the Government Secretariat is necessary because over the past few years after the implementation of the Accountability System for Principal Officials, there have indeed been cases of unbalanced division of responsibilities among Policy Bureaux. Some Policy Bureaux carry an excessively heavy workload, such as the Health, Welfare and Food Bureau and the Environment, Transport and Works Bureau, both with a purview covering three rather major policy areas. This has often made it impossible for the bureau to duly make improvement in all the policy areas. On the other hand, after the reorganization of Policy Bureaux, those policy areas that are more directly linked with each other can be grouped under the management of one Policy Bureau. An example is the Labour and Welfare Bureau, which makes it possible for issues such as the creation of job opportunities, reduction of expenditure on welfare, and so on, to be considered together. However, with regard to the Government's proposals on the reorganization of Policy Bureaux, I think there is still room for improvement, especially in the Labour and Welfare Bureau and the Education Bureau and in respect of the arrangements relating to labour policies which are of the utmost concern to me.

First, in respect of labour and welfare, there are currently two Permanent Secretaries under the Secretary for Economic Development and Labour, and one of the Permanent Secretaries is specifically tasked to handle labour issues while concurrently holding the office of the Commissioner for Labour. Under the new structure, there will be only one Permanent Secretary in the Labour and Welfare Bureau, who is responsible for handling both labour and welfare issues. This will indeed make it difficult for the Permanent Secretary to cope with the onerous workload of labour issues. Insofar as labour policies are concerned, priority tasks now include the review of the Wage Protection Movement and legislation on minimum wage, and without the co-ordination of a Permanent Secretary, there might be some degree of difficulty in taking forward these tasks. Moreover, there is at present a Permanent Secretary exclusively responsible for this area of work and so, the demand of the labour sector for retaining the existing Permanent Secretary is only sensible and reasonable. On the proposal of delegating all labour issues to the Commissioner for Labour, many people consider this a downgrading of labour issues, and this points to the degree of importance that the Government has attached to labour rights.

In fact, at the relevant panels and subcommittees I have time and again pointed out the actual situation. Let me cite the incident of wage default by Dickson as an example. When the Dickson incident developed to a state where conflicts were intensifying, it was not until the existing Commissioner for Labour cum Permanent Secretary finally came forth that the Director of Housing, who is also a Permanent Secretary, was "called" to a meeting at the Government House with Dickson's workers whose wages were in default. Had it not been the incumbent Commissioner for Labour cum Permanent Secretary, despite that workers had negotiated with the Housing Department (HD) for nine hours at the HD and that officials from the Labour Department also attended the meeting, the Director of Housing would remain not to be seen, and as the incident worsened, the workers marched to the Government House. Does it not show that the Commissioner for Labour cum Permanent Secretary has so important a role to play?

Second, the incident of wage default by Dickson eventually made the relevant government departments introduce amendments to the policies and measures for combating wage default and come up with "seven strokes". Had it not been the Commissioner for Labour cum Permanent Secretary who could play the role of facilitating the revision of policies by the Government, I believe the relevant government departments including the Architectural Services

Department, Housing Department and Leisure and Cultural Services Department would not have come up with the "seven strokes" so efficiently to combat wage default in the wake of the Dickson incident. So, whether in respect of mediation in labour disputes or improvement of government policies, we can see an actual need for the office of the Commissioner for Labour to be held concurrently by a Permanent Secretary, and this arrangement is also a proven success. Why does such a proven administrative measure regress rather than being improved and taken forward? This is indeed puzzling. So, I think there is still room for improvement, and I hope that the Secretary will convey this opinion to the senior echelons of the Government for reconsideration. Can they reconsider whether, under the proposed structure consisting of three Secretaries of Departments and 12 Directors of Bureaux, remedies can still be made in terms of policy, administration and measures?

In respect of the Education Bureau, the existing Education and Manpower Bureau is specifically responsible for handling issues relating to education and manpower co-ordination and development. Since the implementation of the accountability system in 2002, the most important task of the Education and Manpower Bureau in respect of manpower co-ordination is the work pertaining to the Accreditation of Academic and Vocational Qualifications Ordinance. Accreditation of academic and vocational qualifications mostly comes under the scope of labour policies, such as vocational assessment, but the registration of some qualifications is, in fact, directly related to labour issues, requiring involvement of trade unions in many cases. If this continues to be placed under the purview of the Education Bureau in future, will the Education Bureau fully understand the situation of the labour sector? At least its communication with the labour sector would be less direct. In this connection, should the Government not consider putting in place a mechanism whereby the Labour and Welfare Bureau will enable trade unions to play their role in respect of manpower co-ordination? This is why at the meetings of the Subcommittee I asked the Government to consider transferring the relevant responsibilities and powers from the existing Education and Manpower Bureau to the new Labour and Welfare Bureau, in order to facilitate co-ordination of registration and accreditation issues under the Qualifications Framework and this, I think, is more appropriate. I, therefore, very much hope that the Secretary will reconsider our request.

Madam President, I think the new structure consisting of three Secretaries of Departments and 12 Directors of Bureaux will certainly be established. This

new structure consisting of three Secretaries of Departments and 12 Directors of Bureaux will mean an increase both in manpower and remuneration. I believe the Government should respond to the aspiration of the public and that of the Legislative Council and further enhance and improve its administrative efficiency and administrative measures. In this connection, I would like to state five expectations and demands in respect of the structure consisting of three Secretaries of Departments and 12 Directors of Bureaux proposed by the Government.

The first expectation and demand is: Should the accountable officials increase their attendance at meetings of the Legislative Council and should they make an undertaking to this effect? According to media reports, the Secretary for Constitutional Affairs, who is in this Chamber now, has a relatively high attendance at meetings of the Legislative Council. A survey conducted by the Secretariat also indicated a rather high attendance by Secretary Stephen LAM. When the Policy Bureaux are reorganized and when manpower is increased in future, should the attendance of Bureau Directors also be improved, in order to foster communication and co-operation between senior government officials and the Legislative Council? Will they undertake to make some improvements? Let me cite the half-fare concession for people with disabilities in taking public transport as an example. The Legislative Council has specifically set up a Subcommittee to discuss this issue but no result has been achieved after discussion for a year or so. Since day one we have been very eager in inviting the two Bureau Directors responsible for the environment and health issues to attend our meetings, but up to the present, they have not attended any of our discussions at all. Why do the Bureau Directors not attend the relevant discussions, so that we can discuss this issue together and identify a solution from the transport and welfare perspectives? Why do they have to be so disappointing to Members? This is the first expectation.

The second expectation is that I hope the new Food and Health Bureau will fully discharge its functions and responsibilities in respect of food safety for the benefit of Hong Kong people, because Hong Kong people consume lots of vegetables and meat every day. But as far as we have seen, the problem with food safety is that the authorities have reacted slowly despite prompt actions are warranted. Let me cite an example. At a meeting the other day, the Government reported that the legislation on food safety could be tabled in the Legislative Council only at the end of next year. It will be the next term of the Legislative Council one and a half year later. Why can this not be done in this

term of the Legislative Council? Why has the relevant work been so sluggish? Should this not be done more expeditiously once the increase in manpower and salary as well as the new division of responsibilities takes effect? Moreover, improvement has been made in export inspection and quarantine on the Shenzhen side, but when food is imported into Hong Kong via Man Kam To, there is no corresponding measure at all on our side, and we find this most disappointing indeed. So, my second expectation is that the new structure consisting of three Secretaries of Departments and 12 Directors of Bureaux will show us that concrete, practical actions are taken to ensure food safety and public health in Hong Kong.

The third expectation concerns the Development Bureau. Madam President, both the Chief Executive's election platform and the Government's policy address have pointed out that the annual expenditure on public works projects amounts to \$29 billion. This figure has been cited so often that even the elderly and children know about it. Yet, we have seen that the Government has not achieved this over the past few years; nor has it said that this target would be met in the next few years. What should it do then? I hope that since the new Development Bureau will be set up to promote development, could it please show us some results and tell us that in the next few years, there will really be policies, measures, timetables and targets for implementing projects, in order to truly achieve an annual spending of \$29 billion. Otherwise, even if we throw weight behind you, how could you live up to our expectation if you have made no achievement at all? This is the third expectation, and I hope that the Development Bureau can really deliver and produce results, in order to address the problems in the construction industry which is hard hit by unemployment. That way, Hong Kong people can see that a new page is turned with the establishment of the Development Bureau.

The fourth demand and expectation is that the new Labour and Welfare Bureau must comprehensively review the existing Employment Ordinance. I actually mean a review of labour legislation, because the existing Employment Ordinance is already outdated. Madam President, let us not talk about the distant past. Let us just talk about what happened just recently. While we have endorsed the amendments to the Employment Ordinance to reinstate the legislative intent in respect of commission, many unscrupulous employers nevertheless reacted even more quickly than the Government. The Ordinance will take effect on 13 July, but unscrupulous employers have reacted more promptly than the Government by altering the employer-employee relationship.

They have removed the employer-employee relationship, so that the employees would become self-employed and hence are not protected by the law. I very much hope that the new Labour and Welfare Bureau will expeditiously conduct a comprehensive review of the existing Employment Ordinance, targeting actions at curbing bullying of workers by unscrupulous employers and taking remedial measures accordingly.

The fifth and the last expectation is that I hope the Civil Service Bureau will pay attention to the situation of its 16 000 contract employees. Since the Government has openly conducted a recruitment exercise to fill 4 004 posts, these serving staff should be given priority in appointment, in order not to create unemployment. As for the remaining 12 000-odd contract employees, I hope that the Government will not threaten them by saying that their work will be outsourced or the "big market, small government" principle will be upheld, or else public discontent would only escalate as these employees could not enjoy a pay rise and might even lose their jobs.

Thank you, Madam President.

MR ALAN LEONG (in Cantonese): President, the Government announced the details of the reorganization of Policy Bureaux last month, and if we count from the 3rd of last month, this Council has had 40 days only to examine the relevant proposals. In recent years, the Government has intentionally or unintentionally compressed the time of discussion of this Council almost on every occasion when an important, controversial issue was discussed. It did not submit documents to this Council to explain the details relating to the issue until the very last minute. Then it kept on pressing this Council to hold meetings day and night and to endorse its proposals wholesale. Such a move which treats this Council as a rubber-stamp is actually a further indication that the Government is not content with "executive-led" anymore and is even going further to reinforce it to become "executive hegemony".

I find it most incomprehensible that even members of political groups and the industrial and business sectors who are long-time supporters of the Government have, for some insignificant reasons, felt aggrieved by the executive hegemony in this reorganization of government structure into one consisting of three Secretaries of Departments and 12 Directors of Bureaux. I remember that on the 26th of last month, at a meeting of the Panel on Constitutional Affairs of

this Council, a former government official, who is a rare visitor, was seen in the demonstration zone outside the Legislative Council, campaigning with members of the information technology (IT) industry for the inclusion of the word "technology" in the name of the Commerce and Economic Development Bureau under the proposed structure consisting of three Secretaries of Departments and 12 Directors of Bureaux. But up till now, the Government has remained unconvinced.

Government officials may ask why we should be so uncompromising over the name of a bureau which is just a trivial matter. But behind these names of bureaux is actually a precise reflection of the policy direction of various departments in the next five years. The concern of members of the industrial and business sectors as well as the IT industry is certainly well founded. The Trade and Industry Branch was already a permanent policy branch during the Hong Kong-British Administration era, and the Information Technology and Broadcasting Bureau was set up upon the reorganization of policy branches of the Special Administrative Region (SAR) in 1998 and was later incorporated into the Commerce, Industry and Technology Bureau in 2002. While the results may not be satisfactory to all, it is, after all, a policy undertaking given by the SAR Government through the naming of the Bureau that industries, trade and technology would be developed side by side.

Today, President, everyone is saying that Hong Kong must not lag behind in IT development and some have even suggested recapturing the past glamour of Hong Kong in industrial development. But "industry" and "technology" have suddenly disappeared from the name of the Bureau, despite that they used to be included in it. President, what impression will this give to people? Today, we heard some members from the industrial and business sectors say in this Council that they agreed to the proposed name because the Chief Executive and the Financial Secretary had undertaken that the changing of the name would not entail any changes in the policy. But I must ask: Why should the name be changed if the policy will remain unchanged? What logic is this? When do we start believing more in the words of a person than a system? When do we start attaching little importance to reasons and choosing to believe a remark or two made by a person merely for the sake of expediency? In fact, these sectors are just asking for a proper name. Why does the Government not even make the slightest concession for this very humble request? Let us not forget that many of these people from these sectors have all along been on the side of the

Government. Could it be that the Government is so "hegemonic" as to be willing to push even this group of people to the opposition side?

As "industry" and "technology" are doomed to have such a miserable fate, the "Sustainable Development Bureau" for which the Civic Party has championed on behalf of non-government organizations is more likely to come to naught. "Development" is in itself a cross-sector, cross-strata concept. Not only is there a need to develop municipal works and projects, there is also a need to develop culture and conservation and also the natural environment; there is a need to develop education; there is a need to develop industries and businesses; there is a need to develop technology; there is a need to develop education; there is a need to develop welfare protection; and there is an even stronger need to democratize the political system. It is an inherent duty of any government to promote the development of society. However, development must be multi-faceted and taken forward with balanced momentum in various areas. The development in one area must not compromise that in another. The ultimate objective of development is to enable various sectors of the community to make progress continuously and hence improve the quality of living of the people. President, under the Government's proposal, "development" will nevertheless be entirely monopolized by the grand perspective of infrastructure development, and it seems that "development" only connotes launching large-scale construction projects extensively and completion of more high-rise buildings. The Government has even sought to put heritage conservation under the purview of the Development Bureau. It seems on the surface that the aim is to strike a balance between infrastructure development and conservation, but judging from the Government's performance in handling the Tamar Site, the Star Ferry and the Queen's Pier in recent years, we simply do not see any sincerity on the part of the Government in striking such a balance.

I remember that last Tuesday when the Government sought funding approval from the Finance Committee of this Council for the demolition of the Queen's Pier, the Chairman of the Finance Committee asked Secretary Michael SUEN the reasons why funding must be sought on Tuesday. Secretary Michael SUEN replied that the works must get started as soon as possible. However, non-government organizations and professionals have long cried themselves hoarse to point out that they had come up with a host of options which will not impede the progress of works while obviating the need to relocate the slightest bit of the Queen's Pier, just that Secretary Michael SUEN had turned a deaf ear to

them. There is really no reason for me to believe that similar cases of the authorities doing everything they can in order for works to get started would not recur when a Bureau Director is responsible for overseeing both infrastructure and infrastructure-related conservation projects.

President, even in the policy papers submitted by the Government to explain the establishment of the Development Bureau, it is emphasized that the Bureau is set up to (I quote) "speed up the implementation of large-scale projects" (end of quote), while at the same time overseeing heritage conservation, so as to enable a closer interface. What does an "interface" mean? I think it means giving way. Since the SAR Government has made it clear right from the outset that it would speed up infrastructure projects, could it be infrastructure development giving way to conservation? That is certainly impossible. In that case, what is going to give way to what? I think the answer cannot be clearer.

President, in fact, we do not oppose a review or reorganization of Policy Bureaux. We even hope that the review will be more in-depth, more comprehensive and more thorough. The accountability system has been implemented for five years. Has there been any improvement in the relationship between the executive and the legislature? With regard to the co-operation among accountable officials, has it been improved or has it worsened? Has the "firewall" between civil servants and accountable officials been operating effectively? Has the policy-making process of the executive authorities become more transparent and effective? On these questions, the Government has never given any specific explanation to this Council and the community over the past five years. What this Council could discuss was nothing more than the names of bureaux, the number of Policy Bureaux, remuneration, and so on.

Studies conducted by academics and five years of actual operation have long proven one thing and that is, President, a so-called "accountability system" without party politics and without election-based accountability will only become a deformed system which swears allegiance to the Chief Executive alone and which features explicit and covert power struggles among Bureau Directors. Even though universal suffrage will not be realized in the near future, does it mean that the accountability system has no room for improvement? I absolutely do not think so.

There are, in fact, a lot more issues that warrant our in-depth studies and consideration. The existing structure of Policy Bureaux and departments is broadly inherited from that of policy branches and departments back in the colonial times. But can it cope with the new constitutional order and development of the SAR? Regarding the vertical structure made up of Bureau Directors, Permanent Secretaries and Directors of Department and the horizontal structure made up of Policy Bureaux and departments, is there any possibility or room for merger and streamlining? Is the Executive Council a cabinet or a think tank? How can we ensure that the accountable officials are truly responsible to the Legislative Council, rather than passing the buck to senior civil servants? If the Government knows only to merge Policy Bureaux, to scrap Policy Bureaux and to play the musical chair game, but fails to look into those questions seriously, the so-called reorganization of Policy Bureaux is nothing but a waste of time and public coffers.

Finally, President, like other colleagues in the democratic camp, I do not understand at all why the Government, in the reorganization of Policy Bureaux, has to touch the positioning of the Legal Aid Department (LAD). The function of the LAD is to enable people with financial difficulties to access fair legal services whether in private proceedings or proceedings involving government departments. Given that any bureau or department may become a party to proceedings, putting the LAD under any of these departments will deal a blow to public confidence in the legal aid system. The existing arrangement whereby the LAD is accountable to the Chief Secretary for Administration through the Administration Wing is adopted only as the last resort before the LAD becomes independent.

The LAD should develop in the direction of becoming an independent authority in the long term, rather than being placed here and there under different departments. Since the Government has not ruled out a review of an independent legal aid authority, why does it not make changes only after the completion of the review? This is another illogical point and of course, I am not at all surprised because the Government is here in the Legislative Council today not to reason things out sensibly; nor is it trying to convince us with reasons. Rather, it is here to count the votes. So, we have seen many such cases of the Government not arguing with reasons and making illogical points, and I trust such cases will never cease to occur. This is perhaps the reason why Mr Ronny TONG feels that holding a meeting here in this Chamber seems rather meaningless. In fact, the proposal relating to the LAD is not adequately

discussed and no consensus has yet been reached. The Government's attempt to incorporate it into the reorganization of Policy Bureaux inevitably gives people the impression of the Government seeking to muddle things through to serve its own purpose.

As to such questions as how this act has challenged a proven system, how this can inspire confidence in the people and how this may arouse doubts about whether this right of legal representation as safeguarded by international human rights treaties will be challenged to some extent, Ms Margaret NG has discussed them most eloquently and thoroughly, and I think it would be very difficult for me speak any better than she did and so, I agree with the comments made by Ms NG.

President, I cannot agree to the "executive hegemony" mindset of the Administration in proposing this resolution. With these remarks, I support the amendments and oppose the original motion.

DR FERNANDO CHEUNG (in Cantonese): President, we are discussing the reorganization of government structure into one consisting of three Secretaries of Departments and 12 Directors of Bureaux. It also involves the repositioning of the accountability system under the governing team in the new term of the Government. It is a new beginning.

But how accountable is this accountability system? How can the Government truly face the people and respond to their needs through the reorganization of Policy Bureaux and the relevant government departments? President, I actually dare not have high hopes in it, for we need only take a look at what happens today. Although the reorganization involves the whole government structure which will be reorganized to consist of three Secretaries of Departments and 12 Directors of Bureaux, only one Bureau Director is in this Chamber; not even the Chief Secretary for Administration has ever come forth to give an explanation.

The Chief Executive announced this news on 3 May in the Chief Executive's Question and Answer Session of the Legislative Council, but the paper provided only consisted of a few pages and in a paragraph it was outrageously said that public consultation had been conducted. From their indifference to this topic today, and whether from the Government's explanation

to the Legislative Council or the public's enthusiasm towards the reorganization, we can see clearly whether or not this discussion today is in essence truly related to accountability.

President, the accountability system has been implemented for almost five years, but is it truly premised on the spirit of accountability to the public? I really do not think so. If their objective is to be accountable, what channels are there for them to be accountable? Under the proposed changes, what new channels will be provided? What is the direction or is there an actual mechanism to foster communication between the executive and the legislature and to foster communication between Bureau Directors or the relevant departments and the public? What is there to allow bilateral flow of opinions and better reflection of the needs of the people in the course of policy formulation and implementation? I do not see anything.

Speaking of the accountability system over the past few years, President, from my experience, which is still fledgling, I would say that it is "saddening". When I first joined the Legislative Council, we had a new governing team and new Bureau Directors, and we had some forms of open communication as we could still talk to the Bureau Directors and the departments. But I do not know why those doors were closed soon afterwards.

President, over a recent period of time, requests for meetings with Bureau Directors from me personally or from colleagues or other Members of the Legislative Council have all been rejected, whether such requests were made individually or jointly with others. Perhaps those Members or I personally do not have sufficient "weight" and so, let us look at the same requests made by the public. Many community organizations or groups have, jointly with Members' Offices, made requests for meetings with Bureau Directors in order to reflect their problems. For example, many parents with disabled children are facing big problems concerning care and attention homes which involve the system of "lump sum" as it has resulted in a serious loss of manpower in many care and attention homes and a shortage of nursing staff. They, therefore, hoped to arrange for a meeting with the Bureau Director to discuss their problems, but their request was rejected. The Bureau explicitly turned them down and refused to meet with them, saying that a meeting would be unnecessary.

President, what accountability is there? I really have no idea how they have shown themselves to be accountable? There was a case about a graduated

schoolmate of my daughter. This schoolmate of hers, who is tetraplegic with a stiff body, is put on the waiting list for convalescence care after an assessment of his nursing needs. The waiting time is longer than that for general nursing homes. But he must leave the special school at the age of 18, and in his case, when he left the special school, he could only queue up for a place in a convalescence home but the waiting time is two to three years and it is basically impossible for his family to take care of him. What services are provided to him? All he gets is just an hour of occupational therapy a week. Indeed, this is really of little help to him.

After I had taken up this case, I visited him at his home and took pictures of him and the environment of his home. I then sent the pictures to the Secretary by hand and by mail, hoping that he would follow up this case and see if arrangements can be made or if assistance can be provided to this type of cases under the existing system. President, I am sorry to say that I have been given no response. The outcome is, I must say, quite laughable as I recount it here, and I am not sure if this would be humiliating to Honourable colleagues of the Legislative Council. I had to stand at this entrance for a few weeks successively, waiting for Secretary Dr York CHOW when he finished replying to our questions. I stood here and asked, "Secretary Dr York CHOW, any progress for my case?" I had done it for three weeks in a row and no answer has been given to me. What have they done to be considered accountable? I really do not know what accountability there is.

Today, it has become a standard practice that no representative from the bureau or the department will attend seminars organized by community organizations or Members' Offices. Their absence is usual and on the contrary, their attendance would be a pleasant surprise. Is this not ridiculous? We have only organized seminars so that we can sit down and hold discussion and yet, they refused to come; they refused to attend the seminars, saying that they did not have the time. What sort of accountability is it? When have they ever been accountable to the public?

This Legislative Council is returned by the people to be their representative in the highest part of government. We, as a mechanism, cannot even have the chance to sit down and hold discussions through rational, friendly channels. So, President, over the past few years, as I am a "new comer", or perhaps it has always been the case, in many meetings of the Legislative Council, we have to discuss these problems or even some specific cases here because it

was impossible for these problems or cases to be resolved through other channels. But this is entirely a waste of our valuable time. We should be here to discuss policies, macro policy directions and the underlying concepts, but we would eventually turn out to be arguing over trivial matters, which is entirely a waste of time. President, we may also be wasting our time today, as the Government simply does not take the opinions put forward by this Council seriously.

What have they done to be accountable? I really do not know what they have done to be accountable. Today, since a new governing team will soon assume office and of course, under the leadership of Donald TSANG, this will be an opportunity, a pivotal turning point, and it should try to review whether this accountability system can be truly improved in order to be accountable to the people and be repositioned to reflect the needs of the people, and also whether it is conceptually in line with the direction of the development of society.

With regard to merging welfare and labour, while we consider that there is a close link between them, I am sorry to say that the paper made only one point on this link and that is, welfare is positioned as poverty alleviation and dishing out money; it said that dishing out money is useless, for we must help these people to become self-reliant and so, welfare has to be merged with labour. President, I am sorry that I must refute this point, because not one in ten social workers is responsible for dishing out money; not even one in a hundred social workers is doing this job. Our main job is neither dishing out money nor providing relief.

Relief and charity are concepts of the last century. What we are talking about now is social development and personal development. What we are talking about is building a caring society and developing social capital, and about involvement and commitment, and also building a good relationship and a civil society, not personalizing all the problems and passing them onto the market for solutions, thinking that employment is the solution to all problems and that all the problems can be resolved as long as a person lands a job.

Moreover, how about the many other areas of work relating to the elderly, people with disabilities and children? These areas used to be closely linked with the medical system. Will they be affected after the repositioning? These are issues worthy of our discussion. But is anyone going to discuss these issues with us today? No, nobody is going to do so.

Mr Alan LEONG made it very clear earlier on, that the entire consultation is downright executive hegemony, which also explains why we can be totally ignored. President, a government absolutely has the power to choose its own governing team, the candidates and even the structure; it should have some powers to do so. But we members of the public should be allowed to put forward our opinions, especially in respect of the structure, for the way in which the structure is reorganized will have a bearing on the working relationship and organization of political powers. The underlying concepts, how we can give it impetus to take forward policies and even the formulation of policies are all related. So, how could these issues not be open to discussion? Is the oath-taking ceremony on 1 July when all members of the governing team will appear before the central leaders more important than giving all Hong Kong people an opportunity to have dialogue with the Government? Is it that the composition of the future structure of leadership is unimportant and that "face-saving" is the only thing that matters?

President, in fact, apart from the so-called concepts, many other detailed arrangements have also been proposed, and in the new Welfare and Labour Bureau, I notice that there will be only one Permanent Secretary, whereas other Bureaux overseeing two policy areas will have at least two Permanent Secretaries. Certainly, the Secretary may argue that an establishment with one Permanent Secretary or two Permanent Secretaries has both pros and cons, and this may have to be determined by need. But at least, this should be open to discussion, but no discussion has been conducted. About the Director of Department, the staff of the Environmental Protection Department have said that their Director should be appointed from among staff in the professional grade. Likewise, we in the social welfare sector also consider it more appropriate for the office of the Director of Social Welfare to be taken up by professional staff. However, these opinions have not been discussed, and the Government has completely turned a deaf ear to all these voices.

Today, it is true that we can indeed express our opinions in the Legislative Council. The Government will attend the meetings, as they will nominally send representatives here to listen to us. But President, I think our communication has entered another stage, and all that we do here is to keep on producing historical documents, which is completely useless. All I hope is that some day, some doctoral candidates will look up these historical documents and find out that there had been people who were concerned about these issues. However, these opinions have no part to play in reality and policy formulation.

On the arrangement for legal aid service, as many colleagues have said, the proposal is obviously a downgrading of legal aid service. A person whose duty is to guard the gate must be able to open the door independently to ensure that all are equal before the law and enable the disadvantaged groups to access legal proceedings in order to strive for justice. Any deviation from independence, however small in degree, on the part of the gatekeeper will give rise to problems. The existing arrangement is already unsatisfactory but worse still, it is further proposed that the service will be placed under the ambit of a Policy Bureau. Concern about human rights, the rights of ethnic minorities and homosexuals, organizations of new immigrants or other human rights issues relating to international conventions, such as issues concerning women, asylum seekers or children, used to be handled by the Home Affairs Bureau, and the Home Affairs Bureau would traditionally play the role of a co-ordinator and mediator and broadly adopt a soft approach underpinned by conciliation. But what is the impact of transferring these issues to the ambit of the Constitutional and Mainland Affairs Bureau? All these actually have not been discussed at all.

President, if we can go on with our discussion, we will see that many details will need to be clarified and apart from this, we may not necessarily agree with the concepts of the proposals. But generally speaking, we think that the Government has not conducted any public consultation at all, and it is entirely unwilling to listen to opinions. Regarding some key proposals, such as the obvious downgrading of the legal aid service, I personally find them unacceptable. However grand a building is embellished, it is still useless when built on a quagmire. If they are not truly accountable to the people, the people will find it out sooner or later. So, President, I am afraid that I cannot support this resolution today.

Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): Three Secretaries of Departments and 11 or 12 Directors of Bureaux are the vogue now. In fact, the political system in Hong Kong is not made up of three Secretaries of Departments and 12 Bureau Directors, but one bureau, three Secretaries of Departments and underneath them, 12 Bureau Directors. Why do I say so? As we all know, and as people who are knowledgeable of our country's conditions, such as Secretary Stephen LAM, will know, this Political Bureau of the Communist

Party of China (CPC) Central Committee is very powerful, for it decides the number of Bureau Directors and the number of Secretaries of Department in Hong Kong. I am not making this up. This is declared by WU Bangguo, a member of the Standing Committee of the Political Bureau of CPC Central Committee and Chairman of the Standing Committee of the National People's Congress of the People's Republic of China. He said that the extent of our powers is decided by the Central Authorities, and that we can enjoy powers only to such extent as conferred by the Central Authorities. Under the provisions of the Basic Law, this question of power still has not been clearly explained.

But after repeated explanations by Standing Committee members or members of the Political Bureau of the CPC Central Committee, and as also explained by the Court of Final Appeal, we eventually realize that there is this thing called substantive appointment. Will Secretary Stephen LAM have a share in it? To ascertain this, Chief Executive Donald TSANG has to go up and consult the director of another bureau, right? That bureau consists of nine members. That is the Standing Committee of the Political Bureau of CPC Central Committee, whereas the Political Bureau consists of 20-odd members.

Under such a bureaucratic structure, how possibly can this parliamentary assembly of the Legislative Council in Hong Kong make significant progress? It is because we absolutely cannot read the mind of those people calling the shots. They never make their position clear, and everything said is just cited from the Political Bureau of the CPC Central Committee, or "hinted" by other people, and what they said is never elaborate. As I have said many times, a person who was remunerated by public coffers and who had his own office and driver had come to this Legislative Council to exercise the residual value for Hong Kong people and also to exercise his residual powers, and it was this elderly man who, with a great fanfare, changed the name into the accountability system from which the common analogy of "three corpses and 11 lives" derived. This person suffered from pain in the legs, not in the brain. Even if his accountability is not pursued, he actually has the responsibility to give an explanation to Hong Kong people as to why he introduced an accountability system underpinned by three Secretaries and 11 Bureau Directors back then. How effective is the implementation of his accountability system? When discussing whether he should be provided with an office and a car, many people said that he should make contribution to the world. But he does not have to make contribution to the world. He only has to make contribution to Hong Kong people.

Under this accountability system introduced by him, government officials had stepped down one after another. He asked Antony LEUNG to join his team, which started the vicious waves of retrenchment and pay cuts, but Antony LEUNG, after a brief stay, simply washed his hands of everything and rejoined the private sector as a speculator, doing business by making use of the ties established during his tour of public service. He said that what he had done at that time was only indicative of a lack of harmony with people, which is actually correct. No government official of the SAR Government would admit that he or she was wrong, and they would do everything to gloss over their mistakes. While everybody knows that that person did not suffer a leg pain, but a pain in his head and heart, it was still said to be a leg pain and worse still, he could even climb further upward to become a central leader of the Chinese people. What kind of accountability system is this? In fact, it is all but a one-bureau accountability system, that is, a system of accountability to the Political Bureau of the CPC Central Committee, and all the chess pieces are put there.

Let us not talk too much about western theories of democracy, and let us go back to China. The Ming Dynasty was so corrupt because of the abolition of the office of Chancellor, for there was nobody managing the affairs of the country. What Donald TSANG has done is tantamount to abolishing the office of Chancellor. He asked Rafael HUI to come back, but what has he done? He does not attend meetings of the Legislative Council; he does not put forward policies and he has not put forward anything; he tells jokes when he has the time or gives hints to journalists that he will be leaving. Such a Chief Secretary for Administration knows only to slander other people. This Chancellor just sits here and does nothing, and this is tantamount to abolishing the office of Chancellor? Then let us look at the Secretary for Justice WONG Yan-lung appointed by him. He has a high popularity rating, and Chief Executive Donald TSANG again does not need to give any explanation and after the Chief Executive came to power, perhaps he will not be held responsible for the controversies over whether the term of the Chief Executive should be two or five years.

The Chief Executive said that he could make legislation by way of executive orders and everything could then be settled — full stop; he only told us to trust him. I wonder if he has consulted Secretary for Justice WONG Yan-lung? The Secretary for Justice would never tell me here that Chief Executive Donald TSANG had made such a grave mistake. Has he consulted him? Nor would Chief Executive Donald TSANG dare tell us whether or not

he had consulted his legal adviser, as this would be a loss of face. One evening when I was out for dinner I ran into a law student. That student said, "'Long Hair', he is surely to lose." Even a student knew this. Has the Chief Executive abused his power by not consulting someone whom he should consult or has Secretary for Justice WONG Yan-lung given him wrong legal advice? We have no idea. What accountability is there? No apology is given despite that they lost three court cases. The Secretary for Justice does not have to apologize; the Chief Executive does not have to apologize.....

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): May I know what advice you are tendering to me?

PRESIDENT (in Cantonese): That would be too much a compliment. But I have to remind you that we are discussing the issue of reorganization.

MR LEUNG KWOK-HUNG (in Cantonese): I am going to talk about it. Actually I do wish to talk about the reorganization.

PRESIDENT (in Cantonese): Please speak on the question as soon as possible, because you have already spoken for more than six minutes.

MR LEUNG KWOK-HUNG (in Cantonese): The reorganization should actually serve to address this problem, that is, the problem of unaccountability, should it not? How can we be accountable to an invisible organ, namely, the Political Bureau of the CPC Central Committee? I am not making this up; this is what the central leaders have kept on telling Hong Kong people. Let me tell you whose appointment is substantive — the three Secretaries of Departments and 12 Bureau Directors, or three Secretaries of Departments and 13 Bureau Directors; these are political appointments, and it means that the Chief Executive cannot exercise this power independently. That is why I said that while we in

this Council monitor him, he is not accountable to us, because we are in no position to tell him that he cannot do it.

We have only one power, President, and that is, to vote down his budget. But if we vote down the budget, we would face a problem and that is, the Government would then say, "Look, these Members of the Legislative Council have neglected the well-being of Hong Kong by not approving funding to the Government and this has tied the hands of the Government." In fact, let him who ties the bell on the tiger take it off. I think everyone has listened to this very famous story before. How can we take the bell off? In fact, we could not make head nor tail of it. So, I will go on talking about the absurdities of the accountability system, the absurdities of the existing accountability system in Hong Kong.

Accountability can mean accountability to all the people, but the first step is to be accountable to an organ representing public opinions and returned by election. Let us take a look at what the Government's three Secretaries of Departments and 11 Bureau Directors have done to be accountable. According to the statistics compiled by the Secretariat of the Legislative Council with limited resources, for how many times have accountable officials come to this Council in order to be directly accountable to us? It means that we do not have to put questions to Permanent Secretaries who have to call up their Bureau Director for an answer; or they just said, "Sorry, the Secretary is not here and a reply will be given next time." These have been so common, and all Hong Kong people can see it in the live cast of the meetings. It is just this simple, because the Bureau Directors are not responsible to their counterparts, so why should they be accountable to them? Let alone being accountable to the ordinary man on the street, right? They have the duty to attend meetings of this Council and be accountable to us and yet, they have not done so. As I have said, President, in order to ensure their accountability, a report card system should be put in place to show their attendance records at the two entrances of the Legislative Council Building. Members of the public have the right to know what is on our agenda, so why do they not have the right to know whether the accountable officials have attended meetings to fulfil their accountability?

Secretary Stephen LAM may be sneering secretly. While he may not be particularly competent, he always attends meetings of the Legislative Council to

perform the role of bickering. But other Bureau Directors simply pay no attention to us. York CHOW takes up one third of the expenditure of Hong Kong and yet, he does not have to be accountable to the Legislative Council. He does not attend meetings of the panels of the Legislative Council or meetings of subcommittees. Why? Because the meetings of the Legislative Council are broadcast live on television and so, he must attend these meetings but once he is out of the limelight, he would not attend the meetings. For such an accountability system, no matter what changes are made to it, it would remain something like the "white bone demon" in the *Journey to the West* (西遊記). Those with discerning eyes will see that it is a rotten system underneath its grandiose appearance.

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

Well, as we are here talking about the accountability system, what should they do in order to be accountable? In fact, accountability should have been achieved a long time ago. Let us look at the elections in foreign countries. Let me cite the presidential election in France as an example. It may be a bit far away from us and Secretary Stephen LAM, you may not understand it. While the President-elect wins in the election, but if he cannot win support in the parliament, there could be big problems anytime. What about our Chief Executive? He wins in that 800-member coterie but he does not have the mandate of 6.9 million people.

He does not have majority support in the Legislative Council and he must give promises of high posts and rewards and at times resort to political trade-offs before he can barely secure enough support. If Members do not believe me, they can take a look downstairs, and it is like a market there. I always say that we should give the officials some chairs. They are all standing there, and they do not wear uniforms and so, what impropriety it is! A mainlander once asked me why the Legislative Council is like a market. I said that he is right, and that even Jesus Christ who has yet to come would blow up seeing it, and he very much agreed with me. Tell me, what impropriety it is! Government officials have to stand there, and they are even made targets of abuse and mockery by Members who promised to vote for them, as they are scolded by them as wasting

their time. Why should they be asked to come back at the resumption of the Second Reading? They should be asked to come back only at the Third Reading. It is abhorrently rotten. Thanks to my humble status as a Member of the Legislative Council, I can still tell what I have personally experienced. What are government officials doing here? They are counting votes, seeking to obtain a majority of votes by detention of persons.

Hong Kong people cannot give you a majority of votes in elections, and you will not win in an election similar to a presidential election because only 800 people can participate in the election of the Chief Executive. That is a rotten system. In the Legislative Council election, half of the Members are not returned by universal suffrage and you do not have sufficient mandate from the people. The worst is that the bureau director in the North and the entire Political Bureau are watching you. Donald TSANG has bragged and boasted here today how he is going to fight for the interest of Hong Kong people, but his official rank is completely no match for his counterparts, as the Political Bureau of the CPC Central Committee is composed of officials from the top echelons, as the provincial committee secretary may also be a member. Mr ZHANG Dejiang was here to threaten Mr TUNG, and the audience all over the territory saw it on television. During the SARS outbreak, people died and he came to Hong Kong to impose on us his bureaucratic airs and graces. Do you know what he had said when he introduced himself? He said that he was ZHANG Dejiang, a member of the Political Bureau of the CPC Central Committee, Secretary of Guangdong Provincial Committee...

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, can you please come back to Policy Bureaux in Hong Kong?

MR LEUNG KWOK-HUNG (in Cantonese): I was talking about them. I said that the accountability system failed to perform its role because there is a bureau above the bureaux, a bureau above the three Secretaries of Department, right? I am not making this up. This is what the central leaders have kept on saying. They said that we can have as much as they are willing to give. I respect the remarks made by the central leaders and so, I am here only to further elaborate their views. Since he had the guts to say it, why should there be a problem for

me to cite his words? One must be responsible for what he has said and must not act like a scoundrel who goes away after hurling expletives about another person's mother.....

(Mrs Selina CHOW raised her hand to indicate her wish to speak)

DEPUTY PRESIDENT (in Cantonese): A point of order?

MRS SELINA CHOW (in Cantonese): Deputy President, a point of order. I would like to know whether these remarks made by Mr LEUNG Kwok-hung bear any relevance to the motion.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, they do. I already explained that it is Chief Executive Donald TSANG.....

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you have to speak on the motion. How do your remarks bear relevance to this motion today? Please explain.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, they are relevant. Members, I have always argued with reasons.....

MR MARTIN LEE (in Cantonese): Deputy President, a quorum is lacking.

DEPUTY PRESIDENT (in Cantonese): Obviously a quorum is lacking. Clerk, please ring the bell to summon Members to return to the Chamber.

(THE PRESIDENT resumed the Chair)

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

PRESIDENT (in Cantonese): A quorum is present. Mr LEUNG Kwok-hung, please go on.

MR LEUNG KWOK-HUNG (in Cantonese): Thank you, President. Should we continue with our discussion on the point of order raised just now?

PRESIDENT (in Cantonese): That is over. You may go on. (*Laughter*)

MR LEUNG KWOK-HUNG (in Cantonese): Thank you very much. What I have just said are actually facts, and they are also related to the political system of Hong Kong. From my most shallow understanding of political studies, accountability must be premised on mandate. A government or parliamentary assembly should be accountable to whoever giving it this mandate. The central leaders have repeatedly told us that our government is appointed by them, that our powers are conferred by the Central Government, and that we could have powers only to such extent as conferred on us by the Central Government. I think this has put the implementation of the accountability system in Hong Kong in a state where it cannot be taken forward.

From my shallow understanding, the Basic Law provided that apart from military and diplomatic powers which rest with the Central Government, all the other powers rest with us. This does not refer to residual powers. This is an essence in modern western politics and people-oriented politics. I would like to ask Chairman WU Bangguo: By whom his powers are conferred? Does he have residual powers? His residual powers (*the buzzer sounded*)..... Forget it, he should have got it. (*Laughter*)

MR MARTIN LEE (in Cantonese): Madam President, this resolution on three Secretaries of Departments and 11 Directors of Bureaux or three Secretaries of Departments and 12 Directors of Bureaux is, in fact, entirely relevant to the Accountability System for Principal Officials. A number of Members mentioned the question of accountability and I have listened to their speeches. I think insofar as this issue is concerned, the most important question is: To whom government officials should be accountable?

When there is no democracy in Hong Kong, we cannot possibly expect senior officials to be accountable to this Council or to the public, for they do not need to be. They only have to be accountable to the Chief Executive, whereas the Chief Executive does not need to be accountable to the public or to this Council, for he only has to be accountable to the Central Government in Beijing. So, when we understand the fundamental defects of the Accountability System for Principal Officials, I think our discussion of this issue here is actually quite superfluous.

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

As I said before in this Council, it is actually a puppet system of principal officials, for they are only puppets. The Chief Executive is a huge puppet manipulated by Beijing. He is a big puppet who has got the small puppets on a string. The three Secretaries of Departments are the smaller puppets, while Bureau Directors are the much smaller ones. So, such a system without the support of democracy simply bears no relation to the public.

Why does the Government refuse to accept even the reasonable amendments proposed by Members? It is because the view of the Government is shaped by the restrictions in Article 74 of the Basic Law. Apart from restricting Members from proposing motions on, for instance, the political structure, the Government's view is that we should also be restricted from proposing amendments in this respect and so, the Government certainly will not allow the passage of any of our amendments. Having understood this point, we can tell ourselves not to be so worked up in questioning why the Government often has to rely on the rubber-stamps to pass its motions. The Government will not call us "rubber-stamps". They will call us the "Honourable Members". Why are we addressed as "honourable"? Because even though we are rubber-stamps, we would not feel so bad if we are addressed that way.

I personally does not like being addressed as an "Honourable Member", because I am not a rubber-stamp and so, I do not need other people addressing me as "honourable". Besides, while Members are addressed as "honourable", they are often used as rubber-stamps and many years later, even those "obedient" Members will feel very much aggrieved and they will doubt whether they are still "honourable". Then the Government would know what it should do and in fact,

the Hong Kong-British Government also did the same in the past and that is, they would give Members honours and awards, such as the OBE or CBE in the past and the Grand Bauhinia Medal now, in order to make them think that they are truly honourable. Such a system has been passed down and followed, and while new Members may not get used to it, I am most accustomed to it as I have been here for so many years.

Now I wish to turn to legal aid. I can be considered the first one in this Council to bear a relation to legal aid. There was no legal aid during the early days of my practice. At that time, there was the term "pauper", which means the poor. How was "pauper" defined? It was defined as a person whose property was valued at no more than HK\$50, which was later increased to HK\$500. The first time that I represented a "pauper" in Court was arranged by the Court and it was a murder case. The legal cost for the first day was \$400 and \$100 per each subsequent day. Frankly speaking, since it was representation for the poor, what more could one ask for? That was all I got. I had to work very hard at that time, because I was very inexperienced in handling murder cases. Later, the legal aid service was introduced and at first, the department responsible for providing legal aid service was called the Legal Aid Section which was managed by the Court and inaugurated on 12 January 1967. A few years later on 1 July 1970 the Legal Aid Department was established under the Government.

I have participated in the Legal Aid Working Group as a representative of the Hong Kong Bar Association (the Bar Association) for many years and so, I know its operation very well. Moreover, I have made some contribution by introducing the Supplementary Legal Aid Scheme. With the strong support of the then Director of Legal Aid, Desmond MAYNE, a loan of \$1 million was taken out from the lottery fund managed by the Hong Kong Jockey Club for the Supplementary Legal Aid Scheme, which has been operating quite well.

But after all these years, there is still one thing that I have failed to achieve and that is, making legal aid service independent. In fact, I proposed that the legal aid service should become independent since 1970 when I joined the Legal Aid Working Group as a representative of the Bar Association. The Government said initially that it was too early to talk about it, suggesting that the proposal be re-examined several years later. But the Government always said the same thing, saying that it was too early and that we should let it operate first before conducting a review and making changes. But this situation has

remained unchanged for decades and an independent legal aid service still has not been achieved.

Over the years I have never heard a really good reason explaining why the legal aid service cannot become independent of the Government. No cogent reason has ever been put forward. Certainly, the Secretary would give a myriad of reasons but we all know that they are not good reasons. How much does it cost? If the Government is genuinely sincere about it, there is no reason why this cannot be achieved and after all, it has been given several decades of time to do it.

So, I am very disappointed with the proposed arrangement, because not only does it represent no progress at all, it is even going backward in proposing the incorporation of the legal aid service into the purview of a Policy Bureau, which is a regression. So, this can hardly be convincing no matter what the Government has said. I have followed up this issue for decades. Why should there be a regression only now? Even if it cannot become independent, there is no reason to go backward. This really baffles me.

I fully agree with the views in the papers provided to us by the Bar Association. The Bar Association is opposed to the Government's proposal. We are only trying to do our best in putting up opposition now, because the motion will certainly be endorsed. No matter how hard we try to oppose it, it is going to be endorsed, for it can be endorsed with the assistance of those "Honourable Members". But what will happen after its passage? I hope that the Chief Executive will not just think about "three Secretaries of Departments". I hope that the Chief Executive will "think twice". I hope that he will think about this clearly and I hope that he will get his job done. I hope that he can successfully make legal aid service independent in his current and last term of office.

Thank you.

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

MR ALBERT CHAN (in Cantonese): Deputy President, I would like to declare that I completely oppose the Government's proposal, the so-called change or

reform, in which the three Secretaries of Departments and 11 Directors of Bureaux are reorganized into three Secretaries of Departments and 12 Directors of Bureaux.

First of all, I must clarify one issue. Two days ago, many mass media said that I had deliberately avoided casting my vote on Tuesday on the motion on allocation of funds. They said that I had deliberately "disappeared". The recent unprofessional conduct of the mass media in making series of unfounded accusations and wild guesses must be condemned. My absence from Hong Kong a few days ago was in fact planned several months ago. Therefore, there was absolutely no information indicating that, during that period of time, I had deliberately avoided casting my vote on any sensitive government issues.

Regarding the three Secretaries of Departments and 12 Directors of Bureaux, when the Government put forward this proposal, I already challenged and opposed it repeatedly in meetings of the relevant committee and occasions. The reasons and challenges raised by me were based on several justifications. First, any changes or reforms in political system or politics must be based on rational discussions and objective analysis. We had asked the Government whether it had conducted a comprehensive review of the three Secretaries of Departments and 11 Directors of Bureaux, and then compiled a detailed report on the review. With regard to the problems that may arise in the division of work of the various bureaux, can the Government explicitly list the justifications and data, and why does it think that the change to three Secretaries of Departments and 12 Directors of Bureaux can rectify the problems that have existed in the three Secretaries of Departments and 11 Directors of Bureaux? Obviously there are no answers to such questions.

In the past, some Members had commented that some bureaux were too heavily loaded with work, whereas some other bureaux did not have much work to do, and were simply wasting taxpayers' money. We had pointed out in a meeting of the relevant committee that in order to hold a proper discussion on this subject, the presence of the bureau of "Mr LAM the Eunuch" would not be sufficient. It is because he is not qualified to answer this issue on behalf of all the three Secretaries of Departments and 12 Directors of Bureaux or all the three Secretaries of Departments and 11 Directors of Bureaux. The Government should at least ask one of the three Secretaries of Departments to attend the meetings of the committee and this Council in order to explain and clarify such a

change. If a clarification is genuinely called for, it should be Chief Executive Donald TSANG who should come, explain and clarify the issue because it involves the entire system and he is the one who leads the three Secretaries of Departments and 12 Directors of Bureaux, not "Mr LAM the Eunuch". The bureau of "Mr LAM the Eunuch" is one that has the least amount of work among the three Secretaries of Departments and 12 Directors of Bureaux. Mr CHEUNG Man-kwong had my greatest support when he said that we should have deleted the expenditure of his bureau when we discussed the Budget. "Long Hair" often advises me that, when I am discussing issues, I should not get so excited as to push up my own blood pressure. Many Members also suggest that I should not become too angry when I discuss issues related to "Mr LAM the Eunuch". However, sometimes I really cannot control myself because his bureau really makes us feel that it is unaccountable to the public. It is really a "useless rubbish bureau".

Deputy President, regarding the framework of three Secretaries of Departments and 12 Directors of Bureaux, since it entails the creation of one additional organization, it will also involve many reshuffles and personnel changes and it would also touch on the issue of how public funds can be used effectively, right? For example, when the Constitutional Affairs Bureau is said to have no work to do, then it is assigned the liaison work with the Mainland. This is nonsense. Why is this related to constitutional affairs? Such work may be related to economic or import/export businesses, but it is totally unrelated to constitutional affairs. How come they can come up with such a ridiculous idea? If the Constitutional Affairs Bureau does not have anything to do, perhaps we can let their officials handle some work on human rights, or some external work regarding constitutional affairs or such reception work as public relations functions. Lots of Hong Kong people have encountered difficulties in the Mainland, of which many involve immigration and legal problems. Such problems are absolutely beyond the handling capability of the Constitutional Affairs Bureau. The entire reorganization exercise impresses us as very confusing and messy — even more messy than the way a romantic intellect TANG Bofu (唐伯虎) chose his concubines. Mr WONG Yung-kan told me just now that TANG Bofu had nine wives. But in the reorganized three Secretaries of Departments and 12 Directors of Bureaux, there are six more top officials involved than the total number of wives TANG Bofu had. However, what is the logic? What are the reasons? What has happened to the accountability for public expenditure? Why do some Directors of Bureaux have to take up more work, whereas some others have nothing to do, thus making it necessary to give

them some remotely relevant duties to make them appear to have some proper work?

Therefore, Deputy President, regarding the operation of the entire Government, it does make us feel miserable. When TUNG Chee-hwa stepped down, and with regard to the nonsensical accountability system invented by TUNG, I did once hold great expectations that Donald TSANG, upon assumption of office as the Chief Executive, can do something about it and introduce some changes — to bring about some material changes to this nonsensical accountability system, so as to make the Secretaries of Departments and Directors of Bureaux function more effectively in both the administrative and accountability aspects. However, none of this has ever taken place. There were only two years or so left in Donald TSANG's first term of office as the Chief Executive, so he might not have the chance to give full play to his abilities. So, in his second term, I had hoped that he could achieve something. However, now, his performance is still messy. This is thoroughly disappointing.

Regarding the accountability system, several Members have mentioned that, just in the same way as I had mentioned repeatedly in the past, that it would be absolutely impossible to realize the spirit of the accountability system and principles by appointing one single person to exercise leadership over a bureau as a Director of Bureau. It is because, with a Director of Bureau alone, can he single-handedly punish and defeat all the culprits like Clint EASTWOOD had done in those cowboy movies? First, just as a Taiwanese writer Bo Yang (柏揚) has mentioned the "vat theory" which epitomizes the ugly sides of the Chinese people, the civil service framework is really a "torturing body", is this not correct? A Director of Bureau has to perform a multitude of duties and the relevant senior officials, in particular the Permanent Secretary and the relevant assistants, must be dedicated in providing him with assistance. However, this is not what usually happens in reality. Some Directors of Bureaux start having quarrels with their respective Permanent Secretaries soon after taking up the office, and these Permanent Secretaries may say "yes" before them but could act differently behind their backs. If the accountability system is really to be implemented, it has to be done through carrying out reforms to the entire framework of the three Secretaries of Departments and 11 or 12 Directors of Bureaux, so as to enable the Directors of Bureaux to have the actual power of choosing and appointing staff or to bring a team of their own staff to join the Bureaux, and they have to be responsible for the competency of their own teams

of staff. However, in many cases, many Directors of Bureaux have wasted a lot of time on identifying ways of co-operating with their own subordinates, and in some cases, the Permanent Secretaries are even more authoritative than the Directors of Bureaux and can really act contrary to the orders of Directors of Bureaux though they are co-operative on the surface. When a Director of Bureau asks him to walk to the East, he would take a few steps in the direction of the East and then turns to the West all the way through. There are a lot of such examples.

Therefore, as a responsible government, as a so-called..... The term "strong governance" is very seldom used recently. If the Government really intends to enable a Director of Bureau to exercise leadership over the relevant bureau and department, it is really necessary for it to implement comprehensive reforms to the existing messy Accountability System for Principal Officials (accountability system). For example, if the accountability system is really abolished, and the collective responsibility, which was implemented in the era of the British Hong Kong Government for years, is adopted instead, it will enable the Directors of Bureaux to have the rights to appoint all senior officials, and then implement the relevant policies and work. If the policies do not work, the Directors of Bureaux, together with those senior staff, shall have to step down.

As a matter of fact, many countries have already adopted such an approach in their respective political systems. Civil servants usually maintain political neutrality. However, it is absolutely impossible for post holders such as the Permanent Secretaries to maintain their political neutrality because the work of a Permanent Secretary involves the implementation and promotion of policies. As such, they must have very good team spirit, common beliefs, conviction and direction, so that they can promote the bureau's policies and reforms together. Only in this way can they achieve fruitful results.

Therefore, Deputy President, this time when the Government implements the so-called reform by force — really by force, as Mr Martin LEE has said earlier on, the motion would definitely be passed, right? We also hope that Members supporting the motion can tell us the reasons, tell us why there should be 12 Bureaux, instead of 13, 14 or 15? The Hong Kong Tourism Board can even become independent, am I correct, Mr TIEN? In fact, how much better our life would be if Mr TIEN can become a Director of Bureau. If Mr TIEN can take charge of a bureau, he may put up a performance even better than those of certain Directors of Bureaux. Therefore, even if they support the

Government, they should exert pressure on it to make it give us explanations and clarifications, thereby making the entire framework look more reasonable, and through effecting structural changes, improving the messy situation of the so-called accountability system, which has been so evident to everyone for years.

In fact, I have made such remarks only to help the Secretary because sometimes when I see the predicaments faced by those Directors of Bureaux who came from outside the Civil Service, I cannot help sighing. In particular, when I see how certain Permanent Secretaries have behaved, I also find them equally intolerable.

Deputy President, although I have spoken so much, I believe it would not affect those Members who have indicated support for the reorganization. I just hope that when they privately hold discussions with the Government, they can still exert pressure on it to make it act more sensibly. Besides, if the Government really intends to carry out such reforms, may I ask it to handle the public relations and the documents in a more professional manner. This entire change process has been completely messy and embarrassing. Thank you, Deputy President.

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

MR HOWARD YOUNG (in Cantonese): Deputy President, 1 July this year will mark not only the 10th anniversary of Hong Kong's reunification with the Mainland but also the commencement of work of the third Government of the Hong Kong Special Administrative Region (SAR). By then, the new governing team, including the Chief Executive, such principal officials as the three Secretaries of Departments and the various Directors of Bureaux will be sworn-in on that day. Today, the Government's moving of the resolution under the Interpretation and General Clauses Ordinance (Cap. 1) is an attempt by Mr Donald TSANG to live up to an undertaking in his election platform after he has been successfully re-elected as the Chief Executive. It will reorganize the original three Secretaries of Departments and 11 Directors of Bureaux, so as to have better division of work; to cope with the operation of the new government; and to enhance the efficiency of the Government in formulating, managing and implementing policies. Therefore, on the whole, the Liberal Party supports it strongly.

When he was conducting his re-election campaign, Mr Donald TSANG had already put forward a series of policy reforms in his election platform, which include his "Progressive View of Development" in developing such economic aspects as finance, logistics and infrastructure; the creation of employment opportunities and combating poverty; reduction of pollution so as to upgrade people's quality of life; to develop aspects related to people's livelihood such as education, medicine, and so on; and to promote the forward development of a democratic political system. Since there are so many tasks before the Government, it is necessary for it to have a suitable framework that is and can facilitate it in implementing policies according to its own blueprint of administration.

This reorganization proposal put forward by the Government will divide the policy-making framework into three Secretaries of Departments and 12 Directors of Bureaux, which in general seek to facilitate the implementation of the administration blueprint of Chief Executive Donald TSANG. For example, the creation of an additional bureau, the Development Bureau, is for speeding up the process of making infrastructural investment, and is specifically tasked with the responsibility of bringing forward large-scale infrastructure projects such as the East Kowloon development project, the West Kowloon Cultural District project, the Lantau Development plan, the New Development Areas plan along the railway lines, the Hong Kong-Zhuhai-Macao Bridge Project and the Border Area Development plan, and so on. Let me cite another example. One of the major sources of air pollution are the power plants. The Government is now putting both environmental protection and energy policies under the Environment Bureau, — perhaps this is another kind of bundling — so we believe this will substantially enhance the efficiency of reducing environmental pollution and improving the quality of the living environment of the people.

However, regarding the viewpoint of Mr SIN Chung-kai, we also think that the Government has not considered the issue thoroughly in the planning and setting up of the Commerce and Economic Development Bureau. It is because industry has always been a significant part of the economy of Hong Kong, and even in the Legislative Council and the Election Committee, we have the industry constituency. At present, the relevant Policy Bureau is called the Commerce, Industry and Technology Bureau, why "Commerce, Industry" (sic) and "Technology" are deleted after the reorganization? From the perspective of the recipients, it would really make them feel that the Government is belittling the significance of these two aspects. However, when we follow up the opinions conveyed by people in the sectors, Mr Andrew LEUNG has also said

that the authorities have clarified and guaranteed that they have no intention of belittling any particular sector. The renaming of the bureau is necessary in order to facilitate the reorganization exercise, and the functions of the original Commerce, Industry and Technology Bureau together with the functions of economic development under the present Economic Development and Labour Bureau will all be assigned to the new Commerce and Economic Development Bureau. They do this in order to avoid making the name of the new bureau excessively long, but in fact, departments responsible for industry and technology are still within the portfolios of the new Policy Bureau. Mr Andrew LEUNG had already made this perfectly clear when he delivered his speech earlier on. However, we also note that certain Members from the opposition camp targeted at Mr Andrew LEUNG's speech, criticizing that, in doing so, we trust the officials, instead of the system. I believe it is not true that we do not have any system. Under each bureau, we still have different departments and Permanent Secretaries — this is the system. We have just mentioned that, no change has taken place as compared with the past, and the only thing that has been changed is the name of the bureau. On the question of whether the words of the officials are good enough, the Liberal Party is a pragmatic and rational political party. On the one hand, we would consider the system, and on the other, we would also seek to discuss with the Government in a bid to find out how we can achieve the best results. We would not act like what some Members from the opposition camp have done, that is, they always adopt a distrustful approach in dealing with the Government. When they hold discussions with the Government, they would disbelieve everything from the very beginning. We will not do that, and we are pragmatic. This is a simple response to the point raised just now.

Regarding such a perspective, the position of the Government is not completely beyond comprehension, and we also hope that the relevant Policy Bureau can live up to their own words and will use actions to prove that they will attach the same significance to the development of industry and technology as in the past. In particular, the resources originally committed to the development of industry and technology will not be reduced. On the contrary, the Government should even provide more appropriate support in response to the latest economic circumstances. In view of the above considerations, we will not oppose Mr SIN Chung-kai's amendment.

With regard to Ms Audrey EU's amendment which proposes to rename the "Development Bureau" as the "Sustainable Development Bureau", the Liberal

Party is of the view that sustainable development stands for a set of concepts which deserves our earnest support, and it involves many different scopes, and we may say that, in formulating nearly all policies, we must consider the element of sustainability, and such policies are not only confined to those formulated by the Development Bureau or the Environment Bureau. Therefore, in the Government, it is the Chief Secretary for Administration who is responsible for co-ordinating the work related to the concept of sustainable development, and an inter-departmental sustainable development committee is set up for undertaking work in this regard. Similarly, free economy is the mainstay of the economic policies of the Government. But it is impossible for us to name the bureaux as the Free Economy Bureau, the Free Development Bureau or the Free Whatever Bureau because this concept applies not only to one single bureau, nor can any single bureau solve all the problems. Besides, in the election platform of Chief Executive Donald TSANG, he already indicated that, while proceeding with development in society, we must also take care of the environment and humanistic gains, and this includes striking a proper balance among environmental conservation, sustainable development and the preservation of the living culture. Therefore, we find Ms Audrey EU's amendment inappropriate and we shall oppose it.

Since less than three weeks are left before 1 July, it is widely speculated that the full list of the SAR Government's governing team will be disclosed next week. If we make further changes to the names of some of the Policy Bureaux now, I believe it will inevitably hamper the operation of the new government, and the impact could be rather substantial. This is a situation we do not wish to see. In order to enable the new government to implement its reorganization as originally scheduled, and to facilitate the smooth running of the new government, we support the passage of the original motion.

Deputy President, I so submit.

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

MR JAMES TIEN (in Cantonese): Deputy President, on behalf of the Liberal Party, Mr Howard YOUNG has just given an account of our views on the entire motion.

All along, we have advocated the philosophy of "small government, big market" for governing Hong Kong. In Hong Kong, we have some 160 000 civil servants and over 1 000 directorate officials or civil servants responsible for implementing these policies. But insofar as policy-making is concerned, how was it done in the past? In the era of the Hong Kong British Administration, naturally it was done by the Governor in co-ordination with the civil servants — the policies were mostly decided by the civil servants.

After the reunification, the first government largely followed the previous pattern. In 2002, Mr TUNG Chee-hwa, the Chief Executive then, implemented the Accountability System for Principal Officials, in the hope that this would enable civil servants to be more independent and more politically neutral, so that they did not have to do all the so-called political work. With regard to the Accountability System for Principal Officials (as Directors of Bureaux), the Liberal Party was very supportive. We also understood that at the time of introducing this system which established the 11 bureaux, huge amounts of funds were used. We also stated our views at that time. Now, we have also considered the issue very carefully before rendering our support to the creation of one additional bureau.

Some Members may naturally say that it would be even better if several bureaux more can be created. But in my opinion, for a special administrative region like Hong Kong, a city that does not have to care about national defence and foreign affairs, a proper balance should have been achieved with the appointment of 12 Directors of Bureaux to manage all kinds of affairs. By and large, in most cases, each Director of Bureau is just taking care of two major policy portfolios. In some other countries, though they have more businesses to manage, they can still cope with their affairs very well with less than 12 Directors of Bureaux.

Of course, when this reform system was first introduced, we envisaged that the Accountability System for Principal Officials would be implemented through the appointment of civil servants. For the first batch of such appointments, we may ask: Where can the Chief Executive identify so many candidates for appointment as Directors of Bureaux? In the first batch of such appointments, nearly more than half of the Directors of Bureaux were appointed from the Civil Service, and nearly half of them were appointed out of the Civil Service. We felt that it was a good starting point.

Certainly, the Government will officially appoint certain officials to certain offices only after today's motion has been passed. However, regarding the press reports published during the past few days, I think there is one point that does arouse our concern, that is, we can see that many of the candidates are civil servants themselves. Some of the candidates, who are serving as permanent secretaries and holders of D8 posts, will become Directors of Bureaux. Regarding the issue of having so many permanent secretaries become Directors of Bureau, some Members feel that during the past few years, not each and every Director of Bureau appointed under the accountability system can establish a good working relationship with the relevant permanent secretary. So, the present approach will of course bring about better relationship between the two sides. I certainly agree with this point.

But, on the other hand, the whole objectives of formulating the accountability system for principal officials are different from those in the past. The Government should know that, in the long run, all such speculated information circulating outside this Chamber is not true, then it would be a totally different story. If the trend is allowed to continue, then by 2012, all the offices of the Directors of Bureaux could be assumed by civil servants. Should this happen, how can we ensure the neutrality of the Civil Service? I think the Government should pay attention to this point.

Besides, we also note that, with the exception of Secretary Stephen LAM who has a very high attendance record in our panel, many other Directors of Bureaux will only attend meetings of other panels on individual items. Therefore, regarding certain Members' criticism in this regard, we in the Liberal Party also agree with it. Most panels would meet only once a month. So Directors of Bureaux should attend panel meetings in respect of certain major item, so as to listen to Members' viewpoints.

Therefore, on the whole, the Liberal Party supports the Government's approach in handling this issue under the concept of strong governance, but we would still like to draw its attention to the several points of opinion I have just mentioned.

Thank you, Deputy President.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): Secretary for Constitutional Affairs, you may now speak on the two amendments.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Deputy President, first of all, before responding to the views voiced by various Members just now, I wish to thank various Members, irrespective of their political affiliations, for the valuable views they expressed to us. Be it in the relevant panel, the subcommittee established by the House Committee, the Establishment Subcommittee, the Finance Committee or this meeting of the Legislative Council today, Members all expressed their valuable, insightful and structured views to us on this issue. Although our views may not be entirely the same, I believe they will definitely be helpful to the governance by the third term of the SAR Government in the coming five years. I also wish to thank the colleagues of the Legislative Council Secretariat for having done so much for us for over a month.

First, I will respond to the amendment proposed by Mr SIN Chung-kai on the post title of the Secretary for Commerce and Economic Development. Mr SIN proposed that "Industry" and "Technology" be added back to the post title of this Secretary. I wish to stress that although there is no mention of these two areas in the proposed post title, it does not mean that we do not attach any importance to the policies in these two areas. In fact, in the proposed policy area for the proposed Commerce and Economic Development Bureau proposed by us, "economic development" can cover many areas of work such as industry, tourism, communications, information technology, fair competition, intellectual property rights and consumer protection. Deputy President, when deciding the name of this new Policy Bureau, we have in fact incorporated the relevant policy areas of the two existing bureaux, namely, the Commerce, Industry and Commerce Bureau and the Economic Development and Labour Bureau. Regarding the situation in overseas countries, we can see that the post titles of some ministers are all very simple and concise, for example, the policy area under the charge of the Secretary for Commerce of the United States is also very broad and it includes industry, telecommunications and information technology. Another example is the Ministry of Economic Development of New Zealand, which is also responsible for a very broad policy area that covers business, small and medium enterprises (SMEs), information technology and industry. Therefore, we believe that the term "Commerce and Economic Development Bureau" can already cover the two areas of industry and information technology.

In the past few weeks, a number of Members, particularly Members representing the industrial sector, reiterated to us that in future, the SAR Government should still attach importance to industry. Dr LUI Ming-wah has said so and Mr Andrew LEUNG also raised this specifically today. I can reiterate to Members with certainty that the SAR Government attaches importance to the contribution made by the industries to Hong Kong's overall development and various aspects of the Hong Kong economy. Apart from what Mr Andrew LEUNG said, even though at present, 90% of the local Gross Domestic Product is generated by the service industry, a high proportion of it is related to industrial development, for example, product design. From an even broader perspective, the GNP of Hong Kong, that is, our Gross National Product, is to a large extent founded on the industrial investments made by Hong Kong enterprises and businessmen in regions outside Hong Kong, be it the Pearl River Delta, Southeast Asia or other countries. The profits made by these people in overseas countries can also be ploughed back into Hong Kong society.

Mr Jeffrey LAM and other Members all stressed repeatedly that our existing policies on supporting industry and technology should not be rolled back. I stress that they will not be. The general efforts made by us are substantive and we very much hope that the industry in Hong Kong can shift from original equipment manufacturing (OEM) to original design manufacturing (ODM) and then go on to promote original brand manufacturing (OBM). On the efforts in these several areas, I wish to cite some more examples and I have examples in 10 areas, for the record, so to speak.

The first area is that the efforts made by the Support and Consultation Centre for SMEs (SUCCESS in English) under the Trade and Industry Department will be continued.

Second, funding schemes for SMEs, which also cover SMEs in the manufacturing industry, as well as support in such areas as the provision of loans and the development of the export market, will also continue. As of April this year, we have approved over \$10 billion in credit guarantee and cash assistance, benefiting 48 400 SMEs, most of them (78%) being SMEs in the manufacturing industry.

Third, the SAR Government is actively following up the studies conducted on the 11th Five-Year Plan and the development of Hong Kong. We will

promote Hong Kong brand names and highly encourage Hong Kong enterprises and enterprises making investments on the Mainland to follow up this area.

Fourth, the SAR Government is aware that the economic development in Hong Kong and that on the Mainland have to be complementary to one another. In view of this, our Economic and Trade Offices on the Mainland, for example, the colleagues of the Economic and Trade Office in Guangdong, often organize forums and seminars to enable Hong Kong enterprises and factory owners to gain first-hand understanding of the policies on the economy, trade and investment of the Central Government and the provincial and municipal governments on the Mainland.

Fifth, the Hong Kong Productivity Council will provide consultancy and technical support services to Hong Kong-owned factories in Guangdong Province in order to upgrade their technology and enhance their awareness of environmental protection.

Sixth, through the efforts of the Hong Kong Science and Technology Parks, we can grant land to companies and enterprises bringing new technologies into Hong Kong at near-cost premiums for the purpose of building factories and production. We will also continue to attract enterprises and professionals capable of advancing information technology in Hong Kong through the Cyberport project, so as to add impetus to economic development.

Seventh, our \$5 billion Innovation and Technology Fund will continue to operate.

Eighth, we are also implementing the DesignSmart Initiative to continue to promote Hong Kong's development in high value-added activities.

Ninth, in April 2006, we established five research and development centres for automobile parts, information and telecommunications technology, logistics and supply chain, nanotechnology and textile and garment. As of March this year, these research and development centres have approved over 30 projects and the amount of financial assistance offered is close to \$200 million.

Tenth, to assist emerging technological companies. In order to assist these new technological companies, we have established the Small Entrepreneur Research Assistance Programme (SERAP) and so far, 250 companies have

benefited from it and the total amount of financial assistance has reached \$200 million.

Therefore, Deputy President, by citing the work in these 10 areas as examples, I wish to reiterate and make it clear to Members that the work done by such departments as the Trade and Industry Department, the Innovation and Technology Commission and the Office of the Government Chief Information Officer will continue and there is no doubt about the importance attached by the SAR Government to industry and technology. The development in this area will continue.

(THE PRESIDENT resumed the Chair)

Next, Madam President, I will respond to the amendment proposed by Ms Audrey EU to change the name of the Development Bureau to "Sustainable Development Bureau". I must first of all point out that we consider sustainable development important. After the reorganization of the Government Secretariat, our Environment Bureau will be responsible for the three policy areas of sustainable development, environmental protection and energy, therefore, it is inappropriate to create confusions over names of the proposed Environment Bureau and the Development Bureau. Although the word "Sustainable" is not found in the name of the Development Bureau, it does not mean that considerations of sustainable development will be disregarded in the future policies on development, public works and land planning. In fact, quite the contrary, the meaning of sustainable development is to find the common ground among various social, economic and environmental values, so that when we consider how to balance different needs, this consideration will be incorporated into each policy area of the Government. An assessment on sustainability of the proposed policy change must be carried out before a paper is submitted to the policy committees and the Executive Council.

A number of Members raised some issues relating to establishment and personnel. A member considered that to elevate the rank of the Director for Environmental Protection from D6 to D8 will make it difficult for colleagues of professional grades to serve as Permanent Secretaries and Directors in future while others considered it undesirable for Permanent Secretaries to act as Directors and may cast doubts on the future management of the relevant

departments. The Secretary for the Civil Service has in fact reiterated a number of times in various committees that this issue would be sorted out in the latter half of 2007 and it would also be discussed with the managements of various departments. In this process, staff representatives would also be consulted.

Therefore, no matter if it is a generalist Administrative Officer or a professional colleague of the Environment Protection Department who will be in charge of the Director's work in this area, we can reiterate to Members very affirmatively that no matter who will assume the post of the Director of Environmental Protection, he will always perform responsibilities incumbent on him faithfully under the Environmental Impact Assessment Ordinance and other pieces of relevant legislation.

Next, I wish to respond to the views voiced by Members concerning the Labour and Welfare Bureau. Although Dr Fernando CHEUNG is not present now, he pointed out in the relevant panel and today's meeting that welfare was about handing out free lunches. We understand this. Over the years, our colleagues in the Social Welfare Department have exerted their best to put in place policies and services designed to provide whole-person care and development. However, in grouping the policy concepts in the areas of employment, labour and welfare under the charge of one bureau, it is hoped that the poor can be helped and encouraged to become self-reliant through the creation of job opportunities, so that a better job can be done in these several areas.

In this regard, I have to reiterate two matters to Members: first, the general opinion is that the ambit of the existing Health, Welfare and Food Bureau is too broad. In view of the economic domain under the charge of the Labour Department and Social Welfare Department, we hope that in future, when promoting the concept of "from welfare to employment", the work done by these two departments can be more comprehensive and appropriate after they come under the charge of the same Policy Bureau.

The second point that I have to stress is that although the promotion of self-reliance through employment is most suitable for able-bodied unemployed persons, this concept can in fact also be applied to other disadvantaged groups. Quite a lot of information proves that if the employment opportunities for people with disabilities, elderly people and other marginal socially disadvantaged groups can be increased, this will help raise their self-esteem and promote their

integration into society. Therefore, I believe that in future, these several departments will strive to take forward the work in this area.

Miss CHAN Yuen-han and other Members representing the labour sector stressed repeatedly that it would be more desirable if a post of Permanent Secretary at D8 could be created to specifically handle labour-related work. In fact, we have explained to various committees that the reorganization of Policy Bureaux this time around would entail as little additional resources as possible, therefore, the whole reorganization package will only involve the creation of an additional post of Secretary and a directorate-grade Administrative Assistant at D2. Nevertheless, this time, we have in fact committed more high-level resources to labour-related matters. We have carried out an analysis and found that whereas the existing Secretary for Economic Development and Labour now spends about one third of his time and energy to deal with labour-related matters, we anticipate that the future Secretary for Labour and Welfare will be able to spend about half of his time on matters in this area. Apart from this, there is also half a Permanent Secretary and in future, a Commissioner for Labour at D6 will be specifically in charge of labour-related matters and handling cases of public concern and follow up their future development.

Concerning the issues relating to several interrelated bureaux, since some Members have also voiced views on them, I also wish to give a response to them.

A number of Members are concerned that our Development Bureau will be responsible for land administration and planning as well as public works, and it also has to cater to heritage conservation. In that case, will conservation or development be more important? In fact, they are not diametrically opposed. In future, this Secretary and the colleagues in his bureau will have to cater to development and conservation, as well as the connection to heritage. Therefore, we hope that they can deal with the work relating to these areas more comprehensively.

Miss TAM Heung-man, Ms Miriam LAU and other Members have asked at various stages why it is necessary to put transport and housing together. Madam President, in fact, at the planning stage, we have also considered whether it was possible to keep housing policy in the Development Bureau. These two policy concepts are relevant and related to each other. However, if we do so, the Development Bureau will become too big and the policy responsibilities would be too onerous. In the end, we decided to put the two

policy areas of transport and housing under the same Policy Bureau because public transport and housing development are related. If Members have taken part in the work of District Councils, they will know that at the district level, matters relating to transport, traffic and public housing are often raised and discussed together.

Madam President, before I sum up, there are also several other issues that I also wish to respond to.

Although today's resolution does not make any direct reference to the political appointment system or the political system in Hong Kong, since quite a number of Members have voiced their views in these areas, Madam President, with your permission, I will also respond to them briefly.

Firstly, the accountability of our principle officials in the political appointment system is that on the one hand, we have to be accountable to the Chief Executive in our work; and on the other, we have to face Hong Kong society, the Hong Kong public, the Legislative Council and the mass media in order to carry out our policy-related work. Mr Martin LEE mentioned in particular the Basic Law. In fact, according to Article 43 of the Basic Law, the Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government and the Hong Kong Special Administrative Region in accordance with the provisions of this Law. Therefore, we, as the principle officials who assist him in the work of the SAR Government, also have to face Hong Kong society. People cannot help but ask: We have not yet attained the ultimate goal of universal suffrage, so does such accountability really exist? Each week, we have to explain to various Members here our policy position and give an account of the work of the SAR Government to the public and the mass media. Such accountability has in fact been fully manifested.

Second, we will review the implementation of the political accountability system from time to time. Last year, we issued a consultation paper in which the establishment of two more levels of political appointment, one being Deputy Director of Bureau and the other being Assistant to Director of Bureau, was proposed. In Chapter 1 of the report, we also reviewed the results of implementing the political appointment system in the past few years.

Today, two Members from the opposition — Ms Emily LAU and Mr Albert CHAN — said emphatically that we should expand the tiers and number

of people in the political team. Perhaps as Ms Emily LAU stressed, in the long term, we should establish a political coalition. We subscribe to the general thinking and direction. If Members have paid attention, in his speech on the implementation of the Basic Law in the past decade delivered last week, the Chief Executive said that we had to establish a political mainstream which should comprise the executive authority and various political parties and groupings in the Legislative Council. I believe that in future, we can continue to strive to do a good job in this area and to pave the way for the election of the Chief Executive by universal suffrage because we will ultimately attain the ultimate goal of universal suffrage one day. When we attain the ultimate goal of universal suffrage, we must make enough room to enable the Chief Executive elected through universal suffrage to nominate and appoint one or two more tiers of politically appointed officials.

Finally, I wish to respond briefly to the issue of legal aid.

In the past few weeks, Members have voiced a lot views on matters relating to legal aid. I wish to make an analogy. In fact, we believe that for some time in the past, the Civic Party has taken the lead in scripting, directing and performing a film that I would call "The New Feel 100%" because their main theme is to judge, based on their impression, that our work in legal aid after reorganization would definitely be compromised. Furthermore, they invited other Members of the opposition to cameo for free. Unfortunately, this film is a voice in the wilderness, founded solely on subjective feelings and removed from reality.

The truth is that after reorganization, the work on legal aid will not be rolled back in any way. Firstly, the resources for legal aid will continue to be available. This year, we have earmarked more than \$500 million in resources and they will not be reduced.

Secondly, the Director of Legal Aid will continue to consider each application for legal aid in accordance with section 10 of the Legal Aid Ordinance. This includes considering whether the application complies with the scope prescribed by the legislation, satisfies the relevant means and merits. The criteria adopted will not change in any way either.

Thirdly, when considering any application for legal aid, at present, the Director of Legal Aid does not have to consult the Administration Wing under

the Chief Secretary for Administration and similarly, he will not have to consult the Home Affairs Bureau in future.

Fourthly, after the Director of Legal Aid has refused any application for legal aid, the applicant can lodge an appeal to the Registrar of the High Court and this appeal mechanism will continue to exist.

Therefore, the legal aid system will not be rolled back in any way, and it will not change in any way.

MR MARTIN LEE (in Cantonese): Can the Secretary elucidate whether, in the drama he said was scripted, directed and performed entirely by the party concerned, is the Bar Association included?

PRESIDENT (in Cantonese): Secretary, you can choose either to answer the question or continue to speak.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I am only making an analogy. I will continue.

Several Members have stated their positions on the Legal Aid Services Council and hoped that the independence of legal aid services can be reviewed. The SAR Government is aware of this proposal and we will give a response later.

Mr Ronny TONG again commented on the importance of the rule of law and I agree with what he said — although he is not present now — and the confidence of the public in the rule of law in Hong Kong is very important. However, I can cite two objective facts to prove that the Hong Kong public still have confidence in the legal institutions underpinned by the rule of law in Hong Kong. First, each day, thousands of members of the public go to the Courts of the SAR to make applications so that they can see justice done. Second, since the establishment of the Court of Final Appeal in July 1997, the number of appeal cases handled by the Court of Final Appeal in Hong Kong has increased many folds when compared with the appeal cases handled by the Privy Council before the reunification.

Therefore, the facts speak louder than words. I can tell Mr Ronny TONG that if he attaches great importance to the rule of law, I also attach tremendous importance to it. In 1995, we worked hard together in the Sino-British Joint Liaison Group and after several years of work, the Court of Final Appeal was finally established.

A number of Members queried whether, after the election of the Chief Executive of the third term this time around, it was appropriate for the Chief Executive to put forward this proposal on the reorganization of the three Secretaries of Departments and 12 Directors of Bureaux. Members all queried the degree of public support for this election. I only have to point out two things: first, in the Election Committee, 80% of the members support the Chief Executive, Mr TSANG, in becoming the Chief Executive of the third term and other public opinion surveys conducted by other universities also indicate that he commands a similar degree of support among members of the public.

Therefore, I hope that Members.....

PRESIDENT (in Cantonese): Secretary, I have to interrupt you. At this stage, you should speak on the two amendments, however, it seems that you are giving a reply. You still have a chance to give a reply later.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Fine. I will conclude my speech after making one more comment.

Therefore, this is only about putting the electoral platform into practice after the election. Madam President, I am grateful to Members for giving me time to give a response and I hope Members can support our original motion.

PRESIDENT (in Cantonese): I now call upon Mr SIN Chung-kai to move his amendment to the motion.

MR SIN CHUNG-KAI (in Cantonese): President, I move that the Secretary for Constitutional Affairs' motion be amended.

Mr SIN Chung-kai moved the following amendment:

"RESOLVED that the motion to be moved by the Secretary for Constitutional Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 13 June 2007 be amended -

- (a) in paragraph (2) -
 - (i) by deleting "Secretary for Commerce and Economic Development" wherever it appears and substituting "Secretary for Commerce, Industry, Technology and Economy";
 - (ii) in subparagraph (h) (ii), in the English text, by deleting "商務及經濟發展局局長" and substituting "工商科技經濟局局長";
- (b) in paragraph (3), by deleting "Permanent Secretary for Commerce and Economic Development (Communications and Technology)" wherever it appears and substituting "Permanent Secretary for Commerce, Industry, Technology and Economy (Communications and Technology)";
- (c) in paragraph (4) -
 - (i) by deleting "Secretary for Commerce and Economic Development" wherever it appears and substituting "Secretary for Commerce, Industry, Technology and Economy";
 - (ii) in subparagraph (j)(ii), by deleting "**Secretary for Commerce and Economic Development**" and substituting "**Secretary for Commerce, Industry, Technology and Economy**"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr SIN Chung-kai to the Secretary for Constitutional Affairs' 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 SIN Chung-kai rose to claim a division.

PRESIDENT (in Cantonese): Mr SIN Chung-kai has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Mr Bernard CHAN, Dr Philip WONG, Mr WONG Yung-kan, Mr Abraham SHEK, Mr WONG Kwok-hing, Mr Daniel LAM, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted against the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, 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 and Mr LEUNG Kwok-hung voted for the amendment.

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 against the amendment.

Mr James TIEN 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, six were in favour of the amendment, nine against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 13 were in favour of the amendment, eight against it and one 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): Ms Audrey EU, you may move your amendment.

MS AUDREY EU (in Cantonese): President, I move that the Secretary for Constitutional Affairs' motion be amended.

Ms Audrey EU moved the following amendment:

"RESOLVED that the motion to be moved by the Secretary for Constitutional Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 13 June 2007 be amended -

- (a) in paragraph (8) -
 - (i) by deleting "Secretary for Development" wherever it appears and substituting "Secretary for Sustainable Development";
 - (ii) in subparagraph (b)(ii), by deleting "Secretary for Development" and substituting "Secretary for Sustainable Development";
- (b) in paragraph (10), by deleting "Secretary for Development" wherever it appears and substituting "Secretary for Sustainable Development";
- (c) in paragraph (11), by deleting "Secretary for Development" wherever it appears and substituting "Secretary for Sustainable Development"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Audrey EU to the Secretary for Constitutional Affairs' motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ms Audrey EU rose to claim a division.

PRESIDENT (in Cantonese): Ms Audrey EU 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 Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, 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 and Mr LEUNG Kwok-hung voted for the amendment.

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 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, five were in favour of the amendment, 18 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 13 were in favour of the amendment and nine 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 call upon the Secretary for Constitutional Affairs to reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, since I have elaborated on most of the arguments when I gave my reply just now, so I will only talk about several points again briefly.

I really hope that Members can support this resolution. We believe that this reorganization into three Secretaries of Departments and 12 Directors of Bureaux has three merits. First, we can rationalize the distribution of workload among various bureaux. From now on, each Policy Bureau will only be in charge of two policy areas and the situation of being in charge of as many as three policy areas will not recur. Secondly, this move will enable the Chief Executive and the SAR Government of the third term to implement the proposals put forward by the Chief Executive, Mr TSANG, relating to various areas in his election platform such as labour, welfare, development, conservation and the environment. Thirdly, we believe that in future, the two Secretaries of Departments, that is, the Chief Secretary for Administration and the Financial Secretary, will assist the Chief Executive in managing nine Policy Bureaux and three Policy Bureaux respectively. This will be helpful to the entire team of principal Secretaries and Bureau Directors in co-ordinating their work.

Madam President, in today's debate, many Members have expressed approval but quite a number of Members have also voiced opposition. Among the myriad arguments, I only wish to comment on one of them, that is, Mr Alan LEONG's mention of the word "hegemony" in particular. Of course, it is up to

Mr LEONG to decide the choice of words in his speeches, however, my observation is that since Mr LEONG has run in the election for the Chief Executive of the third term and the fundamental rule of the game is to respect the contestant and the election result and enable his contestant in the election to have room to implement his platform, Madam President, I hope Members.....

(Ms Margaret NG raised her hand as an indication)

PRESIDENT (in Cantonese): Is this a point of order? Or do you wish to elucidate?

MS MARGARET NG (in Cantonese): I hope the Secretary can elucidate one point. It is about "hegemony" after the election. This is probably not what Mr Alan LEONG said. I hope the Secretary can elucidate whether he means that in the next few years, it is fit and proper for the new Chief Executive to be hegemonic in his administration?

PRESIDENT (in Cantonese): Secretary, you can choose whether to answer this question or not.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): All right, let me reply to it, President. As I have said, it is up to Mr Alan LEONG to decide his choice of words. Of course, I do not agree with his criticisms of the Chief Executive because the reorganization on this occasion was already proposed in the election period. Members may all remember that in the election period, it was already promised that consideration would be given to the establishment of a Development Bureau and the reorganization of the structure of the Policy Bureaux in the Government Secretariat. Therefore, the point that I wish to make is very simple. If one can run in the election, one has to respect the election result and allow one's election contestant to implement his election platform. That is all.

I hope that the President and Members can support this resolution.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Constitutional Affairs 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.

Mr James TIEN, Dr Raymond HO, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr Bernard CHAN, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr LI Kwok-ying, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted for the motion.

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Dr

YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Ms Audrey EU, Mr LEE Wing-tat, Dr Joseph LEE, Mr Alan LEONG, Mr LEUNG Kwok-hung, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the motion.

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

THE PRESIDENT announced that there were 48 Members present, 29 were in favour of the motion and 18 against it. Since the question was agreed by a majority of the Members present, she therefore declared that the motion was carried.

PRESIDENT (in Cantonese): Four proposed resolutions under the Bankruptcy Ordinance. First motion: Approving the Bankruptcy (Amendment) Rules 2007.

PRESIDENT (in Cantonese): I now call upon the Secretary for Financial Services and the Treasury to speak and move his motion.

PROPOSED RESOLUTION UNDER THE BANKRUPTCY ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY:

Madam President, I move the first resolution standing in my name on the Agenda. The resolution seeks the Legislative Council (the Council)'s approval of the Bankruptcy (Amendment) Rules 2007, which were made by the Chief Justice under section 113 of the Bankruptcy Ordinance.

The Council enacted the Bankruptcy (Amendment) Ordinance 2005 on 6 July 2005 to facilitate the Official Receiver to outsource administration of summary bankruptcy cases to private-sector insolvency practitioners, and to make other miscellaneous amendments to the Bankruptcy Ordinance. Before the Bankruptcy (Amendment) Ordinance 2005 can come into operation, consequential amendments to the subsidiary legislation under the Bankruptcy Ordinance are necessary to implement the statutorily-empowered outsourcing

scheme. This resolution, together with the three that follow, serves this purpose.

The Bankruptcy (Amendment) Rules 2007 contain mostly technical amendments to adjust the respective powers and duties of the "Official Receiver", "provisional trustee" and "trustee" in bankruptcy cases under the new outsourcing regime. The opportunity is also taken to modernize and streamline the drafting of certain provisions.

In finalizing the Amendment Rules, we have benefited from the advice of the Judiciary and other market stakeholders. We have taken on board their technical and drafting comments as appropriate.

Madam President, these Amendment Rules are essential to the implementation of the Bankruptcy (Amendment) Ordinance 2005, which empowers private-sector insolvency practitioners to provide trusteeship service in summary bankruptcy cases. This represents new business opportunities to qualified professionals. It will also raise efficiency in dealing with bankruptcy cases, and will make our bankruptcy law more business-friendly. Subject to Members' approval of the Amendment Rules, and upon completion of the preparatory work, the Official Receiver's Office will start to run a pilot outsourcing scheme for summary bankruptcy cases later this year.

I hope Members will support the passage of this resolution. Thank you, Madam President.

The Secretary for Financial Services and the Treasury moved the following motion:

"RESOLVED that the Bankruptcy (Amendment) Rules 2007, made by the Chief Justice on 18 May 2007, be approved."

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

PRESIDENT (in Cantonese): Second motion: Approving the Bankruptcy (Forms) (Amendment) Rules 2007.

PRESIDENT (in Cantonese): I now call upon the Secretary for Financial Services and the Treasury to speak and move his motion.

PROPOSED RESOLUTION UNDER THE BANKRUPTCY ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY: Madam President, I move the second resolution standing in my name on the Agenda. The resolution seeks the Legislative Council (the Council)'s approval of the Bankruptcy (Forms) (Amendment) Rules 2007, which were made by the Chief Justice under section 113 of the Bankruptcy Ordinance.

These Rules are part and parcel of the amendments to the subsidiary legislation under the Bankruptcy Ordinance to implement the Bankruptcy (Amendment) Ordinance 2005 enacted by the Council in July 2005. These amendments to the forms used in bankruptcy proceedings are technical in nature,

and I have just explained the broad intent of such amendments in my speech for the last resolution.

Madam President, I hope Members will support the passage of these Amendment Rules. Thank you.

The Secretary for Financial Services and the Treasury moved the following motion:

"RESOLVED that the Bankruptcy (Forms) (Amendment) Rules 2007, made by the Chief Justice on 18 May 2007, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Financial Services and the Treasury be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Third motion: Approving the Bankruptcy (Fees and Percentages) (Amendment) Order 2007.

PRESIDENT (in Cantonese): I now call upon the Secretary for Financial Services and the Treasury to speak and move his motion.

PROPOSED RESOLUTION UNDER THE BANKRUPTCY ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY: Madam President, I move the third resolution standing in my name on the Agenda. The resolution seeks the Legislative Council (the Council)'s approval of the Bankruptcy (Fees and Percentages) (Amendment) Order 2007, which was made by the Chief Justice under section 114 of the Bankruptcy Ordinance.

Again, the Amendment Order is part and parcel of the amendments to the subsidiary legislation under the Bankruptcy Ordinance to implement the Bankruptcy (Amendment) Ordinance 2005 enacted by the Council in July 2005. The amendments to the fee schedules are merely technical in nature, and do not represent any adjustment to the fee levels. We have also taken the opportunity to adopt the Judiciary's view to clarify that the fees for a bankruptcy petition are inclusive of any fee on answering a petition or setting down for hearing.

Madam President, I hope Members will support this resolution. Thank you.

The Secretary for Financial Services and the Treasury moved the following motion:

"RESOLVED that the Bankruptcy (Fees and Percentages) (Amendment) Order 2007, made by the Chief Justice on 18 May 2007, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Financial Services and the Treasury be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Fourth motion: Approving the Proof of Debts (Amendment) Rules 2007.

PRESIDENT (in Cantonese): I now call upon the Secretary for Financial Services and the Treasury to speak and move his motion.

PROPOSED RESOLUTION UNDER THE BANKRUPTCY ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY:
Madam President, I move the fourth resolution standing in my name on the Agenda. The resolution seeks the Legislative Council (the Council)'s approval of the Proof of Debts (Amendment) Rules 2007, which were made by the Chief Justice under section 36 of the Bankruptcy Ordinance.

Like what I have just explained, the Amendment Rules are consequential amendments essential to implementing the Bankruptcy (Amendment) Ordinance 2005 enacted by the Council in July 2005.

I hope Members will support them. Thank you, Madam President.

The Secretary for Financial Services and the Treasury moved the following motion:

"RESOLVED that the Proof of Debts (Amendment) Rules 2007, made by the Chief Justice on 18 May 2007, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Financial Services and the Treasury be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' BILLS

First Reading of Members' Bills

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

THE CHINESE UNIVERSITY OF HONG KONG (DECLARATION OF MORNINGSIDE COLLEGE AND S. H. HO COLLEGE AS CONSTITUENT COLLEGES) BILL

CLERK (in Cantonese): The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill.

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' Bills: Second Reading.

THE CHINESE UNIVERSITY OF HONG KONG (DECLARATION OF MORNINGSIDE COLLEGE AND S. H. HO COLLEGE AS CONSTITUENT COLLEGES) BILL

MR CHEUNG MAN-KWONG (in Cantonese): President, I move that The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill (the Bill) be passed. The Bill has been certified by the Law Draftsman that it conforms to the requirements of Rule 50 of the Rules of Procedure and the general form of Hong Kong legislation, and confirmed by the authorities concerned that it is not related to public expenditure, political structure, the operation or policies of the Government. The Bill was submitted to the Panel on Education of the Legislative Council on 14 May 2007 for scrutiny and it was endorsed by the Panel.

The Bill has been published in two successive publications of the Gazette on 1 June 2007 and 8 June 2007 and advertised twice daily as prior notice in a Chinese language newspaper and an English one published locally.

The purposes of this Bill are to declare Morningside College and S. H. Ho College as constituent colleges of The Chinese University of Hong Kong (CUHK) in accordance with section 3(1) of The Chinese University of Hong Kong Ordinance (Cap. 1109) and to provide for consequential and related amendments to the principal Ordinance and the Prevention of Bribery (Exclusion of Bodies

and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B).

CUHK currently comprises four constituent colleges, namely New Asia, Chung Chi, United and Shaw. The Government has confirmed that, upon the implementation of four-year undergraduate programmes in 2012, the enrolment of universities throughout Hong Kong will remain unchanged at 14 500. Given that the enrolment of CUHK will remain unchanged, the number of its undergraduate students will be increased to more than 3 000 with the extension of undergraduate programmes for one more year. If no new colleges are established, the original four colleges will then have to drastically expand their enrolment from the existing 2 500 to 3 200. This will inevitably lead to fewer opportunities of exchange between teachers and students, thereby undermining the quality of college life and education. For this reason, in the formulation of its 10-year development programme in early 2006, CUHK made the provision of new colleges as one of its major strategies for enhancing undergraduate education. CUHK's idea of expanding its college system has gained full support from enthusiasts who have made generous donations towards the establishment of the Morningside College and S. H. Ho College.

The college system is a time-honoured tradition cherished by CUHK since its establishment. It has contributed to providing a congenial environment for whole-person education of students and enrichment of their learning experience. The college system is a well-preserved tradition unique to CUHK. Its four existing constituent colleges have all along been striving to provide students with a congenial college life and learning environment to allow interaction and exchanges between teachers and students as well as providing pastoral care, whole-person education and liberal studies and, through a wide range of formal and informal education activities, broaden students' horizons. The two new colleges, albeit unique in their own right, share CUHK's overall philosophy of education. While the Morningside College makes nurturing students to serve Hong Kong, the whole nation and even the entire world as its mission, the S. H. Ho College's puts more emphasis on nurturing students' integrity and their personal commitment so as to lay a foundation for them to contribute to society and lead a rewarding life.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill be read the Second time.

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

Resumption of Second Reading Debate on Members' Bills

PRESIDENT (in Cantonese): We now resume the Second Reading debate on the City University of Hong Kong (Amendment) Bill 2006.

CITY UNIVERSITY OF HONG KONG (AMENDMENT) BILL 2006

Resumption of debate on Second Reading which was moved on 18 October 2006

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

MS EMILY LAU (in Cantonese): President, in my capacity as Chairman of the City University of Hong Kong (Amendment) Bill 2006 (the Bills Committee), I would like to report on the deliberations of the Bills Committee.

The City University of Hong Kong (Amendment) Bill 2006 (the Bill), introduced by Dr Raymond HO, seeks to streamline the structure of the Council of the City University of Hong Kong (the CityU Council). Members may still recall that the Public Accounts Committee Report No. 40A recommends various tertiary institutions, including the City University of Hong Kong (CityU), to review and improve their governance structures.

In this connection, a review has been completed by the CityU, and the Bills Committee supports the implementation by the CityU of its plan to progressively reduce the membership of the CityU Council. The Bill proposes to reduce the membership of the CityU Council from 37 to 20, comprising 15 external members to be appointed by the Chief Executive. Members of the

Bills Committee have listened to the views of all stakeholders, including the Administration, the University Grants Committee (UGC), the CityU Council, the CityU Staff Association (the Staff Association), the CityU Postgraduate Association (CUPA), and the CityU Provisional Standing Committee of Convocation (the Standing Committee).

The Staff Association objects to the proposed reduction of staff members elected by all staff from two to one in the CityU Council. According to the Staff Association, despite the Bill's proposal to have one representative from the Senate in the CityU Council, the representative should not be taken as the staff representative, given the academic function and the restricted membership of the Senate. Members of the Bills Committee approve of the view of the Staff Association.

Members of the Bills Committee have also noted that, under the existing legislation, the Chairman of the CityU Convocation shall be an ex-officio member of the CityU Council. However, the seat has been deleted from the Bill. I would like to point out that during the deliberation of the Bill, the CityU Convocation was not yet established. The Standing Committee has explained that the preparation of the establishment of the Convocation was initiated in October 2005, and the Convocation is expected to be set up within this year.

Members of the Bills Committee approve of the view of the Standing Committee, that a convocation of a university serves as a link between the alumni and the university and gives advice on the development of the university. Members of the Bills Committee have all agreed that the Chairman of the Convocation should sit in the CityU Council.

As regards student representatives, President, although the Bill does not change the number of student representatives in the CityU Council so that there will still be one student representative in the CityU Council, members of the Bills Committee express support, after listening to the views of CUPA, for the proposal that there should be two student representatives for undergraduates and postgraduates respectively, as their views and stance on issues may be different.

Having listened to the views of various stakeholders, the CityU Council proposes to revise its composition by expanding its membership from 20 to 23, with the addition of three more members, namely one more elected staff member, the Chairman of the Convocation and the President of CUPA.

Given that the respective Presidents of the Students' Union and CUPA will become *ex-officio* members of the CityU Council, members of the Bills Committee are concerned about the mechanisms adopted by these two student bodies for coping with the situation when the office of their Presidents becomes vacant or when there is no cabinet. Members note the provision in the constitution of the Students' Union for dealing with the relevant situation. However, there is no provision in CUPA's constitution for coping with the question of who should take up the post of President of CUPA when there is no cabinet. Although an Annual General Meeting (AGM) was called by CUPA in March this year in a bid to amend its constitution to allay members' concern, the AGM was adjourned due to the lack of a quorum. However, the adjourned AGM was attended by only 24 members, and the proposal for amending the constitution was also negated by a great majority of the attendants.

Members of the Bills Committee cast doubt on the representativeness of CUPA and consider it inappropriate to appoint President of CUPA as an *ex-officio* member of the CityU Council. Members and the CityU Council later reached a consensus that the representative of CUPA be elected from among its members to the CityU Council, and the relevant election will be run by the CityU Council. The responsibility for running the election may be passed over to CUPA when the CityU Council considers it appropriate.

Dr Raymond HO will propose a Committee stage amendment later on to implement the composition of the CityU Council agreed by the Bills Committee.

President, as I mentioned earlier, 15 of the existing 23 members of the CityU Council are external members appointed by the Chief Executive. The Administration has also indicated that it will strictly adhere to the "six-year rule" and the "six-board rule", that is, a member of the CityU Council will not be appointed to more than six advisory and statutory bodies (ASBs) and will not sit on an ASB for more than six years.

Here I would like to remind the CityU and the Chief Executive once again that I hope the future CityU Council members to be appointed by the Chief Executive are all competent persons who can afford the time, instead of those who are merely political correct or eager to strive for reputation, because assisting in the management of a university is an extremely arduous task.

President, while the composition of a Council is important, its transparency and accountability are equally important too. The Bills Committee has noted that the CityU Council will adopt a series of initiatives to enhance its transparency. It will endeavour to request its members — especially external members — to increase their attendance. Other initiatives to be taken include the promulgation of a Code of Practice for conduct of the CityU Council business, setting up of an audit committee and the publication of the attendance records of CityU Council members in the annual reports of the CityU Council.

President, in the course of scrutinizing the Bill, a comparison between the compositions of the Councils of other UGC-funded institutions was made by members. Members have noted that the numbers of Council members of a number of UGC-funded institutions are still large, and streamlining is warranted. I hope these institutions can take note of this and take appropriate actions expeditiously.

Lastly, on behalf of the Bills Committee, I would like to thank the CityU Council for its full co-operation throughout the scrutiny of the Bill and acceptance of the views of the Bills Committee.

With these remarks, President, I support the Bill.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Dr Raymond HO to reply.

DR RAYMOND HO (in Cantonese): Madam President, I would like to take this opportunity to thank the Chairman of the Bills Committee, Ms Emily LAU, and members of the Bills Committee for their efforts in scrutinizing the City University of Hong Kong (Amendment) Bill 2006 (the Bill). As stated by Ms LAU earlier, the Bill seeks to streamline the structure of the Council of the City University of Hong Kong (the CityU Council).

The proposal agreed between the Bills Committee and the CityU Council after months of discussion can not only streamline the governance structure of the City University of Hong Kong (the CityU), but also take into full account the views of all stakeholders, as well as maintaining the principle that external members will constitute a majority. Later on, I will move a Committee stage amendment to implement the proposal that the CityU Council shall comprise 23 members.

As a former Chairman of the CityU Council, I was recently invited to join the newly established CityU Court. I believe the CityU Council will certainly understand Members' concern about such key issues as the transparency, accountability and openness of the Councils of tertiary institutions. The effort made by the CityU Council over the past several years merits recognition. I hope the CityU Council will continue with its efforts in meeting public expectation.

Madam President, as a Member responsible for introducing the Bill, I would like to thank members of the Bills Committee for their efforts, the CityU Council and the Administration for their co-operation, and the CityU Staff Association, the CityU Postgraduate Association and representatives of the alumni for their participation and valuable input that made it possible for the deliberation of the Bills Committee to conclude smoothly.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the City University of Hong Kong (Amendment) Bill 2006 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): City University of Hong Kong (Amendment) Bill 2006.

Council went into Committee.

Committee Stage

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

CITY UNIVERSITY OF HONG KONG (AMENDMENT) BILL 2006

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the City University of Hong Kong (Amendment) Bill 2006.

CLERK (in Cantonese): Clauses 2 and 4.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 2 and 4 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): Clauses 1 and 3.

DR RAYMOND HO (in Cantonese): Madam Chairman, I move the amendments to clauses 1(2) and 3 of the City University of Hong Kong (Amendment) Bill 2006 (the Bill).

The purpose of amending clause 1(2) is to delete the clause specifying 1 January 2007 as the commencement date of the Bill, whereas the amendment to clause 3 seeks to implement the proposal agreed by the Bills Committee and all stakeholders on the composition of the Council of the City University of Hong Kong (the CityU Council) for the purpose of enhancing the representativeness of the CityU Council.

At present, the CityU Council consists of a potential total of 37 members, while the Bill proposes to reduce the number of members to not more than 20. In response to the views of the CityU Staff Association (the Staff Association), the CityU Postgraduate Association (CUPA) and representatives of the alumni, one more representative elected from among staff member, one more representative elected from among postgraduates of the CityU, and the Chairman of the Convocation will be represented in the CityU Council.

I must point out to Members that the revised composition of the CityU Council will still adhere to the principle that external members will constitute a majority. In other words, there will be 15 external members appointed by the Chief Executive and eight internal members, comprising the Chairman of the Convocation.

Madam Chairman, I hope Members will support the relevant amendments. Thank you.

Proposed amendments

Clause 1 (see Annex III)

Clause 3 (see Annex III)

CHAIRMAN (in Cantonese): Members may now debate the original clauses as well as the amendments jointly.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by Dr Raymond HO be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 1 and 3 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1 and 3 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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): Council now resumes.

Council then resumed.

Third Reading of Members' Bills

PRESIDENT (in Cantonese): Members' Bill: Third Reading.

CITY UNIVERSITY OF HONG KONG (AMENDMENT) BILL 2006

DR RAYMOND HO (in Cantonese): Madam President, the

City University of Hong Kong (Amendment) Bill 2006

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the City University of Hong Kong (Amendment) Bill 2006 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): City University of Hong Kong (Amendment) Bill 2006.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect.

PRESIDENT (in Cantonese): First motion: Transforming Radio Television Hong Kong to become the Hong Kong Public Broadcasting Corporation. I now call upon Mr LEE Wing-tat to speak and move his motion.

TRANSFORMING RADIO TELEVISION HONG KONG TO BECOME THE HONG KONG PUBLIC BROADCASTING CORPORATION

MR LEE WING-TAT (in Cantonese): Madam President, the release of the report of the Committee on Review of Public Service Broadcasting in March has

attracted much discussion in each and every sector of the community. Although the report claimed to have conducted a macro examination of the public service broadcasting (PSB) of Hong Kong rather than targeting any specific broadcasting media, the public has coincidentally focused on the future of the only existing publicly-funded broadcaster, that is, Radio Television Hong Kong (RTHK).

Given the overwhelming public concern, the Democratic Party conducted a telephone survey in May to gauge the views of the people on PSB. Of the 1 150 people interviewed, over 60% agreed with the formation of a public broadcaster in Hong Kong that is free from any commercial and government influences with the only aim of serving the public; 40% had a general good impression of RTHK; and also 40% approved of the transformation of RTHK into the proposed Hong Kong Public Broadcasting Corporation.

The findings have revealed a general public aspiration for a credible PSB body to provide them with broadcasting services in an impartial manner. The transformation of RTHK into the Hong Kong Public Broadcasting Corporation will resolve the existing identity embarrassment faced by RTHK of its status as a government department and its need to maintain editorial independence.

In fact, RTHK has a history of nearly 80 years since its establishment in 1928. With the production of a number of popular classics such as "Below the Lion Rock", it has gained due credibility and recognition of the public. This survey has also confirmed the general good impression of the public of RTHK, which tallies with the findings of many surveys in the past.

The reconstitution of RTHK into the new Hong Kong Public Broadcasting Corporation will enable a smooth transition of its database, branding and popular programmes to the new corporation, so that the new organization can inherit such assets as the base for continued development. As a result, not only economic effectiveness can be achieved, public aspiration can also be met. Then two purposes will be served by one stroke.

It is a pity that the report has stated right from the outset its negative stance on the transition of RTHK to the new corporation. However, its objection has been based on some very subjective and superficial grounds. The report has stated in one paragraph, and I quote, "It has an entrenched structure and a strong corporate culture. Reconstitution into a statutory body will herald

significant changes, and entail difficult decisions on whether to preserve remnants of the existing organizational structure and practices." (End of quote)

The report has given no details or explanations on the so-called "entrenched structure" and "strong corporate culture". And it has concluded outright that the transformation of RTHK will "entail difficult decisions". Has it made an unconvincing argument? Has it drawn a hasty conclusion?

The report has stated in another paragraph, and I quote, "a sea change in RTHK's status is bound to be fraught with practical and insurmountable problems, and not conducive to the start-up of a new public broadcaster. Therefore, the Committee does not favour the transformation of RTHK into a public broadcaster. Instead, it proposes the establishment of a new public broadcaster with a fresh start." (End of quote)

However, the report has not explained what sort of "practical and insurmountable problems" will be created in the reconstitution of RTHK. The only possible problem the report has elaborated on is the impact on the existing staff and the staffing arrangement after the transformation of RTHK. We should bear in mind that in the process of the establishment of the Hospital Authority (HA) and the corporatization of the Kowloon-Canton Railway, the majority of their staff were also transferred from the Civil Service. Given the scale of the HA and the Kowloon-Canton Railway Corporation (KCRC), as well as the size of their staff amounting to thousands and even tens of thousands, I believe the difficulties they had encountered in the process of transformation must be greater than those of RTHK with a staff of only less than 1 000.

In case RTHK really undergoes transformation, only less than 300 staff with civil servant status will actually face a transition problem. And I believe the transfer arrangements of the remaining general grade staff and contract staff can be easily resolved. Therefore, why can the HA and the KCRC undergo transformation while RTHK is unable to do so? Is it really impossible for RTHK to undergo transformation, or is it simply the intention of the authorities to reject such an idea?

In the case where RTHK fails to undergo transformation, it will face nothing but three possible outcomes: First, to co-exist with the new corporation. Public money will then be allocated to fund two public broadcasters of similar

nature at the same time, resulting in a waste of resources. If the recommendation in the report is adopted to allow the new corporation to be the major PSB provider in the future, the role of RTHK will be bound to diminish with time; its funding will be reduced correspondingly, and its scale will inevitably be cut down. In the end, it is doomed to be marginalized.

Second, to readjust RTHK's positioning. It will gradually change from being one of the mass media to the mouthpiece of the Government promoting government policies. However, under the existing government structure, the Information Services Department is specifically tasked with this duty. Is it necessary to have an additional publicly-funded medium to serve the same purpose for the people of Hong Kong? Are we pleased to see such a change?

Third, to have RTHK dissolved. However, as the new corporation will perform the exact PSB role as that of RTHK now, to have RTHK dissolved will not only abandon a branding familiar to the people of Hong Kong, the new corporation has to start from zero. Whether or not it can establish credibility like RTHK remains unknown.

Madam President, the major flaw of the report lies in the claim of the Committee on Review of Public Service Broadcasting that it has only aimed to review PSB and its examination has not involved any broadcasting media, including the only existing public broadcaster, RTHK. However, by accident or design, the report has raised the issue of RTHK and ruled out the possibility of its transition to the new corporation. This is obviously in conflict with its claim. Members of the Committee also said on various occasions that it was not appropriate for RTHK to be transformed into the new Public Broadcasting Corporation. An objective result of the report is "I did not kill Boren, Boren dies because of me", which equals to "drying up" RTHK slowly.

The Democratic Party agrees with the concept of the report in the establishment of an independent public broadcaster. The survey conducted by the Democratic Party has also found 60% of the public were in support of the formation of a neutral public broadcaster to provide services for the general public in an impartial manner. This happens to coincide with the proposal of the Democratic Party, that PSB should be provided by an independent broadcaster.

We proposed in the past at the Legislative Council panel the reconstitution of RTHK into a new public broadcaster, in order to resolve the existing conflicts over governance, independent strategy setting and financial autonomy faced by RTHK with its dual status as a government department and a public broadcaster.

Madam President, I wish to point out that the transformation of RTHK proposed by the Democratic Party does not mean the conversion of RTHK into Hong Kong Public Broadcasting Corporation in its original state. Instead, it is hoped that RTHK will undergo gradual changes during the transition to fit in the new environment. As RTHK has established a credible branding, an informative database and a team of professional staff, we see no reasons to rule out the possibility of its transformation into the Hong Kong Public Broadcasting Corporation.

The Democratic Party is of the view that the scope of review of the Committee on Review of Public Service Broadcasting has been found lacking in its exclusion of RTHK, thus failing to achieve the aim of conducting a comprehensive review of PSB. As the Committee has conducted an in-depth review on the governance, funding arrangement and accountability of the future PSB, but given no account whatsoever on the future role of the existing PSB provider, RTHK, we urge the Government to expeditiously review the future role, positioning and development direction of RTHK, actively study the feasibility of transforming RTHK to become the Hong Kong Public Broadcasting Corporation, and conduct public consultation on the results of the review and the study.

With these remarks, I beg to move.

Mr LEE Wing-tat moved the following motion: (Translation)

"That, as the review report published by the Committee on Review of Public Service Broadcasting recommends the formation of a public broadcaster independent of the government structure, this Council urges the Government to expeditiously review the future role, positioning and development direction of Radio Television Hong Kong (RTHK), actively study the feasibility of transforming RTHK to become the Hong Kong Public Broadcasting Corporation, and conduct public consultation on the results of the review and the study."

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

PRESIDENT (in Cantonese): Mr Jasper TSANG will move an amendment to this motion. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr Jasper TSANG to speak and move his amendment.

MR JASPER TSANG (in Cantonese): President, the position of the DAB on the report of the Committee on Review of Public Service Broadcasting (the Committee) and the role of Radio Television Hong Kong (RTHK) is: First, we agree with the Committee that Hong Kong needs an independent public broadcaster, and the objectives set out by the Committee on the principle, functions and performance evaluation for PSB.

Second, the DAB also agrees with the report that the PSB programmes presently available in Hong Kong, including the current output of RTHK, do have inadequacies and there is room for improvement.

Third, the DAB also accepts the view of the report, that a number of problems have to be solved and difficulties overcome if RTHK is to be transformed into an independent broadcaster.

However, President, fourth, the DAB does not agree with the conclusion drawn by the Committee at this stage, that it is not appropriate for RTHK to be transformed into the new public broadcaster.

Therefore, the DAB is of the view that on the one hand, RTHK should not be denied the possibility of being transformed into a public broadcaster just because of its existing problems; and on the other, it is really a great pity and of no benefit to RTHK if we refuse to consider the numerous opinions and recommendations on PSB set out in the report of the Committee just to "support" RTHK to be the new public broadcaster in any case and object to the view of the Committee on RTHK's role, which is presented in a total of over 1 000 words in a few paragraphs, representing only around one thirtieth of the whole report.

President, this is why I have proposed an amendment on behalf of the DAB. If my amendment is negated, the DAB cannot but abstain from voting for the original motion.

President, the report of the Committee has set out four principles of PSB, namely, universality, diversity, independence and distinctiveness, to which the DAB cannot agree more. And I believe this will not cause much controversy in the community. We particularly appreciate the proposal of the Committee, that PSB in Hong Kong should serve four specific purposes: First, to sustain citizenship and civil society; second, to foster social harmony and promote pluralism; third, to help establish education value and promote lifelong learning, and fourth, to stimulate creativity and excellence. When we ask the question why a broadcaster should be funded by the public purse, its fulfillment of social purposes is exactly the answer. We agree that the public broadcaster of Hong Kong should serve these purposes.

The report of the Committee has also identified 12 objectives for the services, performance and evaluation of a public broadcaster. Regarding these objectives, we think the public has reached a consensus on the majority of them which can also be served as reference.

Based on these principles, purposes and evaluation objectives, the Committee has pinpointed a number of inadequacies of the existing PSB programmes, including the current output of RTHK. For instance, the report of the Committee has pointed out that there is a strong public demand for more quality current affairs programmes that present issues of public concern in a comprehensive and informative manner, and address divergent viewpoints impartially and even-handedly. The Committee thinks that such a need has not been met in full.

The report has also pointed out that the different roles of a moderator, commentator and analyst in different programmes, whether performed by staff or other persons engaged by a public broadcaster on an ad hoc basis, should be clearly defined. The Committee has pointed out that this is one of the areas that also requires prompt improvement. We also think that the confused role of a moderator, commentator and analyst in some of the current programmes, including current affairs programmes of RTHK, has been unsatisfactory.

The report has also pointed out that there is room for improvement in such areas as diversity and distinctiveness of the present PSB, to which we agree. We have particularly noted that in the dozen or so indicators set out by the Committee, proposals on management are well worth the serious consideration of RTHK. For instance, one of the indicators set out in the report is to ensure the credibility and accountability of PSB through quality governance. And one of the items under this topic, that is, the performance indicator, is the compliance with applicable requirements. In this regard, I believe some of the criticisms made by the Audit Commission on RTHK last year still remain fresh in our memory. It is essential for RTHK to conduct a review.

The report has also identified another indicator that concerns internal management. In this regard, I am aware that problems of appointment, tendering and receipt handling in RTHK have been exposed by the media, reflecting a great number of administrative loopholes in its internal management.

Regarding resource management, the Committee has proposed the optimal utilization of resources to maximize the effect of public resources. Similarly, I believe RTHK can hardly absolve itself of the blame of the Audit Commission's criticisms in this area.

President, we think the Government should not rein RTHK in because it is unwilling to serve as the Government's mouthpiece, or it sometimes disobeys the Government. If this is really the case, it is certainly wrong. However, on the other hand, the regulatory requirements applicable to RTHK as a government department should not be ignored because of its claim as a media broadcaster, nor its governance issues be overlooked, like acquiring an "imperial warrant of amnesty" because of its status as a media broadcaster. Therefore, it is necessary for RTHK to make improvements.

It is pointed out that in the report the transformation of a government department into an independent public broadcaster will entail difficulties. We think this comment has grounds and should not be underrated because gaining independence from the system does not necessarily mean naturally undergoing transformation. In fact, due attention should also be given to the corporate culture mentioned in the report because RTHK is not a government department in name only, but a *bona fide* one. Therefore, I think the Government may

examine and refer to the recommendations on management in the report together with RTHK.

However, we also agree that RTHK has established its own branding in Hong Kong as well as among overseas Chinese communities. The Committee has pointed out that a great deal of time and effort has to be invested to transform RTHK into a public broadcaster. But we also have to ask: Is making a fresh start to set up a broadcaster enjoying the same popularity as the present branding of RTHK a piece of cake? Can it be done in the blink of an eye? Many examples around the world have shown us the success in the transformation of a government department or a quasi-official body into a PSB organization. Of course, difficulties and problems do arise in the process. But after having them solved, the transformation is usually regarded as successful and worthwhile.

For all these reasons, the DAB suggests that the Government should examine with RTHK the issue of transformation on the basis of the various aspects discussed in the report.

Mr Jasper TSANG moved the following amendment: (Translation)

"To delete "the review report published by" after "That, as"; to add "has submitted to the Government the review report which" after "Committee on Review of Public Service Broadcasting"; to add ", among other things," after "recommends"; to delete "review" after "urges the Government to expeditiously" and substitute with "conduct a study on issues such as the policy, governance structure, accountability, financing, programme scheduling and performance evaluation of public service broadcasting, to consider at the same time"; to delete "actively study" after "(RTHK)," and substitute with "including"; to add "to" after "Hong Kong Public Broadcasting Corporation, and"; to add "the study and" after "the results of"; and to delete "and the study" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you

(A device sounded)

PRESIDENT (in Cantonese): Mr Jasper TSANG, are you carrying a pager with you?

(Mr Jasper TSANG shook his head to indicate he had no pager with him)

PRESIDENT (in Cantonese): No? Perhaps it would be better if the staff responsible for the sound system switches the instrument off and then turns it on again.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Jasper TSANG to Mr LEE Wing-tat's motion, be passed.

MR LEE CHEUK-YAN (in Cantonese): I speak in support of the original motion of Mr LEE Wing-tat and Radio Television Hong Kong (RTHK) on behalf of the Hong Kong Confederation of Trade Unions (CTU). I urge the people of Hong Kong to come forth and show their support at this very critical moment.

Come to think of it, this generation of ours has actually grown up with RTHK, watching its programmes while we were growing up. Over the past years, RTHK has also served a purpose which has been found lacking in the other media in always helping make the voices of the underprivileged heard. Sometimes when various issues of the underprivileged, whether on labour, CSSA recipients or new migrants, need some momentum to drive home messages, it is difficult to find a means to present the whole picture to the people of Hong Kong. On many occasions, RTHK has been considered the possible media to produce such programmes. While commercial organizations may have absolutely no interest in these current affairs issues, there is space in RTHK to make the voices of the underprivileged heard. Therefore, to the underprivileged, RTHK has actually played a vital role.

More importantly, as RTHK enjoys editorial independence, its productions have often directed against current malpractices, voicing the aspirations of the general public and relieving their grievances. In a sense, the Government has also benefited. Public discontent can be relieved after people

have watched the satirical programme, "Headliner", produced by RTHK, which in turn, has made contribution towards social stability.

However, perhaps due to some sensitive subjects, the programme has been regarded as a pain in the neck by the Government. Members may recall that for a period of time, after TUNG Chee-hwa had criticized "Headliner" as bad taste, a lot of people followed suit. The people of Hong Kong have witnessed the Government's attacks on the programme of its bad taste and its refusal to serve as the Government's mouthpiece, simply with the target of reining RTHK in.

I remember a story heard in a rally of RTHK told by an editor at the time. President, he said during one particular march on 1 July, people spontaneously chanted "TUNG Chee-hwa step down". Six clips of such chanting were already cut by the editing staff. As the editor, he actually had half of such clips cut. To his surprise, although only a few clips of such chanting were left, his supervisor received a call asking: "As a government department, why has RTHK allowed the broadcasting of the chanting of 'TUNG Chee-hwa step down'?" The caller even said that such clips had not appeared on either TVB or ATV but only on RTHK. I said to myself that the non-appearance of such clips on TVB and ATV proved the strict self-censorship exercised by these two broadcasters. Conversely, only RTHK had such broadcast. Was it the Government calling RTHK on that occasion? Or did the broadcast of such clips lead up to the present attempt to rein RTHK in?

RTHK has established itself as one of the brand names in Hong Kong, serving as a barometer of freedom of speech and press freedom. The people of Hong Kong have got the impression that if the Government reins RTHK in, it is prepared to seize this stronghold of freedom of speech and press freedom. Of course, I do not mean RTHK has always done a good job. It has also exercised self-censorship on many occasions. But I understand it is caught in the gap. However, I hope it will not exercise self-censorship. And I urge RTHK to impress the public with its determination to uphold editorial independence and to make their voices heard should it hope to survive. Only with the maintenance of this set of values will RTHK gain support from the public. Given the public support, we have to wait and see whether the Government will finally "kill" RTHK. Therefore, it is most crucial that the staff of RTHK will fulfil their duty to be a competent goalkeeper to properly defend freedom of speech and press freedom. Then the public will naturally lend them support.

Back to the Report on Review of Public Service Broadcasting, it has obviously had the knife sharpened to pave the way for "killing" RTHK. The report has confirmed the need of a publicly-funded broadcaster in Hong Kong. But it has stated in the 90th paragraph of the grounds why it is not possible for RTHK to be transformed into a publicly-funded broadcaster — I actually have no idea what it is talking about — it stated RTHK has "an entrenched structure" (this is certainly the case because of its long history), and "elaborate internal codes and a strong corporate culture" (Exactly what strong corporate culture has hindered its transformation? The report is silent on the problems of this organization.). The conclusion of the inappropriateness of the transformation of RTHK into a publicly-funded broadcaster has merely been drawn from these few obscure and vague phrases.

On the other hand, it has "made use of" the staff by pointing out that a survey of the staff has revealed a majority wish to preserve their existing employment terms. Of course, everyone wishes to preserve his existing employment terms. But they have not expressed any opinions against transformation. It is possible that their existing employment terms can be preserved after transformation. At most, they have to quit the Civil Service. A number of organizations such as the Hospital Authority and the Kowloon-Canton Railway Corporation have undergone such a change. Therefore, stop "making use of" the staff.

I think the entire report has aimed to pave the way for "killing" RTHK. We earnestly hope that RTHK will not follow the footsteps of the Star Ferry Pier and the Queen's Pier. The Government is now in the mood for demolition. First, it was the Star Ferry Pier, then the Queen's Ferry Pier. It is now RTHK's turn. Our collective memories have all gone with the demolition. I strongly hope that RTHK will not become our collective memory because this means it exists no more.

Therefore, I hope RTHK will continue to uphold its independence and autonomy. And it will turn into the BBC of Hong Kong, that is, an independent broadcaster of Hong Kong; a publicly-funded broadcaster that is independent of the Government. Thank you, President.

MS EMILY LAU (in Cantonese): President, I speak in support of the motion of Mr LEE Wing-tat and to oppose the amendment of Mr Jasper TSANG.

President, I believe those who are concerned about the staff of Radio Television Hong Kong (RTHK) may well be aware of the recent worries of its staff aroused by the report of the Committee on Review of Public Service Broadcasting (the Committee) headed by Mr Raymond WONG. The report has almost confirmed that if publicly-funded broadcasting is to be launched in Hong Kong, RTHK will have no part in it. At a meeting of the Panel on Information Technology and Broadcasting last month, members of the Committee were invited to take part in the discussion. The atmosphere turned very "explosive" because one colleague accused them in their face of acting as the tool of the Government, and that they were used by the Government to "kill" RTHK. They were absolutely furious when they left. And some of them even declared never attending our meetings again.

In fact, another meeting is scheduled for the last 10-day period of this month, President, that is, another public hearing is going to be held on the last Friday of this month. Only members of the Committee will be invited on that day. And we have no reasons not to allow the public to speak. Therefore, another meeting is scheduled for 10.45 am on 29 June. Of course, they are invited to the meeting. As it is their report that will be under discussion, how can they be absent? However, they were really furious the other day. And I do not know whether they will come or not.

As to the Secretary, President, he is here today. The Secretary has never attended our meetings so far. After the release of the report, I asked Panel Chairman Albert CHENG to invite the Secretary to our meeting to speak. Mr CHENG subsequently told me that the Secretary was preparing a certain green paper. He would definitely not be present before that. I hope he will make a response later.

People may wonder: Why is the report so strange? As it aims to review, then review it will. In fact, its appointed task at the time was very strange indeed. As the discussion on whether RTHK will undergo transformation has continued for years, which was actually started before the transfer of sovereignty, it was very strange to appoint a committee to review public service broadcasting (PSB) without touching on RTHK. As it was agreed that RTHK was out of the scope of the review, Mr Raymond WONG deliberately brought it up. He exactly followed the example of TUNG Chee-hwa.

Mr LEE Cheuk-yan has just mentioned TUNG Chee-hwa. But his quotation is not what TUNG Chee-hwa actually said. TUNG Chee-hwa said he would not comment on something low taste. It was contradictory even in one sentence. He did not say "bad taste" but "low taste". The problem is when he was appointed to examine PSB, he spent some efforts after carrying out the studies. In fact, the Legislative Council also compiled a report last year. However, he had to add a few paragraphs to bar the involvement of RTHK. President, I listened to an interview of Albert CHEN on RTHK the other day. He also gave his "support" to the campaigns of RTHK. Why? Because he thought the situation was "outrageously ridiculous". As the report presented no grounds, it should not suddenly add a couple of phrases to pre-empt the transformation of RTHK.

President, Director of Broadcasting CHU Pui-hing attended our meeting last month. He raised his hand a number of times to speak. He also gave his "support" to RTHK. President, have you seen him give his "support" six to seven times on the television news? The Committee is comprised of a number of members, including men and women, and even professors. They have referred to overseas experiences in transformation. Director CHU Pui-hing asked the Committee: Have they come across the experience of a government broadcaster or a quasi-government broadcaster being banned from transformation into a publicly-funded broadcaster against its will? As far as he could see, almost all of them went through the process of transformation. Mr Jasper TSANG told us the same thing earlier. The Committee said otherwise. But the professor opined that it did not mean this could not be done. This is what I bitterly resent, that is, to surpass Britain and to catch up with the United States. President, we are going to do something that has never been done in the world. I have no idea how it will "wind up". However, can we see that there is something wrong with this Committee?

I believe today's debate will not develop into a criticism session. However, as the Committee has published a report, it has to prepare itself for comments. Although the Committee has been aware that there is no such thing in the whole world, and it has not been thoroughly discussed in the Committee, the Committee has gone on to pre-empt its implementation all the same. How can the public be convinced? And how can the RTHK staff be convinced? I hope the authorities will go through the report — I have no idea whether the Secretary will publish a green paper later and add anything to it — in a fair manner.

The motion of Mr LEE Wing-tat is a bit biased, to which he has admitted. But what exactly is the extent of bias? It has only proposed to actively study instead of granting immediate approval. However, to Mr Jasper TSANG, this is already far too serious. What is in the mind of Mr Jasper TSANG? He is not here now. I have learnt from government officials to mention someone is not here whenever they speak. They mentioned me earlier. And now it is Mr Jasper TSANG who is not here. But he has proposed a further study. But how long will it take? This is exactly why the staff has suffered from low morale.

The Government has been stalling all the time. It is now turning into TUNG Chee-hwa who always deliberates without decisions. The Committee has proposed to conduct studies. President, what exactly are the studies about? In fact, this meeting began yesterday. I noted that Question 14 was raised by Mr Jasper TSANG. He said that "some groups have asked the Government to strive, on behalf of Hong Kong people, for the channels of the China Central Television (CCTV) on the Mainland to be relayed by ground stations in Hong Kong." He then asked the authorities whether this could be done. The Secretary replied that at present, free English channels were relayed by ground stations but not Chinese channels. The Secretary said it was due to a lack of spare frequency spectrum. While digitization will be introduced in future, the use of the frequency spectrum has yet to be decided. I once raised the question of how to use such frequency spectrum. Mr Jasper TSANG now made the suggestion to you of relaying the CCTV channels. To be honest, if we have the CCTV channels, it is not necessary for RTHK to be the government broadcaster anymore.

However, I strongly believe that it is the wish of the people of Hong Kong to have an independent, fair and impartial publicly-funded broadcaster. If transformation is on the agenda, I believe RTHK should be given the top priority. Therefore, the motion of Mr LEE Wing-tat has proposed to get this done instead of starting discussion afresh, albeit we do not know how many more years will be spent on discussion.

Therefore, I support Mr LEE Wing-tat's motion and oppose Mr Jasper TSANG's amendment.

MR LEUNG YIU-CHUNG (in Cantonese): President, Mr LEE Cheuk-yan just said that it would be best if RTHK would not become part of our collective

memories. I fully understand what he meant. Becoming collective memories means demolition. And RTHK will then be demolished.

However, unfortunately, President, it is an undeniable fact that RTHK is really our collective memory. I believe no colleague here has never heard of such programmes as "A Week in Politics" and "Hong Kong Connection". Some of them must have even watched Education Television and were educated by the programmes. Who does not know the popular programme "Under the Lion Rock"? How can these not be our collective memories? I think these are undeniably our collective memories.

However, Mr LEE Cheuk-yan has clearly expressed his wish that RTHK will not come to the same ending as the other collective memories, that is, eventual demolition. We will make certain of this. President, I think we must "support" RTHK so that it will not be demolished like the Star Ferry Pier and the Queen's Pier. We hope that such collective memories will not be all gone. We hope that RTHK will not suffer the same fate. President, we hope the fate can be changed. The Government has told us that a conservation policy has now been put in place in the hope of doing a better job in this area. As the Government has already had this idea, it may as well change the fate of RTHK to avoid pushing it onto the road to death.

President, Mr Jasper TSANG raised a major issue earlier, saying RTHK has lots of problems and the Audit Commission has identified many malpractices. President, I agree that RTHK is not a perfect organization, definitively offering room for improvement in administration and other areas. However, President, must all departments with faults identified by the Audit Commission be scrapped and beheaded? If this is the case, lots of departments will be affected. For instance, staff of the Leisure and Cultural Services Department have been found lazy at work or taking bribes. Even staff of the Independent Commission Against Corruption has been found cheating at sick leave. Does it mean these departments are also going to be beheaded? President, I believe this is not the case. When problems are discovered, the aim is to seek improvements instead of having all of them scrapped.

I recall an exceptional remark made by the former Head of RTHK CHEUNG Man-ye. She said when a tree fell ill, it was necessary only to trim some of its branches instead of felling it. In other words, whenever a condition is curable, it must be treated. Unless it is incurable, felling the tree is the last

resort. However, has RTHK reached such a stage? Is it incurable? In fact, President, everyone knows that the answer is no. Why? Because RTHK has actually produced a great deal of programmes that have won general acclaim and acceptance. We may as well conduct a survey. I think every member of the public has so far enjoyed programmes produced by RTHK.

In fact, programmes produced by RTHK have also brought much credit to Hong Kong. They have won a number of overseas awards, which is by no means inferior to any other media. Its achievements are there for all to see. Under these circumstances, why has RTHK been regarded as a failure, arousing demands for its disappearance just because of a few existing problems, particularly in administration?

Moreover, President, Rome was not built in one day, so the saying goes. RTHK has a history of nearly 80 years. It has established its own brand name, its own social status and reputation, as well as a close tie with the people of Hong Kong. We really cannot do without it.

Since the SAR Government has assumed office, we can see that RTHK has attracted much criticism, such as non-compliance with government instructions, and singing a different tune from the Government despite it being publicly-funded and staffed by civil servants. President, I do not think RTHK sings a different tune for the sake of it. If there are no facts to back it up, how can it sing a different tune? They have only tried to report the facts. It is the responsibility of the news media to report the facts and tell the truth. Why do the authorities need to be scared? What is the purpose of the insistence on saying that RTHK, as a government department, must speak for the Government and on government issues? In fact, advertisements are available for the Government to present itself, as well as opportunities to express its views. The Government is not without opportunities. At present, airtime is assigned for the Government to present its views.

At present, what is wrong with RTHK voicing public concerns under editorial independence? Why is it essential for Hong Kong to have a Hong Kong Central Television? It is not necessarily for us to do so. Why can we not adopt the arrangements similar to those of BBC in Britain, as suggested by Mr LEE Cheuk-yan? Why can we not do so? In fact, only under these circumstances can the news media industry pursue thriving development.

Otherwise, it will only follow the present trend of the press. Quite a number of people told me that they had lost their interest in reading newspapers because all newspapers had adopted the same tone. This was the reason why they had lost interest in reading newspapers. Some of my students also asked me to introduce a better newspaper to them. I found myself at a loss because every newspaper seemed more or less the same. I told them if they wished to grasp more accurate information of the Government, *Sing Tao Daily* was the only choice now. I could only tell them *Sing Tao Daily* was the most accurate one. As to the other aspects, I really had no idea which newspaper was more objective and enlightening with more commentaries because there were no such contents in the current newspapers. Is this something good?

At present, Hong Kong is developing into a pluralistic society. Therefore, the media should also be diversified. When only one voice is left, what is the purpose, and what can be achieved? Therefore, I hope the Government will not accept the report of the Committee on Review of Public Service Broadcasting. Although the Committee has not mentioned the way forward of RTHK, who will not get the hidden message when it is performing the sword dance like Xiang Zhuang? The sword has been aiming at the future of RTHK. In fact, we all know the crux of the matter.

We have lost our collective memories one after another. We do not want to lose this one too. Regarding this collective memory, it has received better treatment because a committee has been set up to carry out consultation. As consultation is going to take place, I hope the general public will really be consulted and their wish instead of the Government's will act as the guide, so that the healthy development and growth of the news media industry will be fostered.

Regarding the speech of Mr Jasper TSANG, I think he has got some issues right, that is, if there is a problem, it should see an improvement, to which I agree. But it does not mean the outcome is its disappearance. If we allow RTHK to disappear, our efforts and huge resources invested over the past 80 years will vanish into thin air.

MISS TAM HEUNG-MAN (in Cantonese): Madam President, like many of those who keep an interest in public service broadcasting (PSB) in Hong Kong, I was quite surprised by the report published by the Committee on Review of

Public Service Broadcasting (the Committee) in March because it has proposed spending another huge amount of public fund to establish a new public broadcaster instead of having Radio Television Hong Kong (RTHK) directly transformed into the Public Broadcasting Corporation. This proposal has aroused widespread speculation in the community: Has the Committee intended to "dry up" RTHK?

The Committee is comprised of seven highly-respected and senior media workers with years of experience in the industry. Before its release, many people had high hopes for this report. However, once it was published, the public found it quite disappointing. Not only have they not proposed the transformation of RTHK into a public broadcaster, the reasoning advanced has also been contradictory. On the one hand, the Committee stated in the 95th paragraph of the report, ".....on what role it may assign to RTHK,it falls outside of the Committee's terms of reference." However, subsequently, it stated in the 96th paragraph, "a sea change in RTHK's status is bound to be fraught with practical and insurmountable problems, and not conducive to the start-up of a new public broadcaster. Therefore, the Committee does not favour the transformation of RTHK into a public broadcaster. Instead, it proposes the establishment of a new public broadcaster with a fresh start."

The argument and conclusion of the Committee have neither been careful nor persuasive, making people totally at a loss. The Committee has ignored RTHK's contribution over the past 80-odd years, as well as its reputation, brand value and programme quality, insisting it is inappropriate for RTHK to be developed into a public broadcaster. Instead, it has proposed a fresh start. And it has then avoided to identify the future role of RTHK, giving people the impression of having an ulterior political motive, and the suspicion of smothering and "drying up" RTHK.

Madam President, I recall at a meeting of the Legislative Council Panel on Information Technology and Broadcasting, I asked Mr Raymond WONG, chairman of the Committee, whether they had studied the features of RTHK in a down-to-earth manner; and whether they had examined the feasibility of the transformation of RTHK into a public broadcaster in a down-to-earth manner. Mr WONG replied at the time that they had not examined RTHK's work in detail. He added that if Members thought otherwise, they might as well throw away the report. He said in English, "It can be amended, it can be thrown away."

Madam President, I entirely agree with Mr WONG. I agree that the Government and the community should really throw away this report. It is actually a waste of time for us to discuss this report because it practically has no reference value at all. I do not understand why the Committee has arrived at such a report after over one year of time, spending a fair amount of taxpayers' money. It is really a great pity.

Mr Jasper TSANG — he is not here now — just mentioned that the Legislative Council Public Accounts Committee (PAC) or the Audit Commission have identified administrative malpractices in RTHK. Yes, RTHK may have inadequacies and room for improvement. However, as the Vice-Chairman of the PAC, I do not understand why RTHK has been investigated by the Audit Commission four times in as short as less than 10 years. It is most strange that while some government departments have never been investigated by the Audit Commission, the Commission has had such a great deal of resources to investigate RTHK four times. I am aware that RTHK has room for improvement in many areas. But is it necessary to "dry up" RTHK "across the board" to bar its being any broadcaster in the future?

I do not understand all this: Is the frequent investigation of the Audit Commission a means to force RTHK to self-review, self-examine and self-censor its speech? Is it a means to demand RTHK's silence on reflecting public views? Therefore, I hope the government official responsible for giving us a response later will tell us: Are the proposals in this report expected by the Government or has it been taken by the same surprise as us? I do wish to hear the Government's explanation and position because the Government has made no responses over the past few months. I think it is not the Government's intention to "dry up" RTHK, right? I wish to know the Government's view on the future development of RTHK into a public broadcaster. And I also hope that the Government will give us some concrete and inspiring responses.

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

MR RONNY TONG (in Cantonese): President, I believe it is indisputable that a public broadcaster must serve as an independent and impartial platform for the public.

President, what is meant by independent and impartial? In my view, being independent and impartial does not mean giving the Government support blindly. Similarly, criticizing the Government in a reasonable and rational manner does not mean not being independent and impartial. In fact, today's topic has been discussed for quite some time. The Civic Party, other Members of the democratic camp, and even the DAB have already expressed their views on the recent report of the Committee on different occasions.

No matter what these views are, I think the majority of Hong Kong people will agree that at present, among all the different media, Radio Television Hong Kong (RTHK) can best fulfil the abovementioned requirement of an independent and impartial platform for the public. We have actually discussed this matter at great length. And I do not wish to spend too much time today repeating colleagues' words. Instead, I wish to focus on some of the proposals made by the Committee in the report on management.

President, I think these proposals are very important. No matter whether RTHK can be successfully transformed into a public broadcaster, if the management structure of such a public broadcaster is just like the one proposed by the Committee, the absence of such a public broadcaster is absolutely not a loss to us.

I listened to the speech Mr Jasper TSANG made earlier — he is not in the Chamber now — it seems that he has mostly agreed to the proposals of the Committee, except those related to the comments made on RTHK. However, I do not know if his agreement covers the Committee's proposals on the establishment of the governance structure and the management team.

President, most importantly, the Committee has proposed in the report that the Board (that is, nearly all the bigwigs) should be appointed by the Chief Executive, which is clearly set out in the 133rd paragraph. A recommendation proposed by the Committee in the 129th paragraph has particularly caused us to be concerned, and I quote, "Though the Committee feels it would be best were incumbent political party executives not be eligible for appointment to the Board to guard against partisan influences, the Committee appreciates that such exclusion is not feasible at present in the absence of legislation on political parties in Hong Kong." (End of quote) President, this is a most surprising conclusion indeed. Why? Because if the 129th paragraph and 133rd

paragraphs are read together, that means the Chief Executive can appoint political party executives to the Board of this so-called public broadcaster.

Let us give this a thought. If political party executives are to be appointed by Mr Donald TSANG, he will definitely not consider appointing Mr YEUNG Sum or Ms Margaret NG to the Board. But will he consider Mr MA Lik or Mr Jasper TSANG? Let us ponder over the consequences. It is possible that such a public broadcaster will become the DAB Radio. President, these proposals have not attracted much public discussion. But I think it is essential to point out that this proposal has actually come as a great shock. I would really like to ask Mr Jasper TSANG whether he has agreed to this proposal in the report.

Moreover, another issue should also be noted, and that is, apart from having Mr Donald TSANG to appoint political party executives to this Board, the Committee has also proposed the long-term arrangement to set up a Nomination Committee (NC) — which is different from but worse than the one for Chief Executive elections — because the first NC will comprise of only three members who are appointed by the Chief Executive. And the first Board elected by this NC will become a permanent NC that will pass on from one term to another. That means the Board of this term will nominate members of the Board of next term; and the Board of next term will nominate members of the Board of the one after next. The operation of this NC is even more shocking than that of the present Election Committee for the coterie election. At present, the democratic camp at least may secure 100 nominations in the Election Committee.

However, under this framework, should members of the DAB, the Liberal Party and The Alliance be appointed, all the long-term arrangement will be monopolized by these political parties. Even if members of political parties are not to be appointed, the end product of the appointment of those who support the Government; who wish to see this so-called public broadcaster become an "impartial", mainly meaning pro-government body or the mouthpiece of the Government, sorry, is not worth keeping at all! It is absolutely unacceptable to have a public body with a management team permanently monopolized by a handful of people and with the aim to serve the Government.

Therefore, if RTHK is to be successfully transformed into a public broadcaster but with a management team set up according to the Committee's

proposal in the report, it should equally be abandoned — because no matter how good the brand name of RTHK is, its head, its editorial staff and even its administrative objective are going to be changed one day — unless the establishment of a genuinely fair, independent and credible organization that will handle issues of public interest in an impartial manner can be ensured. We do not think the report of the Committee in this regard is acceptable. I very much hope that the DAB will give some proper responses to this argument I just raised.

Thank you, President.

MR JAMES TO (in Cantonese): President, Radio Television Hong Kong (RTHK) has a history of many decades. Opinion polls have always found its performance clearly scored very high marks among the public. Besides, as RTHK is a radio broadcaster, its programmes, whether broadcast on television or radio, can be accessed and watched by the general public. Is RTHK impartial and fair? As the public has given it such high marks, there must be some reasons for it.

However, the Government has employed "dirty tricks". As RTHK is a media broadcaster, sometimes it has found it difficult to comply with some standard procedures of the Government. In this regard, it has offered room for improvement in certain areas. But the Government has declared that a thorough investigation into the problems of its internal operation is essential despite the impartiality of its programmes, resulting in a serious dent in its image. This is what the Government is doing now.

Why? In a nutshell, RTHK has been regarded as a pain in the neck by the Government. Many of the hard-line leftists have been ridiculed. Likewise, the democratic camp has often been ridiculed too. But the point is we have always upheld a principle, and that is, no matter how we are criticized, we have to protect its right to go on criticizing us.

Mr Martin LEE pointed out not long ago that even Mr MA Lik had raised such an argument, his right to express such a view should remain to be protected. Of course, it has caused quite a stir in the community in the end, with the public thinking his comments on the 4 June incident had gone too far, being cold-blooded and heartless, too.

However, our faith is we believe in freedom of speech; we believe in having space for impartiality. Who have regarded RTHK as a pain in the neck? Why have they acquired such a mentality? There are simply two reasons. First, as they have got their salaries from the Government and the public purse, how can they subject the Government to such ridicules? Therefore, many people, be they the Chief Executive or the Secretaries, always complained in the past overtly and covertly about this way of doing things. Sometimes they did not speak up themselves but through some of the leftists. Afterwards, they used it as an excuse to say they must do something as the programmes were too vulgar and bad-taste and really needed a fix.

Second, to the Government, this is very important because RTHK's unexpected comments will impact on its prestige and credibility. Moreover, as RTHK's programmes are broadcast prime-time on different major television networks, programmes of such a satirical nature will unwittingly undermine the prestige of the Government. Therefore, in the eyes of the Government, whether it is the high-ranking or low-ranking officials, and even the Chief Executive, and whether it is the former or the incumbent Chief Executive, RTHK has been a hateful nuisance. Members of the Executive Council have also harboured the same feeling. Thus, in their view, the best way is to get rid of it to their greatest satisfaction. However, they are well aware that public aversion and opposition will be aroused. Therefore, the best strategy for now is to keep their silence by all means, so as to let RTHK die quietly without a trace. If there are technical reasons to enable its change, or RTHK staff with strong stance and strict principle in press freedom and ethics, they will be made vanished into thin air in the process, such as letting them retire in due course. Subsequently, some deputy heads, deputy directors and AOs will be deployed to watch patiently from within to see how to further rein it in and fix it.

Therefore, today I am completely not surprised to see some colleagues tactically try not to speak and raise too many arguments. In short, it is hoped that RTHK will be killed slowly like "the frog boiling in warm water", without anyone noticing it. And its death will come as a shock to the public. After the public found out the death or the fix of RTHK under such circumstances, exactly who will sit on the future Board, as queried by Mr Ronny TONG earlier? How will the nomination go one term to another? Subsequently, the future..... Frankly speaking, as RTHK has been aware of the Government's displeasure, signs of compromise under pressure have surfaced in some of its programmes. Many moderators have been transferred, replaced by "popular hosts" to find

topics every day to speak for the Government. These hosts are extremely professional and smart. And their participation has been there for several years.

Regarding the media ecology, it is actually quite sad and miserable. Let us take a look at another radio broadcaster — Commercial Radio Hong Kong. After the march on 1 July, the Central Government considered the situation of Hong Kong unfavourable. Why did some "popular hosts" hold such great appeal in exposing various problems of the Government, and they were even named the Chief Executive at a certain time in the morning? Anyone can imagine how furious the Government was. In the eyes of the Central Authorities, particularly in line with the speech of Chairman WU Bangguo that Hong Kong was executive led by the Central Authorities and directly led by the Chief Executive, how could this situation be tolerated? It was totally unacceptable because it undermined the authority of the Hong Kong Government, which meant the undermining of the authority of the Central Authorities. Therefore, various means, whether by threats and inducements, or triad intimidation, were employed for the single purpose of fixing moderators with credibility and appeal. The number of such moderators has actually been "on the decrease". The ecology has seen a great deal of change. From having freedom of speech and diversification to striving not to go backwards, the cultural and political ecology of Hong Kong has been badly wounded. RTHK is our final stronghold now.

If the public lacks vigilance, it will be too late for us to regret. Hong Kong will soon become one country one system in this regard. Our freedom of speech will soon see a regression. And we will soon find we are living in a harmonious society with one voice only. However, is it what we really wish to see? In that event, forever gone is a voice that can provide checks and balances; an independent media that can spur the Government; a force that can promote the progress of the Government and the entire community, and a forum that can cater for pluralistic discussions.

MR HOWARD YOUNG (in Cantonese): Madam President, the model of a public broadcaster in Hong Kong has been under discussion in the community for over 10 years. The Committee on Review of Public Service Broadcasting (the Committee) proposed months ago the formation of a new public broadcaster with a fresh start rather than the transformation of Radio Television Hong Kong (RTHK). We disapprove of making a decision at this stage to cast RTHK off,

forcing this organization with a history of 79 years to wind up now. However, the Liberal Party also opposes RTHK taking the through train to be automatically transformed into the new public broadcaster.

Admittedly, the stay or otherwise of RTHK has attracted much discussion in the community. Of course, we are aware that many voices in the community have supported the stay of RTHK, particularly on the grounds that its television division has produced quite a number of quality programmes for public entertainment, such as "Under the Lion Rock", "Hong Kong Connection", "Success Stories Series", "Young Chinese Musicians Series", and so on; and its phone-in programmes of the radio division have also been very popular, serving as an important means for the Government to keep a finger on the pulse of the public.

However, we hold that before the discussion on the formation of a new public broadcaster, we should proceed step by step by first drawing up and examining the future policy, governance structure, accountability, funding and programme schedule of the new organization.

Should these problems be properly solved, a solid foundation will be laid for the new organization. Not only will it help safeguard its long-term development to avoid any political or commercial interference, proper regulation will also be effected, which is really satisfactory on both counts.

Therefore, we agree that its management, scope of service and regulatory mechanism must be clearly defined by legal provisions, in order to avoid repeated accusations against the new public broadcaster of wasting public money and being an independent kingdom "running out of control", and repeated arguments over its delivery model of public service broadcasting.

Regarding the source of funding and the model of the new public broadcaster, we welcome the Committee to outline the current practices of different countries for public reference. The Liberal Party thinks that in the initial establishment of the new public broadcaster, it is actually necessary to continue to finance its operation with public money. However, its financial report must be submitted to the Legislative Council each year to allow the Council to set up a mechanism to monitor its use of money. After operating for some time, it should rely less on public money and explore other sources of income, such as sponsorships and the sale of in-house production, in order to expand the funding for its operation.

Regarding the programming content, the Liberal Party supports the production of different programme genres by the new public broadcaster to cater for the needs of the minority and the underprivileged, as well as other social strata such as the middle class, in order to offer the public more choices in its diverse programmes, and maintain a space for the public to express their opinions freely, so that different voices will have their own platforms for exchange of ideas and social harmony will be promoted.

Madam President, is it possible for the existing RTHK to be directly transformed into the future new public broadcaster by simply changing its signboard and carrying out "internal refurbishment"? As mentioned at the beginning of my speech, the answer is not a simple "yes" or "no". Most importantly, it depends on whether RTHK is able to satisfy the requirements of becoming the new public broadcaster in future.

An opinion poll released by the Democratic Party the other day has found 41% and 26% of the respondents supported and opposed the transition of RTHK respectively, showing no overwhelming public support for the transformation of RTHK into a public broadcaster. It is likely that the scandals of messy accounts, staff corruption and defraud in RTHK frequently exposed in recent years have made such an impact.

However, I am deeply concerned about the future of the existing RTHK staff. No matter whether the direct transition of RTHK into the new organization is possible or not, proper transfer arrangements must be made for the existing 380 civil servants and 260 non-civil service staff of RTHK.

Madam President, I so submit.

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

MR FREDERICK FUNG (in Cantonese): President, the Report on Review of Public Service Broadcasting released earlier has sent the community in uproar. Some people have considered the results of this review as sentencing Radio Television Hong Kong (RTHK) to death, and the staff of RTHK have begun to worry about their future. This incident has once again confirmed the total

ineffectiveness of the Government's management of public expectation, and its shallow understanding of public sentiments.

Since the reunification, RTHK has constantly been viciously attacked by the pro-establishment camp or high-ranking officials "overtly and covertly". In their view, the mass media was just a tool of propaganda. Since the privately-run media were expected to make profits for the shareholders, why was it not possible for RTHK, a government department funded by the public, to render its service to those in power; to act as the mouthpiece of the Government? On the contrary, RTHK had the guts to produce programmes to criticize the Government, which was really outrageous.

President, it seems that the pro-establishment camp only saw the speck in other's eye but forgotten the beam in his own. Since the reunification, the administrative malpractices and the low legitimacy of the Government aroused seething resentments among the public. They vented their grievances through different channels, including the media, and their aspirations were then able to be broadcast on air. Under normal circumstances, an open government at this moment would be all ears humbly, in order to find out its mistakes and make improvements. Instead, the Government and the pro-establishment camp regarded it as a great scourge, and queried that the public discontent had actually not stemmed from the administrative malpractices of the Government but rather the provocation of the media. And RTHK precisely played an anti-government role in their view.

Subsequently, Donald TSANG assumed office. And incidentally, his narrow concept of "non-interventionism" prevailed. The future of RTHK immediately turned more pessimistic. His one comment about "avoiding RTHK competing with commercial broadcasters" harshly banned RTHK from broadcasting programmes on horse racing. Even the production of "Top Ten Chinese Gold Songs Award" was nearly "forced to wind up". Such a move set off a new round of debate on the fate of RTHK.

President, the review of future public service broadcasting (PSB) was conducted against such a backdrop. The majority public expected this review to quell the groundless accusations of the pro-establishment camp and high-ranking officials against RTHK, as well as to set the tone of the official transformation of RTHK into a public broadcaster. It was a pity that public aspirations received no positive responses. On the contrary, the Government did the exact opposite

and limited the scope of the review. As a result, the Committee was non-committal about the fate of RTHK, even having reservations about the transformation of RTHK. This is why I said the Government was ineffective in the management of public expectations and ignorant of public sentiments. As a result, since the report was released, the fate of RTHK has once again become the subject of public debate without end while the subject of future PSB has eventually been put aside by the public, which is really a major flaw of this consultation.

President, the Hong Kong Association for Democracy and People's Livelihood (ADPL) is always of the view that PSB plays an active and catalytic role in the formation of civil society and promotion of cultural creativity and development. This is evident in the operation of the publicly-funded broadcasters in Europe over the years. PSB can not only provide the public with programmes that are non-commercial-led, educational and suitable for the enjoyment of different social groups, it can also make up for the inadequacies of commercial broadcasting to offer reliable information as well as diversified and penetrating programmes. With the favourable interaction and competition with commercial broadcasters, very positive impacts can be brought on the enhancement of the overall broadcasting quality of the community. I wish to stress one point, which is neither public broadcasting should avoid competing with commercial broadcasting as suggested by the Government earlier, nor PSB should be viewed with concepts always promoted by the Government, such as positive non-intervention and "big market, small government", but the overall broadcasting quality should be enhanced through healthy competition for the benefit of the public.

According to the report of the UNESCO, PSB should provide the general public with a fair platform and wide-reaching services. Its features include universality, diversity, independence and distinctiveness, as well as the absence of any control by the government and commercial interests. These are precisely the features and values of PSB.

The ADPL thinks that the most appropriate and easiest way is the transformation of RTHK, which has established over the years a credible and positive image among the public, into the new public broadcaster. The point is it must be relieved of the ties of a government department and be conferred an independent and statutory status by law, in order to ensure its autonomy is free from any pressure of the Government. It must also be stipulated in the

legislation that the governance structure and model of the new public broadcaster should be separated from the Government and be given a high degree of independence and autonomy. The transparency of its operation should also be enhanced for public monitoring. Moreover, from the financial point of view, should RTHK undergo transformation, its existing infrastructure can be utilized, so as to avoid the huge expenditure expected to be incurred in establishing an entirely new public broadcaster, as well as to make more efficient use of resources.

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

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

MS MARGARET NG (in Cantonese): President, I wish to say a few words for RTHK.

In fact, RTHK and I have gone back a long time. Many years ago when I was yet a Member, I was the moderator of "A Week in Politics". After several series, an English section called "LegCo Today" was launched. I was the moderator of the English section and Mr David CHAN the Chinese section. He always stood here on the public gallery for rehearsal. But both of us were no good and had NG frequently.

Regarding the production, my personal experiences inside RTHK at the time confirmed that all the crew members were very involved. They worked very seriously, wishing to do something for Hong Kong. Before moderating in "A Week in Politics", I worked along with Mr NG Ming-lam as moderators in "City Forum". Members may well imagine how long ago it was. Then, I quitted after several series because I really could not stand the fierce heat in the Victoria Park. However, every one of us was always pleased to work for RTHK. It was precisely the spirit of Hong Kong and the sentiment of Hong Kong being my home that drove us to work for Hong Kong. Of course, there were also many other special programmes that were planned to present major issues of Hong Kong in a way that could penetrate deep into the public.

RTHK at the time was highly regarded within the Government of Hong Kong. I still remember during the Sino-British talks, the coverage of the talks

was not permitted because of the confidentiality agreement of both sides. However, why could the then Director of Broadcasting CHEUNG Man-yeek instead get to know the details? Because she attached great importance to the news report, in order to ensure no wrong information in this regard was released. That was why she knew what was going on.

President, RTHK came under frequent attacks even at that time. Sir Philip HADDEN-CAVE immediately springs to my mind. He had lots of covert criticisms, always describing RTHK as "biting the hand that feeds you". He queried why the Government was always subjected to great embarrassment by the comments of those who obviously got their pay from the public purse. Therefore, the fact that RTHK being attacked is no different before and after the reunification. But what exactly is the difference after the reunification?

The only difference is, of course, apart from not asking me to be the moderator in its programmes, the attacks have come from different sides. However, surprisingly, no one in the Government has stood by it. Secretary Joseph WONG even heavily trampled over RTHK today in this Chamber, which is an action never seen before.

In the past, when frequent criticisms of RTHK arose from the lack of understanding of freedom of speech of Hong Kong, the then Chief Secretary for Administration, Mrs Anson CHAN, spoke up for it. However, we cannot see any high-ranking officials do the same today. Moreover, various means including finance, staff reduction, funding and programming cut have been employed to make the situation worse. Of course, after all this, RTHK has been heavily cracked down. And promotion has been launched by the authorities even under these circumstances.

Therefore, the report under discussion today, that is, the Report on Review of Public Service Broadcasting in Hong Kong has pointed out that the working relationship between RTHK and its Policy Bureau in many areas is incomparable to that which should exist between a public broadcaster and the government. And many people have even criticized RTHK of not being independent enough. Ms Emily LAU is the most furious, criticizing RTHK of not being independent enough; not being impartial enough and not having enough guts to speak up. Therefore, Members often alluded to its faults today. However, among these faults, what are the causes; what are the effects? Why did the RTHK I was familiar with in the past always consider itself not

independent enough and devote all its time to find ways to be more independent? Why has today's RTHK experienced such a change? Is there something wrong inside RTHK; or something wrong inside the Government that leads to the present phenomenon?

Moreover, this report has even dropped stones on RTHK that has fallen into the well by saying that it has an entrenched structure which is difficult to be changed. Finally, it has gone so far as to draw a conclusion in the 96th paragraph, "a sea change in RTHK's status is bound to be fraught with practical and insurmountable problems, and not conducive to the start-up of a new public broadcaster. Therefore, the Committee does not favour the transformation of RTHK into a public broadcaster." Such an insulting comment is not just dropping stones but actually sharpening the knife in preparation for something. If we go through Chapter 10, we can see that from the 237th paragraph onwards, even how to "thrust the knife into" RTHK has been clearly illustrated in the implementation plan: All the immediate measures, short-term measures and long-term measures are set out, but with no say of RTHK at all.

President, when we express our many points of dissatisfaction with RTHK today, we first must understand: Where have these problems come from? Where are their roots? I do sing praises of Chief Executive Donald TSANG. He is definitely more competent than TUNG Chee-hwa. TUNG Chee-hwa could not "kill" RTHK despite talking about it time and again. But when Chief Executive Donald TSANG wishes to get the job done, he has fixed the Legal Aid Department in the morning and subsequently RTHK in the afternoon, clearly demonstrating his strong governance. If we do not stand up to speak for RTHK today, we have nowhere to uphold our freedom of speech and press freedom tomorrow.

Madam President, if we let the secret plot — this is actually a conspiracy planned long ago — if we let the secret plot succeed today, how is our future going to be? We can well imagine it. Thank you.

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

MR MARTIN LEE (in Cantonese): Madam President, I was earlier at the meeting of the Commission on Strategic Development, and I fought to speak first

because I was in a hurry to attend the Legislative Council meeting. Chief Executive Donald TSANG said it was not necessary for me to do so and I might as well stay at that meeting. I said no because the Legislative Council was going to discuss the issue of the independence of RTHK and I must be back here to give my support. Therefore, after I had spoken at that meeting, I immediately rushed back to the Legislative Council.

Madam President, Ms Margaret NG made some very good points. Before the reunification, Miss CHEUNG Man-yea often told me that the Government had picked at her all the time. But the only thing it did was picking at her. She thought it did not matter because the British Government had picked at BBC as well. In her view, all governments claimed to support freedom of speech and press freedom, but there were things they really did not like to see. In particular, when they thought they could exert their influence on radio or television broadcasters to not to expose their scandalous conduct, those in politics somehow would apply covert pressure. However, it was most important that the head of the broadcaster could "put up with" it, not relaying the message to the subordinates and bearing all the pressure alone. The broadcaster could then maintain its independence.

An evening rally was recently held in the Chater Garden off the Legislative Council Building, in which I participated. I heard a very senior director of RTHK who was responsible for the production of "Hong Kong Connection" admit that he had often suppressed himself not to say too much, and he had found it quite uncomfortable. Nevertheless, he had frequently been reprimanded. He thought he could not exercise 100% of freedom of speech because he felt pressure. He very honestly told us his experience.

Some "Victoria Park Uncles" have attended "City Forum". Of course, they have only targeted one side. And I have already got used to them. I also very much hope that they will be given more opportunities to swear at me loudly because I believe swearing loudly will do good to their health. Therefore, whenever I speak, they shout at me. Usually I do not use earplugs when I travel by air because I sleep very well on the flight. But I always keep a pair of earplugs for "City Forum". When I speak, I would put the earplugs into my ears. And when I finish, I take one of them out so that I can listen to the other speakers. In this way, they can shout to their heart's content without having me disturbed. In fact, this has run very well, having everybody pleased.

As to "A Week in Politics", I think the pressure faced by the moderators may not be that great. But I never know (I have only learnt from friends) that sometimes if members of the democratic camp are invited to some seminars, they will be under immense pressure covertly. Even if only one member of the democratic camp is invited, they will be reprimanded afterwards.

As to "Headliner", it is common knowledge that many would come forth to scold it. In fact, I think we Chinese lack a sense of humour about this. In other countries, people have got used to the broadcast of such programmes because either leaders or those in politics are expected to be ridiculed. If you cannot stand the heat, do not come into the kitchen. Therefore, on what I regard as a sense of humour, I think we should not take it too much to heart and get too nervous, particularly the leftists for they have actually not been the subject of ridicule, but they would work themselves up into a rage, even giving a dressing-down. Therefore, the Chinese in politics should be more open-minded. In fact, in this regard, if a charge of libel is filed in Court, the Judge will apply common law where one of the major principles is that it is very difficult for those in politics to sue someone for libel because one is expected to put up with such pressure if he is in politics.

At present, the problem of RTHK is: Who will give it support? Ms Margaret NG clearly told us that the Government not only has not rendered its support, it has even trampled on RTHK. How about the public? How about the Members? If the public do not give RTHK their support, it will be difficult for it to hang on. Honourable Members, sorry, I believe once this motion is put to the vote, the situation will be like that in the morning. The situation is always like that. No matter how we vote, the 20-plus Members of the democratic camp are always in the minority. However, does it mean our representation is also like that?

Outside the Council, the democratic camp received 62% of the votes in the 2004 Election. Therefore, we have enormous support outside the Council. However, what actions have the public taken; what have they done to support RTHK? I do not mean RTHK is perfect. They dare not admit it themselves nor ever admit it. However, despite that it is not perfect, at least and to a certain extent, many of its staff have fulfilled their duties to uphold freedom of speech. If we cannot give it our support, the fault lies with us, not them; if the public do not give it adequate support, the fault lies with our community.

Therefore, I hope serious consideration can be given to this issue. If RTHK is deprived of freedom of speech or "killed" today, I am sure the freedom of speech enjoyed by the future public broadcaster will be less than half of that of RTHK. As a result, our freedom of speech will be greatly restricted. The new broadcaster may not dare to report the views of Members of the democratic camp. Even now, the coverage of our views is becoming scarce in the newspapers.

Therefore, such a gradual development will result in increasing restriction on freedom of speech of the HKSAR. And our reputation as an international city will be pale into insignificance. Is this good for Hong Kong? Is this good for our country? Thank you, Madam President.

MR ALBERT CHAN (in Cantonese): President, Ms Margaret NG said earlier that to "kill" RTHK was a secret plot. In fact, it is not a secret conspiracy but an "open plot" with its purpose clear and all the cards put on the table. It is only a question of when and how to do the killing — whether the "seven-spin chop" or the "heavenly huge foot" will be employed depends on the social situation at the time. If the "support" RTHK campaign of the public is on a much bigger scale than the march on 1 July in 2003, the Government will immediately delay action. However, if the public just make a symbolic gesture of all thunder but no rain, with only a few hundred to a thousand of them coming forward to "support" RTHK, the Government will trample over RTHK with the "heavenly huge foot". Then even the "buddha's palm" cannot rescue it.

Apparently, if we look at the role of RTHK in the context of the nature of the issue, it is understandable that high-ranking officials have naturally found it difficult to accept the open criticisms levelled at the Government by a department staffed by civil servants and with an annual spending of \$500 million to \$600 million. However, what should be done is to reform RTHK instead of "killing" it. If civil servants are considered not being in the position to criticize the head of the Civil Service, it may as well completely phase out the civil servants of RTHK. In the past, civil servants were completely phased out in a number of organizations, such as the Kowloon-Canton Railway Corporation that implemented it many years ago and the Hospital Authority. Many services used to be provided by civil servants have also gradually seen a change. Therefore, should actions be taken, we must first understand the nature of the problem.

In fact, the proposal of corporatization was mooted in the British Hong Kong era. It was a very hot topic in the early and mid-'90s. However, once the then Beijing Government made a remark, the British Hong Kong Government immediately dropped the subject and left this thorny issue to the post-1997 SAR Government.

When it comes to the era of the HKSAR Government, the actual situation of RTHK has slightly changed in essence. Apparently, in the British Hong Kong era, it was a hard fact that RTHK levelled criticisms at the British Hong Kong Government. When we take a look at the past programmes, we have found many of them have not changed in essence. The change has actually occurred in two areas: the change of the sovereign state after 1997; the change of the political status of the hard-line leftists with the correct pedigree in Hong Kong.

Before 1997, secondary schools with a hard-line leftist background were not recognized by the Government. The campuses of these schools were usually found on the first floor of some old buildings. After 1997, "a water ghost has suddenly risen to power to be City God" — President, sorry, the hard-line leftists with the correct pedigree have immediately "sat right in the middle" of the grand hall. One of the members of these schools may even be appointed as a Secretary in future. In the past decades, RTHK made a not too good impression on the leftists because of its ridicules and criticisms of the leftists in a sarcastic manner. Besides RTHK, Commercial Radio in the past went even further. I remember in the 60s, we used to listen to the programme hosted by LAM Bun, which enjoyed widespread popularity. In the end, he was burnt dead with a gas bomb by the leftists. Therefore, in the past, the orthodox media did have feelings of hostility and antagonism towards the leftists.

It is unfortunate that after the return of sovereignty in 1997, it has kept ignoring the realities of the times; failing to sing the national anthem readily, and failing to offer flatteries in praise of the backing force of our great Motherland. TUNG Chee-hwa had read the trends of the times and awarded the Great Bauhinia Medal to YEUNG Kwong. On the contrary, RTHK has totally ignored the realities of the times, inevitably leading to the clearing of the scores politically. The leftists are experts in these political tricks. Moreover, with the pressure from the Central Authorities, the SAR Government must enforce its order to clear the scores with RTHK. This is an "open plot", definitely not a secret plot.

Now, after TUNG Chee-hwa mishandled the government, Donald TSANG succeeded him to fix RTHK. And the review committee headed by Raymond WONG was appointed. I queried them in the committee that they had actually been aware of the intention of the Government to clear the scores with RTHK, and they had actually been willing to be used as a political tool. Moreover, as their report was perfectly in tune with the Government's stance, how could it not give an impression that they had helped the Government clear the scores with RTHK? Some of the members seemed to feel insulted at the time. However, "since one can eat salty fish, one must be able to stand thirst." As you have accepted the appointment, and the conclusion of the report has closely followed the political direction of the Government, how can it not give an impression that the committee was carrying out the order of the Government?

Therefore, President, the life and death of RTHK does not rest with this Chamber; the life and death of RTHK is in the hands of Hong Kong people. If Hong Kong people cherish and support RTHK, the march on 1 July this year should target at "supporting" RTHK. If 200 000 to 300 000 people take to the streets, RTHK will have a chance of survival. Failure to gain such a momentum "in support of" RTHK will result in the announcement of the death of RTHK at any time. If it is a broadcaster of the public, the existence of RTHK should rely on the voice of the public; the force of the people.

I urge RTHK supporters to take to the streets on 1 July to make concerted efforts to "support" RTHK. Thank you, President.

DR YEUNG SUM (in Cantonese): Madam President, I wish to tell Secretary Joseph WONG that to "dry up" Radio Television Hong Kong (RTHK) will inevitably arouse a public outrage. While public opinion can keep a boat afloat, it can also overturn it.

We have gathered some data. I wish to relay to Members briefly a series of survey findings. In October 2005, the Centre for Communication Research of The Chinese University of Hong Kong (CUHK) was commissioned by RTHK to conduct a survey. Of the 1 111 people interviewed, 72% said they got a good impression of RTHK, 78% thought RTHK should monitor the Government and comment on government policies, and 58% agreed to the operation of RTHK as a publicly-funded organization.

In March 2006, the Lingnan University was commissioned by the RTHK Programme Staff Union to conduct a survey of RTHK staff by means of self-administered questionnaires. Of the 298 questionnaires returned, 74% thought incidents of recent years such as the two states statement and the ban on the broadcast of horse racing have shown a crackdown on the editorial independence of RTHK; 74% felt concerned about the future of RTHK; 45% agreed to the separation of RTHK from the government structure and 32% disagreed; 61% agreed to the operation of RTHK following the BBC model, that is, funded by the Government and monitored by a board comprising of public figures. This is also what I mean by independence and corporatization.

In March 2006, of the 1 440 people telephone interviewed by the Centre for Communication Research of CUHK, 55% said they got a good impression of RTHK, while 81% thought RTHK should monitor the Government and comment on government policies. In March 2006, of the 1 166 people telephone interviewed by the Hong Kong Research Association, 50% found the services provided by RTHK satisfactory, and 50% thought the operation of RTHK was best suited for the publicly-funded model, that is, funded by the Government but run independently. In April 2006, of the 1 017 people telephone interviewed by the Public Opinion Programme of the University of Hong Kong (HKU), 80% thought a public broadcaster free from commercial or government interests with the single aim to serve the public was needed in Hong Kong; 69% thought a public broadcaster should be operated and managed by an independent organization; 27% thought it should be directly administered by the Government; and on what concerning RTHK, 51% thought it could serve the purposes of a public broadcaster.

We can see from all this that each and every survey has affirmed the operation of RTHK. Moreover, the findings of three more surveys can also be served as reference. In May 2006, of the 1 002 people telephone interviewed by the Hong Kong Institute of Asia-Pacific Studies of CUHK, 69% found the overall performance of RTHK satisfactory; 47% thought RTHK should be operated under a publicly-funded structure in future; and 36% thought RTHK should maintain its status as a government department. The public obviously did not wish RTHK maintain its status as a government department and instead demanded its independent operation. Lastly, 76% thought a public broadcaster was needed in Hong Kong.

In May 2007, of the 500 people telephone interviewed by the Research Institute of Journalism and Communication of the Chu Hai College, 55% considered the overall service of RTHK satisfactory and only 8% found it unsatisfactory; 48% disagreed to the establishment of a new public broadcaster with a fresh start and only 23% agreed to it. Among those who disagreed to the establishment of a new public broadcaster with a fresh start, 33% thought RTHK should become such an organization.

Of course, the last survey is the one conducted by the Democratic Party. And I believe Mr LEE Wing-tat mentioned it earlier. Basically, 41% of the interviewees thought RTHK should be transformed into the public broadcaster of Hong Kong. Mr Howard YOUNG said earlier that 25.9% of the interviewees opposed it. Therefore, no overwhelming support has been shown. However, Madam President, RTHK has recently been involved in a number of court cases in succession, making a certain unfavourable impression on the public. Despite this, 41% of the interviewees thought RTHK should be transformed into a public broadcaster. Mr Howard YOUNG and I have two entirely different interpretations.

To "dry up" RTHK will arouse a public outrage. While public opinion can keep a boat afloat, it can also overturn it. All the above opinion surveys were conducted by independent organizations. Over the years, from 2005 to 2007, it was universally acknowledged that the independence of RTHK was a good way out and the work of RTHK to date has been satisfactory.

In fact, since the '80s, I have been invited to the interviews of RTHK a number of times. I have had high regard for its staff for years. When I was studying political science and sociology in the HKU, it was often said that in a capitalist society, the government would certainly serve the business sector, and a colonial government would certainly suppress the people. However, since the '80s, whenever I was invited to the interviews of RTHK, people with political stance different from mine, such as LEUNG Chun-ying, Stephen CHEONG and Gary CHENG, were always there on the same occasion. It was like that every time. The presence of only one interviewee never occurred, that is, whenever they were there, I was also there and *vice versa*. I began to realize there was really a BBC in Hong Kong, which was independently operated despite being funded by the Government. Besides levelling criticisms at the Government, it also presented divergent viewpoints.

Madam President, I think RTHK deserves credit in history in the development of Hong Kong into an open and pluralistic society. These people on the government payroll have adhered to the professional ethics of the press, reflecting public opinions independently to become the mouthpiece of the people free from commercial and political interference. I think this only should make Secretary Joseph WONG feel ashamed. If he intends to thrust the knife into RTHK a couple of times more, this blemish of his will be recorded in history. I have no idea whether he will renew his term of office or develop other careers. But I very much hope that at this critical moment, he will save the Government from losing all its honour by having RTHK officially transformed into the public broadcaster. This is very important for two reasons: First, the public have confidence; second, it has a wealth of experience. Although there is always a black sheep in every fold, reforms can always be introduced.

Thank you, Madam President.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I have no special feelings for Radio Television Hong Kong (RTHK), nor have I any special feelings for the media because I am generally not highly-regarded among the media, thus giving me no chance to voice my views.

I wish to cite a very simple example. I have seldom been invited to talk shows. I have never been to the Chinese-funded broadcaster — ATV. However, its English division has extended an invitation to me three times in a row within a very short period. Why? Is it because my English is exceptionally good? No. It is actually an English test before the eyes of the public. It is that simple.

It is the same when we talk about RTHK. We are now discussing one issue: Given the existing policy on the media on air, has the Government tried its best to provide different voices with their own platforms? I will discuss the issue in two aspects: First, the private sector. I once overrated my own abilities to apply for the launch of a radio broadcaster and found a stringent check in this regard was imposed by the Government. I have never come across such a ridiculous law. It has not provided any uniform standards for the application

for a licence. As long as the standards have been met, everything will "go automatically". Even if there are additional terms and conditions, it is still necessary to provide reasons. At present, the Chief Executive, that is, the Governor in the past, has the say. There are no uniform standards at all. This has actually contravened the basic requirement of enjoying freedom according to law because it is decided by the Chief Executive instead of according to law. Therefore, this is actually a prerogative.

In this regard, after he has cut off the right arm of Hong Kong people, he says sorry, you have not asked me — that is, the Chief Executive. I have pointed out that now, there is only one bureau in Hong Kong, three departments and 11 bureaux, 12 bureaux or 13 bureaux, actually there is just the Political Bureau of the CPC Central Committee on top to monitor us. This practice has enabled the continuance of the colonial legislation. The Chief Executive is conferred with the power to issue licences in accordance with general clauses instead of provisions in explicit terms. This is actually "duping". Therefore, I was not issued a licence. Therefore, I was arrested. In fact, it was the Chief Executive who had broken the law. No matter what right it is, as long as the ordinary people can reach certain standards according to law, they should have that right.

Second, it is about RTHK. They said it was not necessary to pay attention to what "Long Hair" did. We had the radio broadcaster. This is again untrue. I remember in every argument, I have never heard the President or the Prime Minister of a country keep talking about a publicly-funded broadcaster. Even Tony BLAIR has not spoken freely about BBC. However, I know Chief Executive TUNG made comments about bad taste. And Mr TSANG also pointed his finger to give instructions as if downgrading himself to be a programme director of a commercial broadcaster, talking at great lengths about what programmes a specific broadcaster should produce; what programmes a specific broadcaster should not produce. Is he having too much spare time? These unusual moves have indicated their incontinence of speech, that is, saying things that should not be said, just like WU Bangguo saying things that were unbecoming of his capacity. What has he to do with the broadcast of horse racing and golden songs award? Making such statements is like creating public opinion to do the killing.

A committee was then appointed by the Government. I immediately asked Mr Raymond WONG at the time: Why did he sew the trousseau for

somebody else? Why did he stoop to serve the Government in producing a report to allow it to "kill" RTHK? What was the purpose? He did not give me a reply at the time. And now he does not need to because he has really done that. The so-called perfection of RTHK is having it transformed into a public broadcasting corporation and a public broadcaster, so that RTHK will not repeat its wrongdoings in the past. This is absolutely "duping".

Has our Government not reminded us time and again of the principle of gradual and orderly progress? When a house is built, it is nonsense to build the loft first and then add the ground level later. What are we doing today? RTHK has been operating with the public fund of Hong Kong. However, the Government has surprisingly told us that we had better do without it. Instead, the Hong Kong Public Broadcasting Corporation should be set up with a fresh start. This is exactly the result the Government wishes to see.

I think this is totally groundless. First, I wish to ask the Government: Where can a pool of talents in running a radio broadcaster be found? Are the staff going to be banished and a new team established? The answer is no. Second, the Government has not given us any fundamental flaws that justify the cessation of the existence of RTHK. The Secretary just said it was not impartial and independent enough.

However, we should refer to the comments of Mr TSANG Hin-chi. I cannot help referring to this old gentleman. He said he had paid taxes to the Government. Then why did a radio broadcaster run by the Government not speak for the Government? If there is no universal suffrage, it will be right not to pay taxes. However, we cannot say that as there is no radio broadcaster to serve the Government, we will not pay taxes. A good platform is one that serves all the taxpayers. The reform of RTHK should follow this major direction rather than being handed to the Government to allow the Government to suppress different voices after collecting taxes, acting just like the Communist Party.

Time is up again, sorry. Let us give this a thought.

MR ALAN LEONG (in Cantonese): Madam President, regarding the performance evaluation and public involvement of public service broadcasting (PSB), the Civic Party is always of the view that it is the responsibility of a

public broadcaster to be accountable to the public. But the relevant accountability measures must maintain the features of PSB such as universality, diversity, independence and distinctiveness. In order to achieve accountability while avoiding undermining editorial independence, the accountability measures must be explicit and practicable.

The Civic Party is of the view that the future legislation on PSB should include categorical references to the core values, public service mandate and performance indicators of PSB. Moreover, the relevant legislation must ensure in explicit terms the independence and governance quality of the public broadcaster, including the appointment of the management structure in an open and transparent manner free from any instructions or influences of the executive authorities.

Moreover, the Civic Party also proposes a review of the public service mandate and performance indicators of PSB every 10 years, so that the needs and sentiments of the people will be reflected in a timely manner. The audit report of the public broadcaster should be submitted to the Legislative Council each year. And its Chief Executive Officer should attend meetings of the Panel on Information Technology and Broadcasting of this Council to give an account on the performance of the organization.

The Civic Party generally supports the Committee on Review of Public Service Broadcasting in its proposal of the four realms of accountability, including service scope, programming quality, financial propriety and management. In terms of service scope, we think the target audience of PSB should be the entire population, including the ethnic minorities and the underprivileged. In terms of programming quality, we believe editorial independence can best assure programme diversity. In terms of finance and internal management, we maintain that the finances of the organization should be monitored by the Legislative Council, and the organization has the responsibility to draw up guidelines to prevent fraud and corruption.

Madam President, as the audience and the target of services, the public must play an important role in the monitoring of the performance of PSB. In this regard, proven examples have been set up by a number of overseas broadcasters. For instance, before the introduction of any major changes or new services, the British Broadcasting Corporation will conduct tests on public values; both the Public Broadcasting Service and the National Public Radio of

the United States have appointed an ombudsman to receive complaints and assure programme quality; the Australian Broadcasting Corporation has set up a division to investigate complaints. And remedial measures will be subsequently recommended by the Complaints Review Panel, such as the broadcast of correction of errors.

Nowadays, the public are no longer just a passive target to be served, they also wish to take every opportunity actively to participate in public affairs. At present, a number of major public broadcasters in the world have realized this aspiration of the general public. Therefore, not only have these organizations provided the public with information, they have also offered channels to allow the public to broadcast self-produced programmes, resulting in the provision of the so-called public access channels.

Take the present-day United States as an example. There are over 200 community or public access channels across the country, broadcasting programmes not just limited to entertainment for the underprivileged. For instance, the public access channel in Hawaii broadcasts job vacancies for the convenience of job-searchers. It also seeks community support for children with family catastrophes. There are public access television channels that provide programmes in Spanish for new migrants or cooking programmes for different ethnic groups. Even the police of the United States have distributed the particulars of sex maniacs through public access channels to curb the spread of sex crime.

Madam President, the opening up of public access channels can allow individuals or groups with divergent opinions to freely express their views on various policies or concepts without any cuts of the editors. For instance, through these channels, support for tax increases was expressed; equality was promoted by believers in socialism; speeches were made by professors in support of women liberation. Those involved can be social groups, religious groups, schools and even government departments.

In recent years, Radio Television Hong Kong (RTHK) has launched the outsourced scheme to inject creativity, talents and diversified programme models into the organization. Of course, this is incomparable to the concept of public access broadcasting. However, this has shown that among the various existing broadcasters, RTHK has made a head start in public access broadcasting. With the rising trend swelled by a civil society, Hong Kong should expeditiously

provide PSB that meets the civil needs. As RTHK has shown initial results in public involvement to provide PSB, we think it is appropriate for RTHK to be transformed into the public broadcaster of Hong Kong.

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

DR FERNANDO CHEUNG (in Cantonese): President, it is the fate of Radio Television Hong Kong (RTHK) that is under discussion today. The fate of RTHK should be an issue concerning the policy of public service broadcasting (PSB). However, after the release of the report of the Committee on Review of Public Service Broadcasting (the Committee), it seems that the way forward of RTHK is actually a political issue.

The review of PSB has long been a subject of discussion in Hong Kong. As early as in the colonial era when RTHK played the role of a public broadcaster with the status as a government department, conflicts constantly emerged. In the eyes of the colonial Government or the pro-establishment camp at the time, such conflicts were regarded as an unpleasant thorn in their side. For instance, a Governor deeply resented RTHK, describing it as "biting the hand that feeds it", which means it was not loyal to the Government despite receiving salaries from the Government; RTHK was not keen to say good words for the Government, on the contrary, it sometimes even "pointed the gun inwards". In fact, a consultancy report at the time already pointed out that in the long term, it was necessary for RTHK to undergo transition to become a public broadcaster separated officially from the government structure. Only when the conflicting role of RTHK was resolved could its role as a public broadcaster be truly maximized. However, due to the subsequent arguments between China and Britain during the transition period, the issue of the transformation of RTHK was shelved.

After the reunification, the thorn in the side of the colonial Government turned into that of the SAR Government, the Central Government and the leftists. Mr TSUI Sze-man, Member of the Standing Committee of the CPPCC, criticized "Headliner" produced by RTHK as "ridiculous". Afterwards, Chief Executive TUNG also criticized the programme as "bad taste". In recent years, there have been constant criticisms of RTHK's failure to play the role of promoting government policies. There have even been criticisms of Director of Broadcasting CHU Pui-hing's "support" of RTHK as

open rebellion when he is paid monthly from the public purse. These comments have reflected the conflicting role of RTHK as a government department in being true to public interests and refraining from "biting the hand that feeds it".

The fact is perfectly clear, and that is, RTHK must become independent and free itself of the status as a government department. This is the obvious way forward. However, the report of the Committee has proposed the establishment of a new public broadcaster in Hong Kong, completely ignoring RTHK that has always played the role of a public broadcaster. On the one hand, the Committee said RTHK was not within the scope of review, and on the other, it concluded it was inappropriate for RTHK to undergo transition to be the new public broadcaster. Apparently, it has aimed to "dry up" or suppress RTHK by other means.

In fact, RTHK has a history of 79 years. Over the years, it has established considerable credibility and a community of audience. RTHK served various purposes in the past, making the voice of justice heard in its programmes and considering different social issues from the angle of public interest. Take the series of "Gay. Lovers in Hong Kong Connection" as an example. The programme has provided a chance for the discussion and expression of public views on this minority topic that has long been marginalized by mainstream society. Of course, the broadcast of such programmes has led to heated arguments. But it is precisely the purpose of a public broadcaster to serve as a platform for a diversity of social values.

It seems that the media should maintain neutrality is the common view within the Government. And the so-called balanced coverage means approximately equal airtime should be allocated to both the affirmative and negative sides. This is what the Government means by fairness. However, such a bureaucratic practice is totally not applicable to a public broadcaster. "Separation of powers" should be exercised in Hong Kong. And the media, being the fourth power, has also assumed a significant role. However, President, the NPC Chairman has just told us that there was actually no "separation of powers".

Honestly speaking, the so-called "separation of powers" is actually just in terms of spirit. Structurally, the Basic Law has given the executive authorities enormous power. Even the legislature does not have enough check on it.

After the reunification, the rule of law in Hong Kong has seen much regression. Therefore, the fourth power can provide significant checks and balances to prevent the community from taking a wrong path. If we have a good public broadcaster; if RTHK can undergo smooth transition to become a public broadcaster that is true to itself, true to the fourth power and true to public interests, our social development can then be truly people-oriented. In fact, the present airtime of RTHK is less than that of the other commercial channels. Coupled with the under-usage of the existing broadcasting channels, I think the Government not only has to assist RTHK in undergoing transition to become an independent public broadcaster, it should also open up the remaining channels, particularly the future digital channels, to the community, so that the public can wield different powers with RTHK to create a society with more diversity, as well as to provide an opportunity for the minority and the underprivileged outside the establishment to make their voices heard.

With these remarks, President, I support the motion because I am "in support of" RTHK, in order to protest against the Government's crackdown on RTHK, as well as to unburden the bitterness for RTHK that has turned into the underprivileged.

PRESIDENT (in Cantonese): Mr SIN Chung-kai, do you wish to speak?

MR SIN CHUNG-KAI (in Cantonese): If no other colleague wishes to speak, I think I may speak.

PRESIDENT (in Cantonese): You had better tell me you wish to speak.

MR SIN CHUNG-KAI (in Cantonese): Fine, I would like to speak.

Madam President, it is a usual practice for all the powers-that-be to criticize public broadcasting services. Mr LEUNG Kwok-hung pointed out just now that Tony BLAIR had never criticized BBC. He was wrong. Before Tony BLAIR became Prime Minister, BBC was called Blair Broadcasting Corporation by the leader of the then Labour Party (the incumbent ruling government at that time), implying that BBC was already speaking for Tony

BLAIR even before he became Prime Minister. However, when he became Prime Minister, not only did he attacked BBC, he was even determined to regulate the broadcaster.

Despite this, Madam President, British society is still aware of the significance of public service broadcasting. Now, after a period of uproar, the British Government is even more determined to keep public broadcasters at arm's length. Through a Charter system, BBC will still remain untouchable even if the British Government's arm reaches out very far.

It must be noted that no one will feel pleased when he is criticized by others, including the Government. However, the Government may counter-attack, for it speaks louder. There is a need for a system to be put in place in society to enable an organization to assume an extraordinary status to allow diverse voices from many aspects to compete on a platform. I stress that I am referring to competition among different voices on a platform. Actually, it is essential for public broadcasters to provide channels for different voices to be expressed to reflect the voices of the public.

Madam President, I do not wish to recapitulate the reports published by this Council after its visits to Britain and the United States in March this year, given that this subject has already been debated in this Council. Today, I only wish to speak in response to some of the arguments put forth by Mr Howard YOUNG and Mr Jasper TSANG.

Mr Howard YOUNG, I hope colleagues of the Liberal Party can take a look at Mr LEE Wing-tat's motion. His motion has absolutely — absolutely — not mentioned a word about the need for RTHK to have a "through train", given that "through train" was highlighted by Mr Howard YOUNG earlier. However, regardless of whether there is a need for a "through train", I do agree that RTHK needs some internal renovation. This point was also raised by Mr Howard YOUNG earlier.

Mr LEE Wing-tat's motion has explicitly pointed out the need to "actively study the feasibility of transforming RTHK to become the Hong Kong Public Broadcasting Corporation, and conduct public consultation on the results of the review and the study". Clearly, the feasibility he referred to definitely covers the governance structure, accountability, financing, and so on. Actually, the review report mentioned earlier has provided us with a perfect basis for

discussion. The crux of the problem is that we consider the conclusion of the report superficial for, as explained by Mr LEE Wing-tat earlier, its denial of the feasibility of transforming RTHK. Yet, this is the major direction the Government should follow at this stage in actively studying this issue.

Discussions on the corporatization of RTHK or transforming it into an independent broadcaster began as early as the early '80s, but were suspended due to the reunification of Hong Kong in 1997. Owing to what happened after 1997, as it is known to all, no progress has since been made.

The purpose of Mr LEE Wing-tat's motion is to enable RTHK, the only public broadcaster established in Hong Kong with credibility and public recognition, to operate as a genuine public broadcaster, on the existing foundation and with the acquired resources, up to international standards in terms of status, governance structure and *modus operandi*. To enable RTHK to operate in this manner, what we should do is to play an active role in studying this issue.

The difference between our motion and Mr Jasper TSANG's amendment lies in we consider it inadvisable to spend too much time. We have already wasted 20 years going round and round in circles. Most importantly, we have to examine whether it is possible or what should be done, on the existing foundation, to turn RTHK into a well-defined public broadcaster. We will then put forward our proposal for public discussion. The proposal will be accepted by the public if they consider it feasible, and our objective can thus be achieved.

As mentioned by Members earlier, hundreds of civil servants are still serving in RTHK. I suppose Members are aware that there are several organizations operating independently of the Government, including the Hong Kong Monetary Authority (HKMA), the Hospital Authority (HA), or probably the Kowloon-Canton Railway Corporation (KCRC) (the KCRC might have no more civil servants). At least, a certain number of civil servants are still employed on civil service terms by the HKMA and the HA, even though the two organizations have been operating independently for years.

Therefore, civil servants should not have posed the most formidable obstacle. The most formidable obstacle would rather hinge on whether the Government could behave in such an open-minded manner. As according to the international trend I mentioned earlier at the beginning of my speech, especially

in relation to all the organizations we have visited in such countries as Britain, the relevant governments would strive to keep public broadcasters at arm's length.

The crux of the present problem lies in whether or not our Government is determined to keep RTHK at arm's length. This is not the case at the moment. The Government may now instruct RTHK by merely giving it a telephone call. This will certainly impede the development of Hong Kong towards a civil society.

With these remarks, I support Mr LEE Wing-tat's motion.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no, Mr LEE Wing-tat, you may now speak on Mr Jasper TSANG's amendment. You have up to five minutes to speak.

MR LEE WING-TAT (in Cantonese): President, the position of my original motion is quite clear. Even though my motion has not mentioned the immediate transformation of RTHK into a new public broadcaster, I hope the Government can actively study the matter and stop wasting any more time.

Mr Jasper TSANG has proposed an amendment to amend my original motion. His amendment is actually just a duplicate of the preliminary study in the report compiled by Mr Raymond WONG. Mr TSANG states, "This Council urges the Government to expeditiously conduct a study on issues such as the policy, governance structure, accountability, financing, programme scheduling and performance evaluation of public service broadcasting, to consider at the same time the future role of Radio Television Hong Kong".

Mr Jasper TSANG is not in the Chamber at the moment. He is often absent except when he chooses to speak. He has not made it clear in his amendment what he wants to do. Does he want to repeat what Mr Raymond WONG has already done? But then, the study conducted at that time was not

only very extensive, it was also completed a long time ago. In my opinion, not only has the study been completed, recommendations have already been made too. Except for the 10 sections concerning RTHK, the Democratic Party supports a number of other proposals contained in the report and considers the implementation of the rest of the report feasible. As for the 10 sections in question, I wonder if we should deal with them in a focused manner to let the Government know that the public and this Council have made some concrete proposals to at least actively study the feasibility of transforming RTHK to become a new public broadcaster and the various procedures involved.

Insofar as the amendment is concerned, I think it seeks to water down the effectiveness of my original motion. In terms of logic, I do not understand it entirely. Though Mr TSANG has finished his speech, he has not given a detailed explanation and failed to explain why issues such as the governance structure, policy, accountability, financing, programme scheduling and performance evaluation have to be studied again. Given that the study has already been conducted, it would only be repeated again and again should Mr TSANG propose to do it again.

I very much agree with Miss CHEUNG Man-yee who said on a public occasion that every staff member of RTHK had a feeling that there was "a Damocles' sword over their heads" and had no idea when it would hack down on them. As regards whether Secretary Joseph WONG had joined in sharpening the sword, I think he did. I merely have no idea how much strength he had exerted in sharpening the sword. I still have no idea whether he will be the executioner. However, should he be appointed as Bureau Secretary again in the next term, he might carry out the execution. In other words, he will be responsible for the whole process, from sharpening the sword to carrying out the execution.

Insofar as the amendment is concerned, I think, first of all, it has failed to take into account the unresolved issue raised in my original motion concerning the need to actively study whether or not RTHK should transform and become a new public broadcaster. Second, Mr Jasper TSANG seemed to suggest in his speech earlier that he did not rule out the possibility of transformation on the part of RTHK. In this world, we can never rule out any possibility. For instance, I have never placed any bets on Mark Six, but if I do today, I might possibly win tomorrow. Not ruling out any possibility is the easiest way to make one's position ambiguous.

I mentioned this to Mr Jasper TSANG when I bumped into him this morning. I even told him that should Mr WONG Siu-ye, his party member, be appointed as Deputy Secretary, it would be much easier to fix RTHK. Of course, it was just a joke because there would be no more trouble. Should someone be appointed as Deputy Secretary to assist Secretary Joseph WONG, RTHK could then be fixed on a daily basis. If Mr Jasper TSANG considers the transformation of RTHK feasible, he should at least support our original motion. However, he has refused to do so.

Regarding his earlier remark that RTHK had a lot of problems, I also agree with many colleagues who pointed out earlier that many government departments had all sorts of problems too. However, it does not mean problematic areas have to be eradicated. Otherwise, does it mean that the Bureau under Secretary Joseph WONG will have to be eradicated should it be found problematic? Certainly not. Improvements are always warranted, whether we are talking about governance, financing or supervision. All these can be improved, not to mention RTHK is making improvement too.

Under such circumstances, I regret that I cannot support this amendment. Hence, the Democratic Party will also oppose this amendment. Thank you, President.

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, first, I am very grateful to Members for voicing a lot of views on this motion.

I wish to first look in retrospect at the background of the review of the policy on public service broadcasting (PSB) in Hong Kong conducted by the SAR Government. The Chief Executive appointed an independent committee in January last year to review PSB in Hong Kong at a general and macro level and examine the future direction of PSB. The focus of work of the review committee is to determine the overall policy and arrangements for PSB in Hong Kong, not to pinpoint Radio Television Hong Kong (RTHK) alone.

After its establishment, the review committee met various groups and sectors, including the management and staff of RTHK, and also invited overseas experts to take part in a forum held in Hong Kong. The review committee also established four focus groups to discuss areas such as the governance structure,

accountability measures, funding arrangements and programming in relation to PSB in Hong Kong. After analysing and collating the views collected in the consultation process, the review committee submitted a report to the Chief Executive at the end of March this year. Here, I would like to thank the chairman of the review committee and its members again for their 13 months of selfless work and the contribution they made on this matter.

The scope covered by the report of the review committee is very extensive, including the definition, public purposes and role of PSB, the governance structure, accountability measures, financing and programming that are appropriate for PSB. The review committee made a series of very concrete and forward-looking recommendations on the various issues examined, so it is worthwhile for the SAR Government and people concerned about PSB in Hong Kong to consider them in detail and then draw conclusions.

It is regrettable that after the publication of the report by the review committee, some Members of the Legislative Council and members of the public skipped the comments and 45 specific proposals in this report consisting of 70 pages and 263 paragraphs (excluding the foreword and appendices) and focused only on two paragraphs, that is, paragraphs 90 and 96. Just now, Mr LEE Wing-tat has quoted from them and I am not going to repeat them. However, I still wish to point out it is said in the ensuing paragraph 97 of the report that, "Nonetheless, the Committee would be remiss were it not to remind the Board and management of the future public broadcaster of the vast reservoir of talent, experience and expertise of RTHK staff, which could be drawn on subject to their meeting the new organization's practical requirements and prevailing policies.". On some Members' doubts cast on the independence of the review committee and the professional integrity of its members, I find them most heartrending and this reminds me of the saying, "He who has mind to beat his dog will easily find his stick". Members all know quite a number of members of the review committee and they are reputable, accomplished and independent people in the press industry or other professions. If one does not agree with some of the views in the report — I am not talking about the recommendations but only the views — one can discuss them rationally. One should not brandish the freedom of speech on the one hand but slap the label of "plot" on people holding different views on the other. As regards the allegation that the Government is "drying up" RTHK, exerting pressure on it, dealing blows to it or even trampling on it, if no concrete evidence can be produced, it only shows that such allegation is groundless.

We understand that many Members and the public attach great importance to RTHK and are also very satisfied with the performance of RTHK at present. However, is this impression shared by an overwhelming majority or a great majority of members of the public? Leaving aside the issue of management of RTHK, which has aroused great public concern in recent years, certainly I have to point out in all fairness that the management of RTHK is in fact exerting its utmost to make improvements. I only wish to cite the survey conducted by the Democratic Party recently, which Mr LEE Wing-tat also cited just now, to show that for example, concerning the overall impression of the public of RTHK, of course, 42% said that their impression was good, however, it only stood at 42% and the impression of 37% of people was only average, whereas 10% had a bad impression. Is this a favourable impression? Members can express their views on this. In addition, he also talked about whether RTHK should be transformed into the Hong Kong Public Broadcasting Corporation as recommended. Mr LEE pointed out that 41% thought it should be, however, 33% said they had no opinion. Those who considered that it should not stand at 26%, so is this one-sided? Is this the wish of a great majority of Members?

I do not mean to dispute the results of certain surveys here. In fact, the results of a survey will depend on the angle from which we interpret them. In this connection, what I wish to point out is that on the policy on PSB and the issue of the future direction of RTHK, it really is necessary for us to consult the public extensively. Concerning the views of the public, the most objective description is that they are highly divergent and at this stage, one can by no means say that there is any clear conclusion. In view of this situation, I welcome the survey conducted by the Democratic Party recently. I also hope and believe that in future, other independent and professional organizations will also conduct more surveys on the issue of PSB, the performance of RTHK now and its future role for the reference of the Government and the public.

I wish to reiterate that the review of PSB is very comprehensive and the scope involved very extensive. It is not just about the future of RTHK. A public broadcaster should make serving the public its goal, therefore, no matter if it comes into being as a result of reorganizing RTHK or not, it must have clear public purposes and a good governance structure and be accountable to the public. The public broadcaster must formulate a programming policy and ensure an impartial editorial policy in view of its ambit and public purposes. Moreover, if the future public broadcaster is primarily funded by public money, it is necessary

to put in place appropriate accountability measures and a monitoring mechanism to audit the performance of the public broadcaster and enable the public to take part in supervision, so as to ensure that public funds are well spent.

These issues should be discussed by society and should not be evaded. And they have been carefully examined and analysed by the review committee. Therefore, if Members only focus their attention on a single issue, that is, whether RTHK should be transformed into a public broadcaster, I think this is being too simplistic and one-sided. I very much hope that Members of the Legislative Council and various sectors in society can adopt a rational and positive attitude when looking at this review and discussing the various recommendations in the review committee's report. I also notice that Mr Ronny TONG has also voiced his disagreement with some of the recommendations. I welcome the Legislative Council, staff of RTHK and various sectors of society to submit their views on various issues to the Government.

Here, I reiterate that at present, the Government has no predetermined stance on the recommendations in the report of the review committee. We are examining the various recommendations of the review committee in detail and with an open attitude, as well as referring to the views that the Legislative Council and various sectors of society have submitted to us. We plan to consult the public, including the management and staff of RTHK, extensively on various major issues relating to PSB which I mentioned just now, including the public purposes, service models, governance, accountability, public monitoring, financial arrangements, and so on, in the latter half of this year. The future role and arrangements for RTHK will also be discussed in the consultation paper. Therefore, I hope Members and the public will continue to voice their views to the Government. The Government will decide on and implement the future policies and arrangements for PSB in Hong Kong only after referring to the relevant views.

In view of my foregoing comments, we do not support the original motion moved by Mr LEE Wing-tat because it simplified the issue of PSB into the single issue of whether or not RTHK should be transformed. The Government believes that the amendment moved by Mr Jasper TSANG is more in line with the overall direction of the review of PSB, therefore, we implore Members to support the amendment moved by Mr Jasper TSANG.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Jasper TSANG to Mr LEE Wing-tat'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)

Mr LEE Wing-tat rose to claim a division.

PRESIDENT (in Cantonese): Mr LEE Wing-tat has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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

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

Functional Constituencies:

Dr Raymond HO, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM and Mr Andrew LEUNG 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.

Geographical Constituencies:

Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk and Mr LI Kwok-ying voted for the amendment.

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, 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 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, 21 were present, 15 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 23 were present, six were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr LEE Wing-tat, you may now reply and you have three minutes 46 seconds.

MR LEE WING-TAT (in Cantonese): I mainly wish to respond to several points raised by the Secretary. First, he pointed out the diverse public opinions on the issue of RTHK and quoted the survey conducted by our party. However, I find that Secretary Joseph WONG has an intense hatred for RTHK, and he almost made a slip of the tongue just now. Even though Dr YEUNG Sum has read out the findings of a number of surveys, he has not recorded them. The findings of a survey conducted by The Chinese University of Hong Kong (CUHK)'s Centre of Communications Research show that 72% of the respondents have a good general impression of RTHK. A survey conducted by

the Lingnan University in February and March 2006 reveals that 61% of the respondents agree that RTHK should operate in a way similar to that of BBC. In March 2006, another survey by CUHK's Centre of Communications Research also shows that 56% of the respondents have a good overall impression of RTHK, and 81% considers that RTHK's monitoring and criticism of government policies is satisfactory. However, not a word about these surveys was mentioned by the Secretary.

Hence, the accusation that the Secretary has a plot should not be dismissed as slander. His hatred towards RTHK is so intense that he has even put it in words, only that he has not explicitly stated that he "hates RTHK". This is what his speech is all about.

Second, the Secretary said the relevant report was not merely about RTHK. The Democratic Party has already pointed out that, except for the 10 sections about RTHK, it supports and has no opinion about the report. Neither do members of the community feel strongly about other issues, except for the 10 sections about RTHK.

However, Mr Jasper TSANG's amendment has been praised by the authorities. Actually, the amendment is only an attempt to return to square one. It may take another three years to deal with his proposal on such issues as governance education policies, accountability, financing, and programme scheduling. No wonder RTHK will be killed with this knife.

Third, the Secretary stated that it was unreasonable to have such a clear position without properly completing further study and consultation. Frankly speaking, the review of the corporatization of RTHK was not commenced until the issue was raised by Donald TSANG last year. The review, starting from early '80s, has already lasted two decades, only that nothing has been achieved because of some changes at that time. Even at this stage when a report has been published by the Review Committee on the issue of the greatest concern to the public, the Government is still resorting to procrastination. I feel that the Government has actually been procrastinating so that it can figure out ways to dry it up or "kill" it. Dr YEUNG Sum was right in pointing out earlier that such action was like conducting a micro-observation of a department, for problems could definitely be identified. An Administrative Officer (AO) has been appointed by the Government as Deputy Director to station at RTHK to

look for mistakes. Joseph WONG, why do you not let me sit beside you. I can definitely spot 10 problems every day.

Frankly speaking, if it is said that RTHK's popularity rating of 42% is not good enough, the popularity rating of the Secretary cannot be considered high either. *(Laughter)* If the Secretary scores a poor popularity rating and yet he keeps criticizing RTHK is not performing good enough, is the Government supposed to dismiss him? Secretary, some of your colleagues have a popularity rating of 20% or 30%, you know. This is the outcome of a survey conducted by the University of Hong Kong last month. Given his treatment of RTHK, will the Secretary propose dismissing Arthur LI, Patrick HO as well as himself? He will certainly not do so.

Secretary, I think you hate RTHK and want to dry it up. This is known to everyone. As the Secretary requests Members to oppose us, we will continue to support RTHK. Today, we will not pass this motion and hope everyone will take to the streets on 1 July in support of RTHK.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEE Wing-tat.....

(The Secretary for Commerce, Industry and Technology raised his hand to make an indication)

PRESIDENT (in Cantonese): Secretary, do you wish to elucidate what you have said?

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): President, I do not want to elucidate but may I respond to Mr LEE Wing-tat's comment that.....

PRESIDENT (in Cantonese): There is no such provision in the Rules of Procedure. *(Laughter)*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Then I am not going to make any elucidation now. I will do so later. (*Laughter*) I will do so after the meeting.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEE Wing-tat be passed.

(Members were still laughing)

PRESIDENT (in Cantonese): Members, do not be so excited. (*Laughter*) 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 LEE Wing-tat rose to claim a division.

PRESIDENT (in Cantonese): Mr LEE Wing-tat 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, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the motion.

Dr Raymond HO and Mr Abraham SHEK voted against the motion.

Mr Bernard CHAN, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, 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 and Mr Ronny TONG voted for the motion

Mrs Selina CHOW, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk and Mr LI Kwok-ying abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, nine were in favour of the motion, two against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 17 were in favour of the motion and six 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.

PRESIDENT (in Cantonese): Second motion: Promoting the sustainable development of the local agriculture and fisheries industries. I now call upon Mr WONG Yung-kan to speak and move his motion.

PROMOTING THE SUSTAINABLE DEVELOPMENT OF THE LOCAL AGRICULTURE AND FISHERIES INDUSTRIES

MR WONG YUNG-KAN (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

President, it is probably due to the recent soaring prices of pork in the Mainland that many Hong Kong residents have come to learn from news reports of the new term "reserve pig" in the Mainland, and that the relevant practice applicable during emergencies has the aim of stabilizing prices of pork. The surging pork prices in the Mainland should have given people in Hong Kong alerts on two counts. Firstly, the Mainland is consciously storing up livestock to meet contingent demands. Does Hong Kong have this arrangement? Secondly, the soaring prices of pork in the Mainland has reflected the fact that with improved economic situation in the Mainland, the demand for pork from mainland residents is on the rise to the extent that supply is found to be inadequate. With the over-reliance of Hong Kong on supply from the Mainland, it is therefore inevitable that residents in Hong Kong have to pay for expensive pork.

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

Deputy President, since I became the Member representing the Agriculture and Fisheries Functional Constituency, I have moved the motion on the sustainable development of the local agriculture and fisheries industries in almost every term that I have served. And each time the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) would produce a nicely-designed brochure or report to inform the public of the prevailing situation and the future development of the agriculture and fisheries industries. Since all of us realize that the survival of the agriculture and fisheries industries serves certain purposes, and that they are contributory to the stability of food supply in Hong Kong, these motions were passed by the Council on each occasion. Unfortunately the agriculture and fisheries industries have kept shrinking over the years. This is particularly so with the livestock industry, which is struggling to survive under the suppression of the Government. A few years ago, although the Government suspended the importation of live chickens in the

light of avian influenza, the local agriculture and fisheries industries were able to produce a certain number of live chickens, thus, resolving the problem of chicken supply. However, a few years later, as the majority of chicken farmers and pig farmers have already surrendered their farming licences to the Government, the number of live chickens and live pigs from the local farms has decreased significantly. Currently, the number of live chickens is 170 000 only. I believe the number of live pigs will be under 100 000 in the second half of this year. With this dwindling quantity, it will be difficult for the industry to play a supporting role in the supply of live poultry. According to my understanding, as at the end of last month, more than 90% of the licences have already been surrendered. Despite the fact that many pig farmers are unwilling to surrender their licences, the worsening operation environment in Hong Kong has given them no other option but to endure the pain of doing so. Our major concern is how they are going to earn their living in the future.

Earlier this year, I went with a number of pig farmers to Shaoguan and held discussions with the local government. We hope that under the "agricultural test base" scheme of the Mainland, the government of Shaoguan will allow these pig farmers who have already surrendered their licences to continue their operation of pig farming in the Mainland. All the farming safety standards, inspection and quarantine standards will be based on the requirements specified in Hong Kong. They will also be using the Hong Kong quota, which means that if the total number of pigs in their farms of Hong Kong reaches the capacity of 400 000, the farmers will be allowed to export 400 000 pigs to Hong Kong. The farming capacity will be capped at their previous farming capacity in Hong Kong. In this way, not only are these farmers allowed to continue their operations, the supply of live pigs to Hong Kong will also be guaranteed. In addition, since the supply is limited, it will not have adverse impacts on the number of live pigs exported by mainland pig farmers to Hong Kong. In fact, it is a multi-win proposal. Currently, all is ready except for the Central Government and the Government of the Hong Kong Special Administrative Region (SAR) to implement the business policy of exportation of products for sale in Hong Kong. It is the wish of these pig farmers that during the interim period of surrendering licences, the SAR Government will proactively reflect their requests to the Central Government — I understand that the Secretary has held discussions with the Mainland — so that approval for the implementation of the policy can be granted as early as practicable, and they will be able to commence operation as soon as possible.

Deputy President, the problems encountered by the livestock industry are only some of the challenges confronting the development of the agriculture and fisheries industries as a whole. The fisheries industry and the farming industry are also facing various problems that threaten their survival. New trends in the development of the agriculture and fisheries industries in the international community and changes in the living and dietary habits of people are also creating opportunities for a fresh round of development of the local agriculture and fisheries industries. In view of this, the DAB released a survey report on the sustainable development of the agriculture and fisheries industries in Hong Kong earlier this year. We realize that it is probably difficult for the traditional mode of operation of the agriculture and fisheries industries to dovetail with the current environment of Hong Kong and to create new brand names for the agriculture and fisheries industries of Hong Kong. It is necessary for us to develop new thinking so that the agriculture and fisheries industries may take root again.

In respect of the fishing industry, as we are facing various problems of pollution of in-shore waters as well as depletion of fisheries resources, the DAB is of the view that while the Government should improve the quality of in-shore waters and reduce marine works involving sand dredging and mud disposal, the local fishermen should also realize the importance of conservation of marine resources. They agree that the Government should implement active and constructive measures of conservation policy. However, the fishermen are discontented — and I would like to explain here. Three areas in the northeastern New Territories were designated by the SAR Government as marine parks. Sha Chau is designated as a marine park, while Pak Shek and Cape D'Aguilar are designated as marine reserves. They were set up with the agreement of fishermen. In fact, fishermen had been unwilling to agree to the projects. They supported the Government in doing so on the grounds of the conservation policy. However, consequent to the implementation of the relevant policy, the fishermen suffered severe losses as they were no longer allowed to operate in these areas. It is not the wish of the fishermen to operate in those areas, but the question remains that the Government should try to resolve the employment problem of these fishermen. On the one hand, they have made a sacrifice for the benefit of the community in making an effort to dovetail with conservation management. But on the other, the Government is incapable of deterring illegal mainland fishing vessels from entering the marine parks or fishing waters of Hong Kong to capture the fish there. This gives the fishermen a feeling that their efforts are wasted and that they are unfairly treated.

In view of this, the Government should roll out regulatory measures against illegal fishing, so that in-shore resources of Hong Kong can be protected.

Moreover, I would like to talk about the conservation policy. I think the deployment of artificial reefs is currently the most ineffective measure implemented by the Government. Initially, the Government allocated only \$100 million for the deployment of artificial reefs. But they are not followed up by any other efforts. Is this reasonable? Take a look at some places in the Mainland. They have allocated over \$1 billion or \$800 million for the conservation of resources. I sincerely hope that the Government will wake up to the important effect of artificial reefs.

We realize that as far as local in-shore fishermen are concerned, opportunities are available for their development afresh. In this respect, the Government should assist fishermen in pursuing alternative modes of operation. The first alternative is to develop off-shore fishing. Since the SAR Government had not attached any importance to the development of the fishing industry in the past, local fishermen had failed to seize a number of opportunities to develop off-shore fishing. In recent years, the Government has introduced loan schemes for fishermen to finance the building of fishing vessels suitable for off-shore fishing. However, terms for applications have been repeatedly revised to the extent that fishermen have to put up properties as collateral. How can they find such collateral? As a result, fishermen who wish to pursue their careers in fishing are unsuccessful in their applications due to inability to find collateral. Until now, nobody has been successful in applying for the loans offered by the Government. The DAB hopes that the Government will take the initiative to understand the various difficulties encountered by fishermen in pursuing transformation and make suitable and flexible allowances in approving loans with a view to helping fishermen pursue new modes of fishing.

According to the statistics of the United Nations Food and Agriculture Organization, there is an increasing contribution of aquaculture industry to the global supply of fish, crustacea and mollusc. The percentage of aquaculture products in the gross supply rose from 3.9% in 1970 to 32.4% in 2002. In the international trade of aquatic products, the amount of aquaculture products has surpassed that of capture, indicating that the development of aquaculture industry is the predominant global trend. Surrounded by sea and with a long history of marine fish and freshwater fish farming, Hong Kong has a natural advantage of

developing the aquaculture industry. The question now is how to strengthen our industry and develop our own brand names. Under the arrangement of CEPA, the aquatic products of Hong Kong will enjoy zero tariff treatment. Many fish farmers are conducting researches on how their products can access the market in the Mainland, and how to produce high-end aquatic products for sale in the market. Indeed, developing the aquaculture industry is a feasible practice for Hong Kong.

It is the view of the DAB that if Hong Kong wants to build a brand name of its aquatic products, it has to begin with the regulation of the products first. Presently the Government needs to step up with the promotion of the Accredited Fish Farm Scheme. With respect to production, the industry has kept asking the Government to set up local hatcheries to ensure the quality and safety of fish fry, and to place fish fry in in-shore waters to replenish resources. Under the accredited production and regulatory schemes, the Government should capitalize on the advantage of the geographical location of Hong Kong so as to develop Hong Kong into a distribution centre for aquatic products. It is also necessary for the Government to put in place an eco-labelling system that meets the quarantine requirements of the international community and the Mainland, thereby helping local aquatic products to gain a foothold in the global and mainland markets.

The development of leisure fishing has become another major trend that allows laymen to experience the lives of fishermen. So today I would like to mention the development of leisure fishing. Presently, I find that many people have taken an interest in fishing activities. The number of people who like fishing is also on the rise, increasing from under 100 000 persons a few years ago to over 500 000 persons now. There is also a trend that more young people and women are participating in fishing activities. In view of this, we hope that the Government will devote more efforts to the development of leisure fishing. It is unfortunate that the measures of the Government, and the initiatives related to marine legislation in particular, have created difficulties for many engaged in the leisure fishing industry.

Deputy President, I would also like to express my view on the development of agriculture. Nowadays, many people look for safe natural food. This explains why the sale of organic food is continuously growing. We hope that the Government will improve the labelling system and help to

expedite the promotion and development of organic farming. The DAB opines that the Vegetable Marketing Organization can be proactively effective in this role by establishing sales and marketing channels of local organic food. Setting up farmers' markets where organic food will be sold can also serve as a further promotional effort for organic farming.

With the growth of organic farming, an increasing number of people are "picking up hoes and rolling up trousers" and go farming in the fields during holidays. The operation of leisure farms has steadily caught the attention of many people. We hope that the distance of the city of Hong Kong and the rural areas can be reduced. With convenient transportation networks, people will have easier access to the rural areas, thereby providing good conditions for the development of leisure farming. In Taiwan and some districts on the Mainland, leisure farms have become a unique branch of the tourist industry. With support and assistance in promotion from their governments, these leisure farms are facilitating the diversification of the tourist industry. In addition to offering chances of experiencing farming lives, they are also actively organizing operations of hostel accommodation, developing country diets and providing services of guided tours to the rural areas. Hong Kong can learn from these experiences. This is particularly so with the development of hostel accommodation, which will attract more foreign tourists to extend their stay in Hong Kong, thereby rendering more benefits to the economy of the territory. The DAB believes that the Government should proactively study relaxing the regulations on leisure farm accommodation, and highlight such accommodation in their promotional materials with a view to attracting more visitors.

Deputy President, I so submit.

Mr WONG Yung-kan moved the following motion: (Translation)

"That, as Hong Kong people are showing increasing enthusiasm for nature in their living and dietary habits, and have become more concerned about the safety and supply of food, which should have brought about opportunities for developing modern agriculture and fisheries industries in Hong Kong, yet in recent years the Government's policies have adversely affected the local agriculture and fisheries industries, particularly the development of livestock farms, thereby posing a threat

to the industries' development, this Council urges that the Government should have regard to the prevailing circumstances and formulate a policy for promoting the sustainable development of agriculture and fisheries industries, with measures targeted at various sectors of the industries to upgrade their quality, assist in their transformation and perfect the regulatory system, including:

- (a) in collaboration with the Mainland, actively promoting an "agricultural test base" scheme to be modelled on the "accredited farm" system, and allowing farmers who have voluntarily surrendered their livestock farming licences to continue their operations in the Mainland, and export their produce to Hong Kong under the Hong Kong quota at a quantity determined according to their previous farming capacity in Hong Kong, so as to maintain a stable supply of live and fresh food to the territory;
- (b) actively promoting the development of off-shore capture fishery through financial and policy support, conserving in-shore ecological resources, and assisting in-shore fishermen in transforming their operations, so as to improve their livelihood;
- (c) further developing the local aquaculture industry, and studying the development of Hong Kong into a distribution centre for aquatic products, so as to keep in tune with the global development trend of the aquaculture industry;
- (d) expediting the implementation of the Organic Farming Conversion Scheme, establishing a regulatory labelling system for organic produce and opening up sales and marketing channels, so as to promote the development of organic farming in Hong Kong;
- (e) perfecting the regulatory system for the local agriculture and fisheries industries to ensure that local agricultural and fishery products are of high quality and safe; and
- (f) stepping up efforts to promote the development of the agriculture and fisheries industries in the direction of integrating with leisure and recreation, so as to meet the needs of the public."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WONG Yung-kan be passed.

DEPUTY PRESIDENT (in Cantonese): Mr Tommy CHEUNG, Mr Fred LI and Mr WONG Kwok-hing will move amendments to this motion respectively. Mr Vincent FANG will move an amendment to Mr Fred LI's amendment. The motion and the amendments will now be debated together in a joint debate.

I now call upon Mr Tommy CHEUNG to speak first, to be followed by Mr Fred LI, Mr WONG Kwok-hing and Mr Vincent FANG; but no amendments are to be moved at this stage.

MR TOMMY CHEUNG (in Cantonese): With respect to today's motion "Promoting the sustainable development of the local agriculture and fisheries industries", both the Liberal Party and I opine that such a development can create more employment opportunities, and is therefore, worthy of our support.

However, with limited land resources and relatively high land prices in Hong Kong, it is difficult to develop the agriculture and fisheries industries. Further, the dense population of Hong Kong has resulted in relatively close proximity of fish ponds and farms to residential areas. If these farms and ponds are poorly managed, they will easily become the breeding sites of bacteria, posing threats to the health of residents. For instance, pig farmers often suffer from diseases involving *Stretococcus suis* and the foot and mouth disease. Pig farms are also potential breeding grounds of *Aedes albopictus* and *Culex tritaeniorhynchus* which are respective transmitters of the fatal dengue fever and Japan encephalitis.

In view of this, the Liberal Party and I think that in developing the local agriculture and fisheries industries, we have to take into account the actual circumstances of urbanization of Hong Kong, and target our development at the production of high value-added agricultural and fisheries products. Among various forms of high value-added agriculture, organic farming is one that is worth developing. The reason for my proposing an amendment to Mr WONG Yung-kan's original motion is very simple. In my opinion, irrespective of expediting the implementation of the Organic Farming Conversion Scheme,

establishing a regulatory labelling system for organic produce, opening up sales and marketing channels, or promoting the development of organic farming in Hong Kong, none of these measures is more important than the Government's setting of a policy goal at "further promoting the concept of organic food".

The Organic Farming Conversion Scheme was implemented by the Agriculture, Fisheries and Conservation Department (AFCD) in December 2000. Over a span of four years, a total of 40 farms have participated in the scheme, which is currently known as organic farming support services. In 2002, the Baptist University, in collaboration with some green groups, set up the Hong Kong Organic Resource Centre to provide independent certification service for organic farms and processing plants, thereby enabling the further regularization of organic food.

However, the production of local organic food is still very low. Take organic vegetables as an example. Last year, the daily production of organic vegetables was 2.5 tonnes, equivalent to 0.18% of the gross vegetable consumption. It is obvious that organic food is still not widely accepted by the people of Hong Kong, a phenomenon directly related to whether the Administration has consolidated the concept of organic food among the people. For instance, taking into account the limited supply and high price of organic food, up until now, the Government has not devised any plans to include organic food in the "EatSmart@school.hk" Campaign, which reflects the lack of proactiveness and enthusiasm on the part of the Government in the promotion of organic food.

For this reason, my amendment repeatedly emphasizes our wish for the Government to set its policy goal clearly, launch educational and promotional campaigns, introduce relevant initiatives, and educate the public through various channels on the benefits of organic farming and food to the overall ecology, thereby fostering a new eating culture that shifts its focus to organic food markets.

Regarding the amendment proposed by Mr Fred LI, my colleague from the Liberal Party, Mr Vincent FANG will talk about the amendment in greater detail later in the meeting. Now I would like to discuss another point. Although I understand that it is easier to monitor a sole import agent, this mode of operation has been adopted for many years. Both the needs and views of the public have changed over the years. And we should respect and give due

regard to these changes. I will not venture to suggest that the recent soaring and high prices of pork is undoubtedly related to the sole import agent. But I can assume that had the market been opened for competition, even if the price of pork were high, it would have been easier for the public to accept the high price.

The Liberal Party and I have always believed that the market should be opened for competition and that the more competition the better. However, we also agree that food safety is very important, and that easy monitoring of the mode of operation should be ensured. In this respect, we can choose the medium line of increasing the number of import agents to two or three agents, so that more pig farms can export their live pigs through various import agents to Hong Kong. In this way, competition will be enhanced and prices will be balanced. It is advisable to introduce a trial scheme for a period of time before conducting an assessment to see if the market can be further opened up for more import agents.

Similarly, I fully support the introduction of chilled pork from the Mainland in the hope that the introduction of competition will give the public more choices. Presently, only four chilled pork processing plants in the Mainland are allowed to export chilled pork to Hong Kong. Their daily capacity of export to Hong Kong is 400 pigs. Compared to the daily average import of 4 000 live pigs, the market share of chilled pork is under 10%. Indeed, chilled pork is still not fully accepted by the public, and it will take a certain period of time for them to gradually accept the idea. Nevertheless, as the price of chilled pork is lower, it is believed that there will be an increasing demand for chilled pork after the initial stage. By that time, the Administration will have to consider opening up the market for more chilled pork processing plants in the Mainland to export chilled pork to Hong Kong.

Other proposals of the original motion include working with the Mainland on the "agricultural test base" scheme, and developing Hong Kong into a distribution centre for aquatic products. As they aim at giving the public more choices in food, they are fully supported by us.

I have always appreciated the efforts of the AFCD in dispatching their staff regularly to local fish ponds to keep the industry abreast of good and safe farming methods. While these facilitation measures that monitor food safety and quality at source are worthy of our praise, ongoing efforts should be devoted to promoting them. I also believe they will help to consolidate the good

reputation of Hong Kong enterprises. With the implementation of effective regulatory measures, it is envisaged that agricultural and fisheries products, irrespective of whether they are produced by mainland farms founded by Hong Kong capital, or quality products produced locally, will be able to expand into the high value-added market and attract customers.

I understand that it is not an easy task for those who have engaged in the agriculture and fisheries industries for years to change their careers. The Government has the responsibility to help them during this transformation period, so that they will not become new members of the unemployed. The best way is to help them find jobs related to their previous ones, so that they will launch themselves into developments of more sophisticated and more professional levels.

As for the fishing industry and mariculture operations which have fallen into a decline in Hong Kong, I believe that transforming them into off-shore capture fishing and leisure fishing respectively is a move in the right direction. However, I hope that the Administration will not be discriminatory. Apart from the fishing industry, other industries in Hong Kong are also in need of assistance. As the Administration is proactively launching the plan of a central slaughtering plant for live poultry, the live poultry industry is also facing a grim future. It is the responsibility of the Administration to help those currently engaged in the live poultry industry to have priorities in securing jobs of live chicken slaughtering and wholesale operations in the slaughtering plant.

Finally, I would like to emphasize that various proposals mentioned above have their merits. However, before the implementation of these proposals, it is imperative to conduct comprehensive consultation in the industry. As the industry have a thorough understanding of the actual operation, their views will help the relevant work get twice the result with half the efforts.

Deputy President, I so submit.

MR FRED LI (in Cantonese): Deputy President, I would like to thank Mr WONG Yung-kan for moving the motion on promoting the sustainable development of the agriculture and fisheries industries today. In fact, Mr WONG has been proposing similar motions almost every year.

There is a point in this year's motion which was absent in the motion of last year, and that is, the proposal on local pig farmers. We believe that 70% of the pig farmers have already surrendered their licences and received *ex gratia* payments, the amount of which has already been approved by the Legislative Council. Some of these pig farmers will set up new pig farms in Shaoguan in the hope of exporting the previous quantity of pigs to Hong Kong. This is the major issue I would like to highlight in the amendment that needs special attention. In the interest of fairness, any residents of Hong Kong — and not confined to those who have received *ex gratia* payments — who set up pig farms in the Mainland should be allowed to export pigs to Hong Kong. We should have a level playing field. Those who have received *ex gratia* payments should not enjoy the privilege of exporting pigs back to Hong Kong under the previous quota. This is the point I would like to make. We do not have any particular opinion on this idea and proposal. It has our support. But we hope that it can be handled in a fair manner. In this connection, I have used the word "study" in the amendment, and have not specified that it should be done with immediate effect. I also hope that the Government will study the view of Mr WONG, which I believe, is the view of the industry.

The decision on the importation of live pigs into Hong Kong rests not with Secretary Dr York CHOW since the import quota is determined by the Ministry of Foreign Trade and Economic Cooperation (MOFTEC). The trading is centralized in Ng Fung Hong. After the pigs are transported to Hong Kong, they are sent to the slaughtering plant in Sheung Shui under the administration of Ng Fung Hong. I have received many different views on this arrangement. Some people in the industry have a strong feeling that Ng Fung Hong has been monopolizing the business for years, resulting in the much higher price of pork in Hong Kong than that of pork of similar quality in the Mainland. Excessive profits have been reaped by Ng Fung Hong. I have also talked with some meat traders. They hold that Ng Fung Hong has to operate a profitable business. While this gives no cause for criticism, but excessive profits do. They will not object if an assessment can be made on whether Ng Fung Hong should be the sole agent through various channels and by different parties. I have received different views from meat traders and meat buyers. These views are not one-sided. That is why we should listen to different voices from the industry.

In view of this, I surely support the amendment proposed by Mr Vincent FANG that the phrase "consulting the relevant industries" be added to my

amendment. We respect the views expressed by the industries on these aspects. As a matter of fact, the Democratic Party supports today's original motion and all the amendments. I respect and fully support the amendment proposed by Mr Vincent FANG to my amendment.

I am not going to further discuss the issue of pork. Instead, I would like to talk about fisheries. Recently, I have contacted the World Wide Fund for Nature on some occasions. They said that they had already commissioned the University of British Columbia, that is, the Fisheries Centre of Canada's University of British Columbia, to conduct a detailed study on the fisheries industry of Hong Kong and its relationships with society and the economy, as well as the future of the fisheries industry. The study was conducted from July 2006 to February this year during which not only a number of fishermen were interviewed, leisure fishing and other relevant individuals were also interviewed.

The report indicated that as far as the development of the fisheries industry of Hong Kong is concerned, there is a necessity for restructuring. That is why the Secretary had instructed the Director of the Food and Environmental Hygiene Department (FEHD) to form the Committee on the Sustainable Development of the Fisheries Industry of which Mr FANG, Mr WONG and I are members. The Committee will submit its report on this issue to the Government in 18 months' time. I have spent some time to study the report and found that in the survey conducted by the UBC (the University of British Columbia), all of the respondents engaged in fishing were dissatisfied with the present situation. And most of them have noted that since there are too many fishermen engaged in capture fishing, there is a gradual decrease in the fish stocks.

I have also studied in detail the report "Let the agriculture and fisheries industries take root again" released by the DAB. I have particularly studied carefully the part on the fisheries industry. According to the DAB report — the Government has also pointed this out before — currently there are 4 000 fishing vessels in Hong Kong, among which 60% is operating in the in-shore waters of Hong Kong, 40% is operating in the South China Sea or beyond the Hong Kong waters. However, there is an issue — I hope Mr WONG will pay attention to this, the relevant Fund has raised a series of very important issues — is there an excessive number of fishing vessels in Hong Kong? Consequent to an absence of restrictions and licensing, is there an excessive number of fishermen? In addition, many mainland fishing vessels are disguising as Hong Kong vessels to capture fish in Hong Kong waters. Since there are no requirements on

registration and licence, the mainland fishing vessels are able to enter Hong Kong waters. Unless they have entered such places as the marine parks, otherwise it will be difficult to handle the situation, as the Customs and Excise Department is not fast enough to arrive at the scene to make arrests.

The core of the issue is whether a buy-back package should be offered to Hong Kong fishing vessels and fishermen. However, with this issue comes another problem. Similar to the buy-back package of chickens and pigs, the package has the aim of reducing the number of vessels and fishermen, and offering them compensation for transformation of operation with a view to protecting our fisheries resources. It is common knowledge that due to over-fishing, both the quantity and species of fish catch in Hong Kong waters have been on a decline. As too many people are engaged in this industry, it is increasingly difficult for those in the industry to earn a living. With the surging high prices of oil, they have to use diesel as fuel instead. I can fully understand why their fishing vessels have to use diesel. And now they are required to take out third party insurance. So with all these many expenses, their livelihood is therefore seriously affected.

The buy-back package of fishing vessels should be based on limiting the registration of fishing vessels, otherwise, the plan will remain at a standstill without any progress. In 1998, the Agriculture, Fisheries and Conservation Department released a report in which requests for the introduction of a licensing system were mentioned. At that time (1998) it was the most pressing task. In other words, nine years ago, the most pressing task was registering and licensing of shipping vessels. Today, the issue is still outstanding and subject to discussion to be opened by the Secretary. I wonder whether the issue will not be decided until after another nine years. That is why I think this is a key question.

The report of the DAB also mentions another known fact, that sand and mud dredging, mud disposal and pollution of the seabed have contributed to the decline of fish production. But over-fishing is another cause which is related to human factors. This is only one aspect. The Government should take into account this aspect as well as other aspects, such as fostering the development of leisure fishing, assisting in fish farming, helping in registration, keeping the harbour clean, reducing the number of works projects, and providing safeguards. Efforts should be devoted to these tasks. The problem cannot be resolved just by putting a stop to sand and mud dredging.

It is not that the Government has not given assistance to fishermen. Indeed, it has. But the problem remains that after spending the money, it keeps on implementing its fishery policies without focusing on the forward-looking and sustainable measures. I believe, at this stage, even before the release of the report of the Committee on the Sustainable Development of Fisheries Industry, it can be envisaged that if the operation of capture fishing is allowed to carry on like this, there is bound to be a substantial drop in fish catches. How are we going to deal with this situation? I think we need to discuss this issue which concerns whether 60% of the fishermen who operate within the Hong Kong waters will be offered compensation from the buy-back package of fishing vessels. I also hope that the Secretary will hold serious discussions with the Committee or the relevant parties.

As the amendment proposed by Mr Tommy CHEUNG is related to the promotion of organic food, it has our support. Since Mr TAM Yiu-chung just mentioned it only last month, I have therefore added this sentence. I absolutely support the proposal of Mr Tommy CHEUNG. However, with so many varieties of green food and organic food imported from the Mainland, the current issue is whether they have been certified. We do not know at all. These foods are available in many places. So I hope that the Government will help in establishing a certification scheme which should cover the certification of all organic farming produce. I totally agree with what Mr Tommy CHEUNG said just now, and that is, the promotion of organic food is indeed an alternative in protecting the health of our people.

I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, I remember more than 10 years ago, we had to pay more than \$10 to buy a tael of vegetables. The price of vegetables soared even higher during rainy days and typhoon seasons. Later on, vegetables became increasingly cheaper. You can buy a tael of fresh vegetables for just \$2, \$3 or \$4. These vegetables are freshly green and white in colours, and are also free of pest.

However, we need to know that these cheap vegetables are cultivated by using a massive amount of chemical fertilizers, pesticides and herbicides. So risking the opportunities of taking in poisonous chemical fertilizers and pesticides is the price you pay for eating cheap vegetables. Unfortunately, apart from the problems with vegetables, various food safety problems are also found

in freshwater fish, meat, and non-staple food (such as eggs, frozen food and snacks).

With respect to vegetables, live pigs and freshwater fish imported from the Mainland, due to the large volume and various channels of import, it is very difficult to implement monitoring measures. In this connection, a number of people who care about this issue have taken up local fish farming and organic farming as their careers in recent years with the aim of providing healthy choices of food for local residents. As far as organic vegetables and fruits are concerned, it is found that the inadequate supply is unable to meet the demand. Some pig lovers are keeping sakura pigs (it is reported that their meat can be eaten raw), black-hair pigs and slim pigs (it is reported that their meat contains little fat). Earlier, there were reports that some experts had successfully conducted researches on breeding shrimps, grey mullets and giant groupers in water that was free of toxin and bacteria in factory buildings. As growth hormones were not used, people should be free from any worries in eating such food. As a matter of fact, there are many people who care about the issue of food safety. The problem is whether the existing policies of the Government have dovetailed with the organic farming and organic fishing operations of these people.

Recently, the Government has completed the process of revoking pig farming licences of local pig farmers, breaking the hearts of many farmers. Pig farmers have been facing all kinds of difficulties in recent years. The Environmental Protection Department (EPD) and the Agriculture, Fisheries and Conservation Department (AFCD) have been making excessive demands on them. And now they have even lost their means of living. Meanwhile, chicken farmers are also facing problems such as avian influenza and the decreasing number of people working in the industry.

Deputy President, with the improved economic situation, and the fact that fruits and vegetables are often found to be pesticide-contaminated, there is an improved business environment for local organic vegetables and fruits due to an increasing demand. Despite the higher prices of organic vegetables and fruits, the public are willing to pay more for them, resulting in supply falling short of demand in the market. This is a good phenomenon for vegetable farmers, since their produces are at least appreciated and bought by the people.

However, we should know that the agriculture and fisheries industries in Hong Kong are operating as small businesses. As far as cost-effectiveness is

concerned, they have not achieved the optional effectiveness. As a matter of fact, research and development activities of different species and provision of infrastructure (such as sewage systems) involve expensive costs that are beyond the affordability of a single farmer. In this connection, the Government should formulate measures that can help farmers improve their operations, and establish sales channels and networks of organic agricultural and fisheries products, with a view to ensuring that these organic products will be sold at reasonable prices while the public will be able to obtain genuine organic produces. At present, the Government is using all kinds of regulations to force them out of Hong Kong. This not only fails to meet the demand of the public for better food quality, but also deprives local residents of employment opportunities.

Deputy President, Hong Kong is facing the increasingly serious problems of disparity between the rich and the poor, polarization in incomes, and inadequate job opportunities for grass-roots workers. These problems are particularly prominent in the new towns. If the Government is prepared to provide assistance in terms of land and facilities as well as training to residents of new towns, I believe many new town residents will be willing to take up jobs in the agriculture and fisheries industries. It is also appropriate for the agricultural and fisheries products produced by grass-roots workers to be supplied to those who can afford them. In this way, the increasingly important issue of food quality will be addressed. As a matter of fact, this is killing several birds with one stone, then why does the Government not implement such a measure?

Deputy President, the next issue I would like to talk about is the development of the fisheries industry. With the increasingly high costs in manpower and fuel, it is already difficult for fishermen to continue with their operations. In the light of over-fishing in many parts of the world, there is also a drop in fish catch. With respect to the fisheries industry, the Government should designate protection areas which may serve as bases for nurturing the next generation of fishes. This will allow fish fry to have healthy growth in environments free of disturbance and pollution, thereby increasing the fish catch of fishermen and ensuring the sustainable development of the fisheries industry.

Deputy President, regarding the sustainable development of the fisheries industry, I would like to mention the construction of a liquefied natural gas terminal on Soko Islands. The Government should be very careful in proceeding with this project. An article entitled "Will the dolphins take another

hit" was published as part of the special feature "Escaping the net" in the publication of the World Wide Fund for Nature "About Life". It was written in the article that "it will be another intrusion into key habitats for the Chinese white dolphin and finless porpoise — Hong Kong's only indigenous cetaceans. The areas are also recognised fish spawning and nursery grounds. Building an LNG terminal and pipeline, plus the maintenance dredging operations and the continuous release of effluents, will cause serious damage." The article has sounded a warning that if the liquefied natural gas terminal is constructed at the above location (Soko Islands), the important base for the Chinese white dolphins, finless porpoises and other fishes to nurture their next generation will be deprived. Is there a need for the Government to conduct an assessment on this? Furthermore, if there is a significant drop in in-shore fish catch, the victims will not only be confined to fishermen, Hong Kong residents will also be deprived of fish as their choices of daily food. In this connection, I hope that the Government will seriously consider the ways to ensure the sustainable development of the fisheries industry in Hong Kong.

Deputy President, there are two points in my amendment which are different from the amendment proposed by Mr Fred LI. The two points are, firstly, in respect of organic farming and organic fishing, the Government should proactively promote and develop these operations. Secondly, in respect of local employment opportunities, particularly those of the operators and employees in various undertaking of the agriculture and fisheries industries, the Government should give them a chance to survive by providing retraining to them, so that they will have opportunities of employment.

I absolutely object to what Mr Fred LI has just said about licences. The Government had already revoked the licences of chicken and pig farming. Now it has to revoke the licences of fishing vessels as well. All these moves are measures of revocation of licences. The development of Hong Kong should not be like this. In my opinion, the Government should proactively support the local agriculture and fisheries industries, and devote efforts to upgrading their level of operation, so that their operations can be revitalized and regenerated for the sustainable development of the agriculture and fisheries industries. It is only through this that the agriculture and fisheries industries will have an opportunity of achieving sustainable development in the long run. Therefore, it is my hope that the Government will not revoke licences of fishing vessels after

the revocation of licences of chicken and pig farming. For one thing, does the Government want to commit the public coffers to such heavy financial burdens of revoking licences? After the revocation of licences, those engaged in the industries will lose their jobs. What should they do? Who is going to feed them? So why do the public not look for some resolutions themselves and find some methods to enhance the quality of agricultural and fisheries products such as adopting organic cultivation, with a view to regenerating the industries?

Therefore, the amendment proposed by me is different from that of Mr Fred LI's. I hope that Members will support my amendment. And once again, I urge the Government to find ways to help the agriculture and fisheries industries achieve sustainable development. Thank you, Deputy President.

MR VINCENT FANG (in Cantonese): Deputy President, the operation of the wholesale and retail sector does not involve imported food only, but also includes food from all sources. The industry holds that it is imperative that residents in Hong Kong should be free from worries when they eat their food. In this way, sales of products will be good, and mandatory recall of problematic food implemented by the Government can be avoided. As the wholesale and retail sector will suffer a direct loss in the event of such a recall, the industry hopes that the supply of agricultural and fisheries products is safe, abundant and affordable, so that they can conduct their businesses with a steady pace and peace of mind. On this premise, we support today's motion.

However, with the high density of population and high cost of labour, together with the longer growing time in organic farming and fishing, it is impractical to rely on local agricultural and fisheries products to feed the 7 million people of Hong Kong. Apart from local supply, we need to look for other sources of supply. Undoubtedly, the Mainland is the major supplier of live and fresh food to Hong Kong. But in recent years, while problems have cropped up in the food exported to Hong Kong from the Mainland, there has been an increasing internal demand in the Mainland, as well as the appreciation of the exchange rate of Renminbi. As a result, suppliers that used to supply Hong Kong with agricultural and fisheries products have chosen to give up the Hong Kong market.

In view of this, while I support today's motion, I hope to expand the scope of my support to business operators of the agriculture and fisheries industry of Hong Kong. In other words, my support is not confined to the territory of Hong Kong, for other territories are also included, particularly the Hong Kong sector that has been involved in the development of the agriculture and fisheries industries in the Mainland. In terms of direction, this point is similar to that of point (a) of the original motion.

In order to minimize the risks of poor hygiene and infectious diseases brought by the pig farming industry, the Government hopes to phase out the pig farming industry altogether. The *ex gratia* payment offered by the Government is reasonable. But for those engaged in pig farming, this phasing out means they will no longer have room for development and their experience in pig farming will also be wasted. That was why during the previous debate on "Safeguarding the safety of live and fresh food", I proposed that the Government should help Hong Kong business operators who had invested in the mainland agriculture and fisheries industries by giving them priorities in selling products that met with specifications back to Hong Kong. My intention is that assistance will not target only at the pig farming industry, but will also cover other agricultural and fisheries products.

Those engaged in the agriculture and fisheries industry of Hong Kong have always produced agricultural and fisheries products in accordance with the requirements and standards of Hong Kong. Conversant with the practice of the Hong Kong market, they will be able to supply foods that are safe for consumption by Hong Kong residents even though they are not operating in Hong Kong.

The exportation of certain kinds of food is still under the regulatory regime in the Mainland. For instance, the policy of centralized procurement and sales of live pigs is still implemented. Recently, there have been some criticisms of this policy. The abolition of the sole sales network is basically a good policy. However, this system of supplying live pigs from the Mainland to Hong Kong has operated for years. It has not only maintained its effectiveness, but also ensured safety for human consumption. There were news reports that there had been a spell swine fever on some pig farms in the Mainland, resulting in the soaring pork price. But the importer had successfully guaranteed sufficient supply of pork to Hong Kong without transferring the full rate of price increase to Hong Kong consumers.

On the contrary, food safety problems are found one after another in products with fully-liberalized operation rights. It is demonstrated by the facts that the relevant management method is still effective. Further, the whole mechanism involves various operations in the Mainland, which include production, procurement, quarantine, inspection and transportation. In view of this, the Liberal Party opines that we have to strengthen our communication and negotiation with the relevant departments of the Mainland, and conduct consultations with the industries with a view to understanding the actual operation. We must try our best to avoid the problem relating to fresh pork supply, and prevent such a problem from developing into trade barriers between Hong Kong and the Mainland. In the light of this, I have added the point that we should consult the industry to Mr Fred LI's amendment so as to avoid any biased situation.

Apart from the pig farming industry, Guangdong and Hong Kong will join efforts in setting up a Demonstrative Region of Agricultural Co-operation of Guangdong and Hong Kong in Guangdong Province which specializes in the production of food for exportation to Hong Kong. We absolutely support this scheme, and hope that such a scheme can be augmented to cover freshwater fish farming which has experienced so many problems in recent years.

I received some calls from the freshwater fish industry last week. They pointed out that there had been a significant drop in the quantity of mixed fish exported to Hong Kong. The reason for this was the supply from the registered mixed fish farms was unstable. As the suppliers were worried that products of substandard fish farms would be thrown in to make up for the normal quantity of supply, resulting in adverse reports, they chose to reduce the quantity for exportation.

The intention of the mainland suppliers is to ensure that food supplied to Hong Kong is safe for consumption, but this has brought problems to our freshwater fish merchants. Without the supply of fish, they are underemployed. Previously they had hoped that the Administration would reimburse a certain percentage of rates charge as a kind of subsidy. But two weeks ago, the Secretary indicated that only \$6 would be reimbursed to each stall. These merchants said that they could not afford paying the rent in arrears during the period of business suspension due to the incident of malachite green. So once again, on behalf of the industry, I am urging the Government to waive their rents during the period of business suspension, just like what the

Government did for the shop owners in the case of the Ngong Ping Cable Car, in which the rents of the shop owners were waived during the suspension of the cable car service.

I so submit. Thank you, Deputy President.

MS AUDREY EU (in Cantonese): Deputy President, in proposing an amendment earlier this morning, I hoped to add the word "Sustainable" in front of "Development Bureau". Secretary Stephen LAM indicated that it was not necessary when he spoke. According to them, there is no need at all to add the word. So naturally they have this concept of sustainable development in their minds, and sustainable development is a matter of concern to and a practice observed by all Policy Bureaux. However, I would like to ask the Secretary to take a closer look at the contents of the original motion moved by Mr WONG Yung-kan, (and I quote) "yet in recent years the Government's policies have adversely affected the local agriculture and fisheries industries, particularly the development of livestock farms, thereby posing a threat to the industries' development, this Council urges that the Government should have regard to the prevailing circumstances and formulate a policy for promoting the sustainable development of the agriculture and fisheries industries". (End of quote) If the Secretary should listen to Honourable colleagues' complaints in this Chamber, he will know that as far as the agriculture and fisheries industries are concerned, sustainable development has definitely not been achieved.

Of course, if the proposal of adding the word "sustainable" or formulating a sustainable policy had been proposed by the DAB, the chances of it being passed would have been better than the Civic Party which sought to add "Sustainable" to the name of the Development Bureau. Nevertheless, I would like to clearly tell friends of the DAB that the Civic Party has always believed in supporting what is correct. We will not refuse to give our support simply because it is proposed by the DAB.

There is this old saying, "on the mountain one lives off the mountain, near the water one lives off the water". This highlights the close relationship between the agriculture and fisheries industries and the natural environment. In the old days, stories that taught people to be respectful of the nature were circulated in many races. They were told with the hope of achieving a balance between human development and ecological conservation. In this science-led

contemporary society, we understand that there is a limited sustainability of the nature. Human beings (including farmers and fishermen) cannot endlessly farm their land and capture fishes from the sea. Indeed, the future of the agriculture and fisheries industries hinges on observing the principle of sustainable development.

Recently, incidents of poisonous food have happened one after another. As the public is increasingly concerned about the food safety problem, their demand for organic food has also increased accordingly. After 20 years of promotion and verification, it is known to all that organic farming produce do not rely on chemical pesticides and fertilizers, and contain more vitamins and minerals.

In the greater part of the past year, we can see that there are many successful operations of organic farms. This serves as evidence that with sales networks and ancillary facilities accessible to the public, organic farming is no longer the leisure activity to go farming in the New Territories during holidays for urban residents, teachers or professionals. It is an economic activity with potentials, vitality and a future.

However, if we wish to foster the development of organic farming, we will have to set up a regulatory and labelling system. Meanwhile, we must help traditional farmers transform their operations by taking up organic farming, as well as improve their sales networks. All these are essential matching measures. The whole issue hinges on whether the Government has devised a sustainable agricultural policy with a view to improving the business environment of the agriculture industry.

Apart from agriculture, there is another important issue which has been mentioned by Members, and that is, the fisheries industry and the conservation of marine ecology. Regarding this issue, the Government should also formulate a relevant policy as soon as practicable, so that glory can be restored to the fisheries industry of Hong Kong. In fact, we have often seen that the junk is used as the icon that symbolizes Hong Kong. The development of Hong Kong started from the activity of capture fishing. Unfortunately, due to over-fishing, the ecological values of our sea and fish ponds have dropped. In addition, enormous reclamation and other infrastructure construction activities have also adversely affected the development of the fisheries industry.

Over all these years, fishermen's organizations, green groups and university academics have put forward many proposals on how to help the fisheries industry achieve sustainable development. Unfortunately, the Government has not made any positive response to the issues of protecting marine ecology, providing assistance to the transformation of fishermen, and developing the fisheries industries. For instance, the designation of marine parks can effectively protect the marine ecology, which will be beneficial to the increase in fish catch in the long run. As a matter of fact, as early as 2002, the Chief Executive and the Executive Council already confirmed the plan of designating the waters around the southwestern Lantau Island and the Soko Islands as a marine park. To date, the marine park project has yet to be completed. Instead, early this year, Tai A Chau was chosen as the location for a liquefied natural gas terminal of a power company, giving rise to a series of concerns for the conservation of ecology. I understand that the Environmental Impact Assessment Report on the project was approved. However, representatives from the World Wide Fund for Nature are still continuing with their lobbying campaign. They have revealed to us that it is not necessary to build a liquefied natural gas terminal at that location as there is already a liquefied natural gas terminal developed by a mainland company at a nearby location. We can consider sharing this terminal so that Tai A Chau will not be affected.

Various stakeholders have put forward proposals on how to revive the fisheries industry, such as developing off-shore capture fishing, banning trawling activities, designating "No-take" zone, developing leisure fishing, and establishing a fishing licence system which is very important. With the implementation of this last regulatory regime, which only allows fishermen with licences to capture fish, the problem of fishing vessels from the Mainland and other areas entering Hong Kong waters for poaching will be resolved. Furthermore, we hope that the Government will implement the buy-out package of fishing vessels and plans to revive pond farming of freshwater fish. It is our hope that the Government will seriously consider these good proposals. Of course, conservation of ecology and avoiding damages to the sea are still the most important measures. It is only in an environment conducive to the survival of marine resources that abundant fish catch can be found, thus, ensuring the sustainable development of the fisheries industry of Hong Kong.

With these remarks, Deputy President, I on behalf of the Civic Party support the original motion and all the amendments.

MR LAU WONG-FAT (in Cantonese): Deputy President, since Mr WONG Yung-kan became a Member of the Legislative Council, almost every year, he has urged the Government to save the local agriculture and fisheries industries and put forward many valuable proposals in this Chamber. The perseverance of Mr WONG in keeping on doing this and in taking on the responsibility of reviving the local agriculture and fisheries industries is much admired.

While we appreciate his determination, we also sympathize with his aspiration. That the reality begs sympathy in that an industry has to go to so much trouble and get so exhausted from urging the Government to take into account of this and that when implementing a policy is illustrative of the fact that the Administration does not attach any importance to the relevant issue. That is what we mean by "earnest words fall on deaf ears".

In view of this, I believe that if government officials do not change their views on the agriculture and fisheries industries, even if excellent proposals are put forward, they cannot change the fact that in the absence of sincerity on the part of the Government to formulate policies of sustainable development, our agriculture and fisheries industries are rapidly approaching the destiny of recession and decline.

According to my observation over the years, since the economic take-off of Hong Kong, officials have been under the influence of "Hong Kong chauvinism". The agriculture and fisheries industries are regarded as trivial economic activities and sunset industries. They make light of in-depth studies on how these industries can undergo appropriate transformation that dovetails with the prevailing situation, not to mention formulating any targeted policies of sustainable development. These officials have obviously detached themselves from the reality. The biggest mistake of the Administration is underestimating the demand for agricultural and fisheries products from the millions of Hong Kong people. The supply of imported agricultural and fisheries products has been abundant over the years. Nevertheless, many local residents still hold certain sentiments for quality products produced and farmed locally. This is particularly so as many imported agricultural and fisheries products are found to have contained poisonous materials one after another in recent years. As a result, more people have faith in local products.

Deputy President, plagued by problems attributable to environmental factors and infectious diseases, the pig farming and chicken farming industries

are finding it difficult to pursue sustainable development in Hong Kong. Apart from these sectors, other sectors of the agriculture and fisheries industries, such as the high value-added aquaculture industry and organic farming, should be able to enjoy a bright future if they are helped by appropriate policies. Some people may query, "Where can you find land for agricultural purposes in Hong Kong?" This is based on a serious misconception. Such an assumption is similar to the one that Hong Kong is a highly developed city where few villages can be found. As a matter of fact, presently there are more than 700 villages in the New Territories. During the sixties, in adopting the policy of placing industry and commerce ahead of agriculture, the Government redirected most of the water sources of New Territories to reservoirs. As a result, many agricultural land of New Territories East and West were left idle. But the times have changed, the industry of Hong Kong has experienced a decline. If we can be flexible and switch our focus to developing high quality and high value-added agriculture and fisheries industries, and integrate them with leisure and recreational activities, there is a chance that we can create a new realm in the economic sectors.

Deputy President, there are many constructive and useful proposals in the original motion of Mr WONG Yung-kan and amendments of other Members. As I have just said, the issue hinges on the fundamental attitude of the Government towards the agriculture and fisheries industries. It is only when the Government makes a fresh start with its policy, changes its previous attitude of making light of the agriculture and fisheries industries, the industries can stand a chance of being rejuvenated and restored to rallying forces.

I hope that in the near future, the Government will be able to present a series of plans for reviving the agriculture and fisheries industries for our consultation. And it will no longer be necessary for us to continue proposing endlessly solutions of helping the industries. If such a day comes, it will mark the new beginning of the local agriculture and fisheries industries.

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

MR LI KWOK-YING (in Cantonese): Deputy President, with the change of the times, Hong Kong is no longer a small fishing village. Instead, it is a well-developed commercial city. While the financial services industry has become the core of our economic development, the once prosperous agriculture and fisheries industries are not only on the fringe of the overall development, but

also facing a crisis of continuous shrinking. This phenomenon, found in our local society, is also common among many affluent overseas countries where the agriculture and fisheries industries also face a lot of challenges in the modern economy. However, the governments of these countries have successfully preserved their traditional agriculture and fisheries industries. Further, they have turned crisis into opportunities. Through fostering the growth of leisure fishing, the fisheries industry has found a new phase of development. As many agricultural and fisheries resources and skills are available in Hong Kong, the development of leisure agriculture and fisheries industries will offer the best feasible option in the search of a way out for the agriculture and fisheries industries.

The rise of leisure agriculture and fisheries industries is induced by changes in the living patterns and continuous upgrading of the education level of modern urban dwellers. Apart from seeking economic development and pursuing innovation, they also demand for a higher level of quality of life. Nowadays, many people love to go to the rural areas during holidays in order to enjoy the beautiful ecological environment of the nature. Many countries have capitalized on this trend of enjoying leisure life. Taking advantage of local natural resources, such as farmland and fishing villages, they have integrated operations of the agriculture and fisheries industries with leisure activities, developing them into the current multi-functional leisure agriculture and fisheries industries that combine leisure living, tourism and development of agricultural and fisheries activities together.

One of the most popular tourist destinations of Hong Kong people, Taiwan, has successfully developed leisure fishing. (Appendix 2) With the aim of providing assistance to the fisheries industry in their course of transformation, the Taiwanese Government has set up leisure facilities and centres in several harbours along the coastline, including yacht piers and seafood squares that offer cruises and fishing activities as well as hostels and other related tourist facilities. We can draw on the experience of Taiwan in developing leisure fishing. For instance, according to many Hong Kong people, the hygiene condition of places like wholesale markets of fish leaves much to be desired. Smelling heavily of fish, such places are rarely visited voluntarily by people except those who are engaged in the industry. However, these ordinary places have become special sightseeing spots of cities along the Taiwan coastline. In Kaohsiung, visitors can ride on boats to visit places where fish markets and sightseeing spots are combined into one-stop tourist attractions. Not only can visitors experience the

trading of fresh live fishes, they can also taste fresh seafood in these places. If ordinary fish markets can be transformed into unique tourist attractions, just imagine what fishing villages and rural villages — places with natural beauty — can offer to the public.

In fact, in areas near Fanling and Kam Tin, more than 20 leisure farms have already been developed. Without the assistance of the Government and intensive publicity campaigns, these leisure farms are relatively small and their patrons are mainly local residents. Unlike leisure farms of overseas countries, these farms have not been developed into tourist attractions highlighted in the Government's publicity programmes. Take Taiwan as an example. Currently there are more than 100 leisure farms in Taiwan. Approved by the government, these farms have employed over 3 000 farmers whose duties include managing the leisure farms and providing tourist services such as talks on ecology. Apart from launching intensive publicity campaigns that make leisure farms highlights of tourist attractions, the government is also continuously providing financial assistance. According to information, the accumulative expenditure allocated by the Taiwanese Government in assisting leisure farms has already reached the amount of NT\$1.4 billion. It is obvious that irrespective of fish farms or agricultural farms, the SAR Government has not attached any importance to assisting local agriculture and fisheries industries in their development towards leisure agriculture and fisheries industries.

Deputy President, based on the successful experiences of many overseas countries in their development of leisure agriculture and fisheries industries (Appendix 2), and taking into account the inherent advantages of Hong Kong in developing these industries, we believe that the present time offers a golden opportunity for the local agriculture and fisheries industries to make big strides.

While the local agriculture and fisheries industries are on the decline, the number of farmers engaging in farming is also decreasing. In addition to the difficult operating environment, farmers and fishermen are frequently encountering various problems of pests and diseases that happen to their crops and livestock, as well as the threat of large volume of low-price and high-quality imported crops. Consequently, their livelihood is seriously jeopardized. Unskilled in other areas, they encounter difficulties in transformation. Since leisure agriculture and fisheries industries offer feasible options for the industries in the economic development of this modern society and generate substantial

revenue, why does the Administration not provide early help to the industries for further development in this direction?

On the other hand, due to an inadequate number of tourist spots, the attractiveness of the tourist industry in Hong Kong is diminishing. In recent years, the Government has been investing large amounts of public funds to build tourist spots. In view of this, is it possible for the Government to assess existing tourist spots with local features and natural ecological environment first before developing new tourist spots? Is it possible for the Government to capitalize on the local features as well as the rural beauty of fishing villages to develop them into new and unique tourist attractions that generate economic benefits?

At present, the major objective of many local residents visiting overseas countries is to admire the natural sceneries of foreign countries. In order to protect the livelihood of local farmers and fishermen and ensure the sustainable development of the local economy, the Government should offer early help to the agriculture and fisheries industries in terms of guiding their development in the direction of leisure agriculture and fisheries industries.

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

MISS CHAN YUEN-HAN (in Cantonese): As Uncle Fat said earlier, Mr WONG Yung-kan must have proposed such a motion for years, and induced many comments from us. In the past, we did not know much about this, but after discussing it for so many years and having acquired knowledge from some other sources, I now realize that there is an increasingly strong need for us to do a good job in this aspect.

For example, I have paid close attention to organic vegetables and quality fish for many years, and I have discussed such issues with Mrs Carrie YAU, a subordinate of Secretary Dr York CHOW. Besides, Mr LAU Kwai-kin of the relevant department has also discussed a lot with our friends supporting organic farming. I have visited the Kadoorie Farm, and witnessed the farming of organic vegetables. And I have also visited quality fish farms. Last week, in heavy downpour and strong gusts of wind, I visited the Sea-land Market at Tai Po Waterfront, and I went there by boat.

In the beginning, I did all these with the primary concern about the employment issue. If the Secretary has listened to our speeches all along, he must have noticed that at first we were concerned about the employment issue. And then in recent years, with the outbreak of many food safety incidents, we started associating these two issues in our speeches because in fact Hong Kong people have become increasingly aware of the significance of food safety. The Government has also adopted certain concepts such as its concern for food "from farm to table". This is a kind of change. In the past, the Government adopted a couldn't-care-less attitude, as described by Uncle Fat earlier on. However, we have kept discussing such an issue, so by now even the Government is also aware of the issue, and that explains why it has become concerned about food "from farm to table" now. I feel that some changes have taken place within the Government, including the fact that they are also concerned about the children.

I think we must do a good job in keeping a close watch at the cross-boundary checkpoints. Regarding those mainland fish farms and agricultural farms operated by Hong Kong people, we think we must do a good job in this regard. However, in my opinion, apart from these, should we be given more alternatives?

We now discover that, in order to eat in a healthy manner, Hong Kong people..... Frankly speaking, no matter what the Government or the industry have said, we still have reservations about food imported from places in which we do not have confidence. This is true. Now, more and more people go buying vegetables at City'super or other places which are famous for selling hygienic vegetables. At such places, vegetables are very expensive, but everyone is eating them now. At the community level, the people have taken many different initiatives. For example, as I have just mentioned, some are running quality fish farms, and all the other work All these are done by the people at the community level.

One of my friends belongs to a religious organization which cultures a kind of fish under a so-called "Wonderful Fish" scheme. They run rafts at Sam Mun Chai and Lo Fu Wat, and start culturing fish. Last week, I also travelled from Tai Po to Sam Mun Chai by boat. If the weather is fine, the scene there is as beautiful as that of the West Lake. There are a lot of rafts. If we can develop the place properly, we may enjoy the delicious fish on one of the rafts. That was exactly what happened when I visited Lo Fu Wat. We enjoyed the fish on the raft, and we went fishing on the raft too. We can enjoy the fish

which is caught by us. My friend is working enthusiastically with some enthusiasts to promote health food. They culture this type of wonderful fish and the project is participated by many rafts. In order to promote this type of fish to all the families, they are now liaising with some property developers, and some of whom are willing to co-operate with them. People who have visited the place to enjoy the fish there will know that, for a fish weighing about two catties, it costs around \$120, and a smaller one will cost about \$80. I had bought several fish for my families during the Chinese New Year. We all found the fish different from those we bought from the supermarket. Now even those fish we bought from the wet markets are not at all delicious. But this type of fish is really delicious and tastes good.

At the community level, some people are promoting fish, such as Mr WONG Yung-kan's friends who engage in fishing. They organized some water activities to enable the people to have a better understanding of fish. Another example is the group of friends who grow organic vegetables. They have also made great efforts to negotiate with the Government and organized many bazaar-like markets. Now, with the support of the Wan Chai District Council, a bazaar-like market is also organized in Wan Chai.

During the recent years, people of the entire society at first think that they should eat healthily. Later, as the people gradually have gained some understanding of organic food, we know that apart from Kamei Chickens of the Kadoorie Food, we still have Taihe Chickens and Pearl Chickens, and so on. The same happens to fish. There are many different species of fish. In the example I cited just now, I have eaten the fish myself, and I really find such fish very delicious.

After we had taken note of the relevant issues, people at the community level have started taking action out of their own initiative. But the problem is: The Government's overall policy lags far behind. Strictly speaking, it lags seriously behind. If we say the Government has done nothing, it is not true. But if we really demand the Government to do certain tasks, it simply cannot do so. For example, through people's hard work in promoting organic vegetables, some customers are actually buying organic vegetables from the vegetable market now.

Recently, I heard them say that since there are more customers buying such vegetables now, so after the market in Wan Chai has been opened, they do

not have enough vegetables to meet the demand on, for example, hotter days. They want to grow more organic vegetables, so they approach the Government for land allocation. They know how to produce more organic vegetables, and as a matter of fact, there are already many NGOs taking part in the promotion of such activities. All that is required is the provision of more land for them. Frankly speaking, it is indeed difficult for them to make the Government grant them the land. I have discussed this with Mr WONG Yung-kan. But actually the Government may consider operating organic vegetable farms. We in fact possess the relevant expertise. But what about the manpower? Do we have the manpower for it? We do have people who are willing to do it. It is like the case of several friends of mine, who are housewives. They produce bean curd without using gypsum. Their work has deeply moved me. Now, the people are taking the initiative now, yet the Government is lagging behind, and absolutely cannot cope with the target everyone wants to achieve. For example, they find that there is a shortage in the supply of organic vegetables on hotter days. In fact, the vegetables are brought to the market from some remote areas, but there are still a lot of people interested in buying such vegetables. In addition, the market of Wan Chai has opened, so the business has been very thriving. Everyone hopes that the Government can establish an organic farm, is this possible? I have thought about this: Since the EcoPark can be run, why can we not operate an organic farm? If Hong Kong needs it, we can definitely do it. Let us take fish as an example. At present, we have the label problem with fish. But apart from the label, what other problems do we have?

In the remaining time, I wish to stress that the marine parks do have some facilitating effects on people engaged in oyster farming. Therefore, Deputy President, after we have held discussions for so many years, I very much hope that, as we have reached this stage, Secretary Dr York CHOW can refrain from offering only moral platitudes when he gives his reply. I would like to urge the Government not to lag too far behind. Some policies are worthy of formulation by the Government.

MISS CHOY SO-YUK (in Cantonese): Deputy President, the topic of today's discussion is the sustainable development of the local agriculture and fisheries industries. However, I would only like to talk about the DAB's views on issues relating to the fisheries industry. We are well aware that in the past, whenever we thought of Hong Kong, we would immediately think of junks with three masts.

However, we can see such an impression only on a handful of \$10 or \$20 notes now.

I believe the fact that the fisheries industry is declining is beyond dispute. There are reports which clearly indicate that the volume of fisheries products is merely a quarter of the volume 20 years ago. I am afraid the good old days of "fishing and netting with luxuriant catches" is by now a historical memory.

I would like to talk about how we can conserve the fisheries industry with two areas of work: One through proactive conservation and the other through preventive measures against damage. With regard to proactive conservation, I am anxious to see the Government working seriously on this. The World Wide Fund for Nature International, or commonly known as the Panda Club, commissioned the University of British Columbia of Canada in 2006 to carry out a study on the fisheries, which published an assessment report entitled "Rebuilding Hong Kong's Marine Fisheries: An Evaluation of Management Options". The report has, in my opinion, given a comprehensive account on the factors contributing to the decline of the fisheries industry in Hong Kong and made a number of suggestions for reviving the industry. I find the report worthy of closer scrutiny by both the Government and members of the industry.

I would like to point out that the report has suggested the imposition of a fishing ban in a number of marine parks, and a ban on bottom trawling in most parts of Hong Kong waters. However, this must not be carried out by pushing the fishermen into a dead end. In this regard, damages and compensations should be made to fishermen. According to the report, there is no time better than the present to offer compensation to the fishermen, because 54% of the responding fishermen indicated that they were willing to give up fishing and switch to other jobs, whereas 75% of them were willing to sell their fishing vessels to the Government at a reasonable price. In view of this, if the Government can offer compensations and retraining to fishermen and invest in fishing boat conversion, this may bring about changes conducive to promoting the sustainable development of the fisheries industry in Hong Kong.

When it comes to offering compensations, the Government will invariably say that it involves a huge amount of money, that this cannot be done and there are financial implications, and so on. However, as the report pointed out, the

amount of money required for this purpose is very small indeed. According to the report, the cost for the Government in imposing a fishing ban in 9.8% of the Marine Parks in the territories of Hong Kong and offering compensations would be no more than \$500 million. In my opinion, while the amount of money is virtually negligible as far as the Government is concerned, it could bring some fairly considerable returns. Calculations show that subsequent to imposing a fishing ban and a ban on bottom trawling plus offering compensations as previously described, the resultant economic benefits will amount to \$2.3 billion to Hong Kong and \$600 million to the fishermen. This is because with the imposition of a fishing ban, fishes will grow bigger in size and larger in number, thereby allowing fishermen who are willing to continue working in the fisheries industry to have better catches.

(THE PRESIDENT resumed the Chair)

Furthermore, I would like to talk about reducing damage. President, we are all concerned about the continual damage caused to the waters to the West of Hong Kong. Worse yet, further damage will be caused by a large number of projects to be undertaken, including but not limited to the liquefied natural gas (LNG) terminal at Tai A Chau, the third runway at Chek Lap Kok Airport, the Hong Kong-Zhuhai-Macao Bridge and Container Terminal 10. The areas being affected are the habitats of Chinese white dolphins and finless porpoises, which are among the most precious species living in the territory of Hong Kong. These major projects will devastate the entire water area to the West of Hong Kong, endangering not only the survival of these species directly, but also other living creatures that provide food to these species.

Owing to time constraint, I would just talk about the natural gas terminal at Soko Islands. Why is this so important? The Government said in May 2002 that the area would be designated as a marine park. The suggestion was made by the Agriculture, Fisheries and Conservation Department — Secretary, that is the Department under your ambit. The area of the proposed marine park is the major habitat of Chinese white dolphins and finless porpoises, and the marine park project is conducive to conserving these rare species and other species living in the waters.

However, not only is the area not made a marine park now, it has also become a place for building a natural gas terminal. Building natural gas terminals of this type will bring about two major hazards: First, it employs a technology called "open rack vaporization" system, a process for vaporizing LNG by means of pumping in and heating up a massive body of sea water before the water is discharged back into the sea. During the process, a massive amount of fish eggs and larvae will be killed, and it is estimated that the loss in this respect will amount to 400 000 fish and 55 000 fish eggs per year. Secondly, the method calls for continued dredging of the seabed, which will also adversely affect the general marine ecology of the area. Therefore, *(the buzzer sounded)* President, sorry.

MR ALAN LEONG (in Cantonese): Madam President, today's motion and amendments have pointed out in no implicit terms that Hong Kong people are increasingly enthusiastic about being natural in both the way they live and the food they eat. But the Government's policies have frequently triggered crises in the development of the agricultural and fisheries industries. As a matter of fact, in recent years, Hong Kong people have become increasingly concerned about the relationships between their way of life and the natural environment because they are under the influence of a sense of anticipated crisis — the sense of crisis that underpins the worry that our ecological environment could be deteriorating. Next, I will focus on discussing issues such as the crises faced by the local fisheries industry and the way out.

Madam President, Hong Kong was once a land full of blessings. Within the waters of Hong Kong, 85 different species of coral can be found, outnumbering those found in the Caribbean Sea; there are more than 1 000 different species of fish, including such precious species as Chinese white dolphins; some other living creatures, such as green turtles, come to Hong Kong for breeding. In spite of the tiny area of Hong Kong waters, here exists a luxuriant number of different species. We can say that the natural environment of Hong Kong is exceptionally blessed.

However, in recent years, there have been rampant pollutions, land reclamations, seabed dredging and over-fishing, so much so that the Government of the Hong Kong Special Administrative Region had issued a warning in an official report released in 1998 that the fisheries industry of Hong Kong was in a

crisis. Among the 17 species of fish with commercial value, 12 of them face the crisis of over-fishing. At present, the average weight of each individual fish caught is just about 10 g, with an average length similar to that of a \$5 coin.

Madam President, as you may recall, in the Chief Executive election debate held on 1 March, subsequent to Mr Donald TSANG's response to a question raised by a member of the Election Committee, who was a representative of the agriculture and fisheries constituency, I remarked that if the Government did not start making efforts to tackle the problem, then in future, all fish catches might be made up of "fish fry". From Mr Donald TSANG's reaction at that time, it is obvious that he failed to associate the relationship between the formulation of proper policies and the "fish fry". I can explain to Mr TSANG the relationship between them now. Since the quantity of catch has kept dwindling, many fishermen are relying on catching an even greater amount of smaller fish to make a living, a move that further aggravates the problem of a dwindling catch in the form of a vicious cycle. One of the fishing methods used by fishermen is known as trawling, in which trawls with weights are dragged across the bottom of the seabed, catching all the fishes, shrimps, crabs and other living creatures along the way. This kind of destructive fishing does not only endanger the lives of small fishes, it also devastates the living species at the seabed such as corals and fan mussels, further endangering the survival of fish and further reducing the number of species living in the ocean.

As a matter of fact, due to the hardship encountered in making a living, many fishermen are prepared undergo transformation and make a living by other means. According to a newly released research study on the impact of the fisheries industry on society and the economy, as many as 54% of fishermen are willing to make a living by other means. This fully demonstrates that fishermen are ready for change, and this may be a golden opportunity for introducing reforms with the aim of saving the fisheries industry. In the long run, the Government should build up an effective regulatory mechanism for the fisheries industry and improve the modes of operation for fishing, with the aim of protecting the fish population and promoting the sustainable development of the local fisheries industry.

Madam President, actually, the crisis faced by the fisheries industry is not exclusive to Hong Kong. This is a common problem in a number of countries around the globe. Many countries are also making efforts to save the fisheries

industry, with the primary objective of conserving the marine ecology and allowing marine species to restore their diversity. One of the measures taken is the banning of the destructive fishing method of trawling described just now, so as to protect the marine ecology at the seabed and to prevent abusive fishing of small fish. Undoubtedly, regulations like this will affect the livelihood of the fishermen in the short term, but if the practice of trawling is allowed to continue, sooner or later there will not be a sufficient amount of fish left to sustain the survival of the fishing industry. By then, all fishermen will invariably become the losers with no exception.

Another option is the designation of "no-fishing areas" in the waters. According to overseas studies, 20% of the waters would need to be designated as "no-fishing areas" in order to allow the volume of fish to be restored to the level of the '70s. The rationale of establishing "no-fishing areas" is that certain special areas are designated where fishing is not allowed, so that fish can breed and multiply in the areas. When the volume of fish increases to a certain level, they will move to the neighbouring waters, thereby increasing the fish catches in those waters. Although there are marine parks in Hong Kong, people with licenses are allowed to go fishing in the parks, and this is not going to help increase the quantity of fish in local waters.

If these measures are to be carried out in Hong Kong, the Government must impose effective regulatory measures on the operation of fishermen and, for this reason, a fishermen licensing system has to be introduced by the Government expeditiously. More and more fishermen have come to realize that for the sake of their own survival, they need a set of common regulations to protect the marine ecology of Hong Kong. Moreover, to those fishermen who hope to undergo transformation, a fishermen licensing system helps ascertaining their identity, which is helpful to the setting up of a compensation and subvention scheme. Therefore, a licensing system will benefit the fishing industry greatly.

The Government must act promptly in a bid to save the local fisheries industry out of the crisis it is facing. A fishermen licensing system should be introduced expeditiously. Trawl fishing should be banned and "no-fishing areas" should be designated by way of legislation. As a matter of fact, if the "no-fishing areas" can operate successfully, not only will this help revive the volume of marine creatures in local waters, it will also be conducive to fostering the development of other sustainable fisheries-related economic activities, such

as diving and eco-tours, and so on, so that fishermen who elect to undergo transformation can have an alternative way out.

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

MR ALBERT CHAN (in Cantonese): President, the fisheries industry of Hong Kong is gradually declining. Young people from fishing families rarely succeed their fathers' job, and recently many fishermen are selling their vessels. The total numbers of both fishermen and fishing vessels keep dropping. The fisheries industry (together with the agricultural industry) can be described as on the verge of extinction. I hope the Government can learn the painful lesson and rectify the problem.

On the issue of formulation or reformulation of the policy on agriculture and fisheries industries, Mr WONG Yung-kan and I have been working on this subject in this Council for more than 10 years. At the time when Mr Gordon SIU was the Secretary for Economic Services, we had proposed repeatedly that the Government should construct a huge amount of artificial reefs along the coast of Hong Kong, develop the leisure fishing industry, and issue licences for fishermen to conduct rock fishing activities, so as to enable fishermen to survive and make a living.

As Mr Alan LEONG pointed out just now, apart from trawling, an increasing number of fishing boats operating "hang trawling" is also aggravating the damages caused to the fishing industry of Hong Kong. This increasing number of "hang trawling" operation is causing serious damages to the seabed. The nets are catching even small fish, and I am afraid there is nowhere in the world where we can find fishing nets with such tiny meshes. The small fish caught by these fishing nets can only be sold at \$1 per catty, or be minced and used for feeding cultured fish. This is actually a self-destruction process, but then the fishermen may not be aware of this after all. I have repeatedly requested the Secretary responsible for the matter and demanded the Government to withdraw the licences given to these fishing boats engaging in "hang trawling" through buying-back these licences.

However, for many years, the Government has kept ignoring the fisheries industry. Worse still, it keeps rubbing salt into the wound, such as carrying out land reclamation projects. The Penny's Bay is actually a good natural place to

culture fish fry in Hong Kong, but after the Disneyland theme park has been built, fake creatures such as Mickey mice have increased in number, whereas natural fish fry have been dying massively. In this connection, President, the Disneyland theme park could be causing more losses to the fisheries industry than the economic benefits it creates, yet no such assessments have ever been made by the Government. From this, we can see how good the vision of the Hong Kong Government is, in particular its vision in respect of the agriculture and fisheries industries. The authorities are attaching too much significance to the industries, so their vision is blurred by their own preoccupation with technologies and tourism, and so on. Their thinking is extremely confusing, and this has aggravated the problem.

Let us take a look at the examples of many different countries. Several Members have mentioned the situations in Taiwan and other places. Several years ago, I witnessed the Six Year National Building Plan implemented in Taiwan. It was a truly exhilarating plan. However, similar plans aiming at developing the agriculture and fisheries industries have never been proposed in Hong Kong.

More than 10 years ago, I also proposed in this Council that the Hong Kong Government should formulate an agriculture and fisheries policy, which should determine that at least 10% of our food, including vegetables and meat, and so on, must be locally produced. This is a strategic practice that is adopted in many countries. This can prevent Hong Kong from being completely cut off from food supply due to any unforeseen changes or plagues that may happen in other places. In this regard, it is the responsibility of the Government to maintain the local production of food at a certain percentage. However, the Hong Kong Government has simply adopted a couldn't-care-less attitude, and it has never taken these issues into consideration.

Of the many suggestions I have made to the Government in the past, the only one that was accepted was the suggestion for the revocation of pig farm licenses, which was proposed to the Secretary Dr York CHOW several years ago. At that time, I had proposed an all-win solution, but the Government only accepted half of it, while the other half was not adopted at all. In the end, the Government spent \$700 million to \$800 million on recovering pig farm licences and successfully improved the environment. As a result of this, residents living in Tin Shui Wai and Yuen Long are no longer affected by the discharge of effluents from the pig farms in hot weather. Secretary Dr York CHOW had

courageously accepted the challenge and implemented the scheme. However, the Government stopped short of accepting the second half of my proposal for setting up pig raising centres. The failure of the Government in doing so has led to the extinction of the pig raising industry, which followed the extinction of the pig farms.

Recently, practitioners of the pig raising industry submitted a proposal to the Government again on the feasibility of converting pig farms into organic farms. Many practitioners of the pig raising industry are only in their '40s to '50s, and these people do not want to be left unemployed from now on. They want to continue making a living by switching to farming. However, the Government does not seem to be offering any assistance in this respect. I hope the Secretary can consider this conversion plan. As a matter of fact, organic farming is an all-win solution which can facilitate the growing of high-quality and environmentally-friendly food products. On the part of the Government, this can help increase employment opportunities; on the part of people from the traditional pig raising industry, they can take the opportunity to switch to other jobs; and for Hong Kong people in general, they can enjoy reliable and quality food. This is a worthy cause to pursue.

President, generally speaking, the views of Members are very similar in many ways, such as the demand on the Government for the formulation of an agricultural policy, promotion of leisure farming and rock fishing, and so on. These are achievable tasks. Furthermore, the authorities should actively promote organic farming. In fact, I had previously talked about this with Mr Michael SUEN, that it was ridiculous not to allow the use of agricultural land for leisure farming. The authorities should relax the regulations and allow the use of agricultural land for leisure farming, so as to put the land of Hong Kong to good use instead of making agricultural land nothing more than a land bank for major property developers. This is beneficial to Hong Kong as a whole. The Government should stop being narrow-minded and stop clinging to the wrong policies of the past, and it should stop ignoring the changes of the time and the changing needs of the people. Instead, the authorities should formulate comprehensive and beneficial agricultural policies. Thank you, President.

DR YEUNG SUM (in Cantonese): President, I would like to thank Mr WONG Yung-kan for moving this motion, so as to give our fellow fishermen an opportunity to say a few words.

I am a Member of the Legislative Council from the Hong Kong Island Constituency. In recent years, I have come into contact with many fishermen in the Southern District. Very often, when they encounter problems, apart from contacting Mr WONG, they would also contact me in the hope that I can offer them some assistance. I shall speak on two areas. First, the problem of their catches. There are several reasons for their diminishing catches. Pollution of the sea water, reclamation projects, the laying of cables and natural gas piping of the two power companies would affect the seabed, and subsequently their catches. So they found that in-shore fishing has become increasingly difficult. Most of them have to engage in off-shore fishing. However, for those who are not financially well-off, they cannot afford to buy a lot of equipment. In addition, due to the problem of diminishing catches, the Mainland has kept implementing fishing moratoriums, during which all that they can do is to moor their boats at the Aberdeen Typhoon Shelter. So they have great difficulties in making ends meet. In the past, the Government would provide them with some loans, but they still find it difficult to lead a decent life. This is a livelihood issue.

Besides, they also face many other difficulties. For example, in Aberdeen, there is a so-called "dawn market". Recently, an assault had taken place in which someone was injured. When the fishermen have some substandard catches from in-shore fishing, due to high fuel costs and the increasing difficulties in engaging in off-shore fishing, they would sell such catches in the dawn market between 5.00 am to 7.00 am. However, since they are hawking without a licence, so they are dispersed by government officers, their goods confiscated or are arrested, and so on. And recently, an assault had occurred and someone was injured. In addition, they also face some other difficulties. When they go fishing in the high seas, sometimes they are robbed by some mainland fishing boats. But they do not have any protection.

Recently, I hope the Secretary can take note of a problem, that is, they will be due to take out third party insurance by 1 July. However, they complain that many insurance companies are still not ready for this, and even the insurance policies have not been properly prepared. But since an ordinance has already been enacted to stipulate that they must take out third party insurance policy before 1 July; otherwise, they will have great difficulties in renewing their licences. I hope the Secretary can look into this issue and see whether he can make some administrative arrangements. I know after the enactment of the relevant ordinance, it will automatically come into effect on 1 July, that is, they

must take out a second-phase third party insurance. Will the authorities make some administrative arrangements to stipulate that if they fail to take out insurance, they would be issued a written warning, instead of being prosecuted immediately for having committed a criminal offence or being in difficulties when renewing their licences? I know the ordinance has been passed, and it would be difficult for the authorities not to enforce it. But they have a lot of grievances since they are due to take out the third party insurance in two weeks. They complained that the Government had not conducted adequate consultation and that the ordinance will become effective even before the insurance companies are ready. I hope the Secretary can take note of this.

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 shall ask Mr WONG Yung-kan to speak on the amendments. You have up to five minutes.

MR WONG YUNG-KAN (in Cantonese): President, apart from the colleagues who have proposed amendments, I would also like to thank people from our industries who have come all the way here in heavy downpour and strong gusts of wind to support this motion debate. As the Legislative Council Member representing the agriculture and fisheries industries, I have discussed this problem for nearly nine years here. During these years, the Government has kept saying that it would do this and that and promised that it would do things in a certain manner; but eventually it has failed to live up to its own words.

I would also like to thank Honourable colleagues for proposing amendments. If Mr Tommy CHEUNG's amendment is passed, Mr Fred LI will be able to move his amendment to bring up the discussion on the current problem of the monopolization of importing livestock. In this connection, we do not have any objection in principle, but this is not a problem of monopoly. I would like to explain explicitly to Mr Fred LI that Ng Fung Hong, apart from conducting wholesale import of live pigs from the Mainland, it can even make

goods payments to mainland suppliers on behalf of clients. This is an area to which other people may not have access. In addition, its regulatory control is very good — all the pigs are imported from registered pig farms. The situation is not like what some people have thought: That people can import pigs from whatever sources they like. Once pigs from other sources are imported, I worry that pigs imported in future might not be subject to any supervision and pigs could be infected with all kinds of diseases. If supervision is not exercised properly in this regard, the consequences could be very far-reaching. I hope Members can consider this seriously, and do not relax the control easily. Earlier on, Mr Vincent FANG also said that, if the control was relaxed easily, it could lead to the emergence of very serious problems. On the problems of livestock, this is the first point.

Secondly, Mr Tommy CHEUNG's amendment advocates further promotion of organic food. This has been proposed by the DAB for years. Ever since I joined the Legislative Council, I have also been advocating this proposal. I would also like to thank the Government for having done so much to enable people in the industries and the new farmers to adopt this activity and concept. In addition, the present growing quantity of organic produce has increased, and is more than that in the past, but it is still insufficient. Therefore, the Government should do more in this regard.

When I say that it is still insufficient, I mean that for those who launch family-style growing operations or those who intend to further develop organic food farms, the shortage of labour has become the greatest difficulty they face now. Therefore, the Government should consider how it can solve their labour shortage problem.

With regard to Mr WONG Kwok-hing's amendment, we in fact do not have any opinion in principle because the protection of marine ecology has always been the subject of our discussion, and we have never opposed marine conservation. In addition, I have repeatedly said that the ocean is as important as the lives of we fishermen. If the ocean is ruined, it would be our greatest pain. I would like to clarify one point: Why had trawl fishing developed so fast in Hong Kong? It was the British Hong Kong Government who should be held responsible. It was because the Agriculture and Fisheries Department at that time taught fishermen to use trawl instead of any other methods in fishing. On its responsibility in this regard, I would always talk about this whenever I meet some old friends. Now, not only the fishing boats in Hong Kong, but also all

such boats in the South China Sea, are practising trawl fishing. Even all those three-mast junks or those traditional Chinese fishing boats have now been converted into trawlers. We feel very angry about this.

If we follow Taiwan's practice in the '70s, the circumstances would be very different. It was because the Taiwanese authorities bought all such trawlers and on the other hand promoted off-shore fishing. In the meantime, a whole package of policies was implemented, including leisure fishing. However, the Hong Kong Government at that time had never implemented such measures; instead, it introduced many restrictions, but still allowed the use of trawls. In this aspect, we can see that the mainland authorities have implemented a policy, namely, the Policy of Disposal on Renewal. Under the Policy of Disposal on Renewal, when some worn-out fishing boats with service years ranging from 15 to over 20 are due for renewal of licences, the mainland authorities would advise the fishermen to sell them to the Government. However, our Government has never done that. What will happen after the fishermen have sold the old fishing boats to the Government? It will encourage the fishermen to switch to developing aquaculture businesses or other fisheries operations. But our Government will not do that. Therefore, I hope the Government can continue stepping up efforts in this regard.

Recently, there is an allegation which accuses the industry of damaging the ocean deliberately. I can tell you, no one in the industry would want to do such things. If the ocean is destroyed, they cannot survive at all. I hope Honourable colleagues can understand such a rationale.

We need to have organic food, health food and quality food, including fish. If the Government just cares about the present, and relies on the Mainland for the supply of all kinds of everything, I believe..... I believe the Mainland is very important, and the food produced in the Mainland is very important. But as Mr Albert CHAN has said, the Government should consider formulating some policies to determine the proportion of locally produced fresh food in the overall consumption in Hong Kong. Basically, our industry cannot survive.

Therefore, in future, I hope the Secretary can..... I do not know whether you will continue to serve in this office. If so, will you consider how you will assist us?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first, I thank Mr WONG Yung-kan for moving a motion on "Promoting the sustainable development of the local agriculture and fisheries industries" and I also thank Members for presenting their valuable views just now. Basically, we do not have any disagreement with the motion moved by Mr WONG Yung-kan and all the amendments because they are quite similar to the present policy direction of the Government.

When formulating the local agricultural and fishery policy, we should first understand that due to factors such as Hong Kong's geography and urban development, the development of traditional agriculture and fisheries industries are subject to many inherent constraints. Apart from this, Hong Kong is a globally renowned world city and gourmet's paradise, therefore, each year, various types of food are imported from all parts of the world in large quantities, thus making the competition in the local food market fairly keen. In particular, adjacent countries and regions clearly have an edge over Hong Kong in terms of the scale and cost of food production. If we want to find a place for local agricultural and fishery products in this international and highly competitive market, we must focus on high value-added and quality products instead of making prices our selling point. Coupled with the fact that the traditional livestock industries in Hong Kong and even various parts of the world are facing threats from diseases communicable to animals and humans alike, such as avian flu and Japanese encephalitis, the local agricultural and fishery industries must adapt to the production trend of modernization and enhanced productivity, as well as complying with safe and environmentally-friendly production trends in the agricultural and fishery industries. In this regard, the SAR Government has all along provided infrastructure and technical support to encourage the industries to seize the opportunity of developing new markets. For example, to meet the demand in the market for quality and safe food, assistance has been provided to the industries to develop techniques of organic farming and controlled-environment greenhouse farming, and new species have been introduced to improve the quality of local agricultural and fishery products. Quality species being promoted to farmers in recent years include the jade perch, white bitter cucumber, organic strawberry, organic watermelon, organic chrysanthemum, and the greenhouse production of rock melon, which are very well-received in the market, and the demand for these products often exceeds the supply. In the following part of my speech, I will present the major efforts of the authorities in promoting the sustainable development of the local agriculture and fishery industries.

Since 2000, the Agriculture, Fisheries and Conservation Department (AFCD) has been actively providing assistance to local farmers in developing organic farming through the provision of technical support on pest and disease management, horticultural practices, soil management, seed saving and other technical issues. At present, more than 80 vegetable farms have taken part in this project. The AFCD has been developing the organic market for farmers through the Vegetable Marketing Organization (VMO). At present, there are more than 30 organic vegetables retail outlets under the VMO marketing network, including supermarkets, MTR shops, health food stores and the Lions Nature Education Centre outlet. In addition, with the subsidies of the AFCD to the Hong Kong Organic Resource Centre, a non-profit-marketing body, a set of standards applicable to local organic produce has been formulated. Certification service is also provided and the certification trademarks are promoted to protect the interest of consumers.

In response to public concern about the safety of vegetables and in view of the actual operation of local vegetable farms, the AFCD launched the Local Vegetable Farms Voluntary Registration Scheme last year and established a database with information on about 1 700 vegetable farms. The AFCD conducts a general survey on the use of pesticides, takes samples of soil, irrigation water and vegetables regularly for analyses and organizes technical workshops and field demonstrations. The Registration Scheme will help raise the quality of local vegetables and enhance consumer confidence in them. This is also the reason for the increase in the number of people joining the industry, as pointed out by Mr WONG Yung-kan just now.

In order to assist farmers in solving their production difficulties, raise product quality and win consumer support, the AFCD has implemented the Accredited Farm Scheme since 1994. Through this scheme, members of the public can identify quality and safe vegetables and have greater confidence in the vegetables distributed via the VMO. The AFCD also advises farmers on the correct use of pesticides, promotes comprehensive environmental technical guidelines on pest and disease control, conducts pesticide tests and carries out spot checks on residue before harvest for farmers. Before distributing vegetables to accredited retailers, further pesticide residue tests will be conducted to ensure the quality of accredited vegetables.

To farmers who wish to switch to other types of agricultural production due to such factors as urban development and public health, the Government will

also provide support including organizing seminars on transforming operations, field demonstrations, providing technical advice and loans, as well as assisting them in approaching the relevant departments on matters relating to land. The subjects of the seminars include controlled-environment greenhouse intensive farming (including the production of potted plants), techniques in cultivating edible fungus, organic farming, marketing techniques and strategies, and so on. The total number of participating farmers stands at more than 480 persons. We will continue to organize seminars and demonstrations, as well as deepening and broadening the scope of the seminars. The Government will also draw up a code of practice for members of the industry who choose to continue with their operations, so as to raise their standard of cultivation.

Some Members advocate that the Government should assist local members of these industries who have surrendered their licences to invest in the agriculture and fisheries industries on the Mainland and secure quotas to supply their produce to Hong Kong. Since the sale of mainland agricultural produce to Hong Kong falls in the realm of national policy, the SAR Government has presented a written submission to the relevant mainland department in April last year to propose that the relevant proposals be actively considered on the premise that this does not conflict with the national policy and responsibilities in external trade. Subsequently, we have followed up this issue with the Mainland on a number of occasions and learnt that the Mainland is actively studying the relevant issues. We will continue to follow this up with the relevant departments.

In respect of leisure agriculture, there are about 27 leisure farms in Hong Kong, mainly located in the rural parts of the territory, such as Fanling and Yuen Long. The AFCD will continue to provide assistance to farmers in various areas including the rehabilitation of agricultural land, the installation of irrigation facilities, the provision of technical assistance and the facilitation of communication between farmers and other departments. Moreover, the Government has produced publications promoting eco-tourism, in order to enhance public interest in eco-tourism and leisure agriculture.

On promoting the sustainable development of the fisheries industry, all along, the Government has been enhancing the competitiveness and efficiency of the local fisheries industry by providing various support services to the industry. In order to step up efforts to help the fishermen transform their operations, the Government has injected \$190 million in last year alone to increase the approved

commitment of the loan capital of the Fisheries Development Loan Fund to \$290 million to provide loans for fishermen to switch to sustainable fisheries or related businesses such as off-shore fishing and the processing of fishery products, and for aquaculturists to develop sustainable aquaculture businesses. We have also adjusted the regulations and conditions for extending the loan in the hope that it can cater more closely to the needs of the industry.

The AFCD will provide various support services, for example, organizing seminars on the development of off-shore fishing to enable fishermen to gain first-hand understanding of off-shore fishing companies in the Mainland and Hong Kong and discuss opportunities of co-operation. Officers of the AFCD will also go to various major fishing ports to organize training forums to present knowledge on aquaculture, leisure fishing, off-shore fishing, the transportation of fisheries products and the processing industry to fishermen. Fishermen interested in transforming their operations can make an appointment to meet the training officer of the AFCD to explore the plans for transformaing their operations and have suitable training courses arranged for them. Fishermen can also apply for financial assistance from the Marine Fish Scholarship Fund so that they can enrol in relevant training courses. We have just injected \$3 million into the Marine Fish Scholarship Fund this year to reinforce the support for fishermen training.

Late last year, the Government formed the Committee on Sustainable Fisheries (the Committee) — several Members are also its members — to further study the long-term direction and goals of the local fisheries industry and promote feasible strategies and proposals for its sustainable development, including measures to manage and conserve local fisheries resources and promote the development of a sustainable fisheries industry and other related trades. Apart from the aforementioned people and professionals, the Committee also comprises economists, so it is hoped that this will be helpful to the industry's sustainable development. It is anticipated that the Committee will complete its study in mid-2008, submit a report and make recommendations on development initiatives to the Legislative Council.

On the conservation of fishery resources and the marine ecology, the Government has implemented a series of measures, including the designation of four Marine Parks and one Marine Reserve in Hong Kong in accordance with the Marine Parks Ordinance and the deployment of 650 artificial reefs with a total volume of 169 000 cu m in Hong Kong waters and stepping up enforcement actions against destructive fishing practices.

We will continue to follow up the regulatory regime proposed earlier on, including establishing a fishing licence system and fisheries protection areas, as well as introducing an annual territory-wide moratorium on fishing in Hong Kong if necessary. We hope that we can reach a consensus with the industry and relevant groups in this regard, so as to manage and conserve local fishery resources more effectively.

On developing an aquaculture industry producing quality products, in order to meet the need of the market for quality and safe food, a voluntary Accredited Fish Farm Scheme was launched in mid-2005 to help local fish farmers improve production techniques and raise the quality of their products. Participating fish farms under the scheme are required to adopt a set of aquaculture best practices. Quality assurance tests, including analyses of drug residues and heavy metals in fish, are conducted before sale to ensure that all cultured fish meet food safety standards. Since the launch of the scheme, a total of 69 fish farms (21 fish ponds and 48 fish rafts) have been successfully registered as accredited fish farms and they account for about 13% of the total area of fish farms in Hong Kong, with a sales volume exceeding 100 000 catties.

In addition, the AFCD is also making efforts to breed new species of fish with market potential on a trial basis. For example, the jade perch introduced in recent years was recommended to local aquaculturists for breeding after successful breeding trials and put on the market for sale under the brand name of accredited fish farms. It was hugely popular. The AFCD will continue to assist local aquaculturists in developing techniques for hatching and breeding fry, so as to provide a stable supply of quality fish fry.

Concerning financial support, low-interest loans were available under the Fisheries Development Loan Fund for aquaculturists to upgrade their farm facilities and equipment and improve the quality and food safety standards of their products, so as to promote the sustainable development of the local aquaculture industry.

Quality products are always the result of quality production processes and management, therefore, the AFCD began to introduce a voluntary registration scheme for operators of local fish ponds at the beginning of this year, as well as conducting a base-line survey lasting one year on all aquaculture farms throughout Hong Kong, so as to record the operational details of each aquaculture farm and take samples of the water and fish at these farms for

food-safety-related analyses and collect the necessary data for the purpose of drawing up appropriate regulatory measures on food safety.

In order to assist the industry in developing leisure fishing, the AFCD introduced a scheme in 2002 to allow aquaculturists to offer leisure fishing activities at their fish farms. Participating aquaculturists must take appropriate measures to protect the aquaculture environment and protect public safety. So far, 10 aquaculture zones and 32 licensees have been given approval to organize leisure fishing activities at fish farms. Apart from leisure fishing activities, recently, individual licensees also host exhibitions to present the traditional culture of fishing folks at their fish farms, thus successfully creating a tourist attraction with special characteristics. In addition, we will also continue to assist fishermen in using their fishing boats to develop leisure fishing activities, particularly fishing vessels whose owners want to transform their operations. We are working together with the Marine Department in studying the feasibility of using fishing vessels to carry passengers for leisure fishing activities and related technical and safety issues.

I now wish to respond to the amendment proposed by Mr Fred LI. All along, the local fresh pork supply comes mainly from local and mainland live pigs, with mainland live pigs accounting for 80% of the total local supply. The sole agent system on the Mainland for the export of poultry and livestock is an economic and trade arrangement of the Mainland and also a decision on commercial operation made by the various companies concerned, so the SAR Government has no intention to intervene.

The Government's Competition Policy Advisory Group has studied the competition in the supply chain for pork and after studying the operation of the trade in detail, it considers that mainland pork faces competition from local pork, imported chilled pork and frozen pork. Moreover, the importer concerned did not engage in any anti-competitive conduct, therefore, no monopolization has occurred.

In May last year, the Administration launched the voluntary surrender scheme for local pig farmers. Applications were submitted by 244 of the 265 pig farms in Hong Kong. When these pig farms stop rearing pigs, there would be a drastic decrease in local fresh pork supply. However, just like other major international cities, chilled and frozen pork had been gaining wide acceptance in Hong Kong. Coupled with an increase in the supply of mainland live pigs to

meet market demand, the overall pork supply in Hong Kong would remain stable.

Since the introduction of mainland chilled pork last August, the import quantity had increased from about 10 000 kg daily at the initial stage to about 26 000 kg daily now. The increase was as high as 135%. Compared with the same period last year, the increase even went up by as many as 160% after taking into account the supply of chilled pork from other regions. It can be seen that chilled pork has gradually gained popularity among local consumers.

Mr WONG Kwok-hing moved an amendemnt on measures relating to marine conservation and protecting Chinese white dolphins. This falls within the policy area of the Environment, Transport and Works Bureau. As far as we know, the AFCD has all along been actively implementing marine conservation measures and projects, including the designation of marine parks and marine reserve, organizing annual reef checks and protecting Chinese white dolphins. In addition, the AFCD also organizes various educational and promotional activities regularly, including public talks, forums and exhibitions, to enable members of the public to gain a deeper understanding of the importance of protecting the marine ecology.

In addition, the establishmnet of marine parks and reserve is an important measure in protecting marine resources. The Government already has a plan to designate the southwestern part of Lantau Island (including Fan Lau and the Soko Islands) as a marine park, in which fishing activities will be restricted and fishermen have to obtain permits for operation, so the ecology of these waters will be protected. The Environment, Transport and Works Bureau and the AFCD will continue with their efforts in this area.

In sum, on the promotion of local agricultural and fishery products, the Government has all along played an active role and has joined hands with the VMO and the Fish Marketing Organization in making efforts to establish local quality brand names and organizing promotional activities to develop and market quality local agricultural and fishery products. With the concerted efforts of the Government and the local agriculture and fisheries industries, local agricultural and fishery products have built up a good reputation in the local market. For instance, in the two-day Farmfest, an annual event organized in the beginning of the year in Mong Kok, there was participation from about 130 local agricultural and fishery product traders and over 120 000 visitors were attracted. I know

that you, Madam President, and several Members also made a visit there and this shows that there is a keen demand for local agricultural and fishery products.

The Government will continue to provide various infrastructure and support services and, in response to the ever-changing operating environment of the industries, formulate appropriate programmes and measures to conserve the fishery resources in Hong Kong waters and assist fishermen in transforming their operations into sustainable fisheries and develop quality aquaculture, as well as promoting local quality fisheries products, so as to promote the sustainable development of the local fisheries industry.

The future development of the local agriculture industry hinges on quality and safe produce. The Government will provide full support to farmers in enhancing the quality of their produce, establishing local brand names and opening up sales outlets. Assistance will also be rendered to farmers who have switched to organic farming to obtain certification and help the industry win the confidence of consumers by all means.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr Tommy CHEUNG to move his amendment to the motion.

MR TOMMY CHEUNG (in Cantonese): President, I move that Mr WONG Yung-kan's motion be amended.

Mr Tommy CHEUNG moved the following amendment: (Translation)

"To add "recently laboratory tests on food in Hong Kong have successively detected the presence of harmful substances, and furthermore," after "That, as"; and to add "further promoting the concept of organic food," after "(d)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Tommy CHEUNG to Mr WONG Yung-kan'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.

(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 Fred LI, as Mr Tommy CHEUNG's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR FRED LI (in Cantonese): President, I move my amendment. In fact, I only added a line at the end, that is, "studying whether a monopoly currently exists in the supply of livestock imported from the Mainland". Together with Mr Vincent FANG's proposal to comprehensively consult the relevant industries, the wording should be very good by now. I hope Members will support my amendment.

Mr Fred LI moved the following further amendment to the motion as amended by Mr Tommy CHEUNG: (Translation)

"To delete "and" after "high quality and safe;"; and to add "; and (g) studying whether a monopoly currently exists in the supply of livestock imported from the Mainland, discussing with the Mainland authorities

how to safeguard the interests of consumers in Hong Kong by opening up the market" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Fred LI's amendment to Mr WONG Yung-kan's motion as amended by Mr Tommy CHEUNG be passed.

PRESIDENT (in Cantonese): I now call on Mr Vincent FANG to move his amendment to Mr Fred LI's amendment.

MR VINCENT FANG (in Cantonese): President, I move that Mr Fred LI's amendment be amended.

Mr Vincent FANG moved the following amendment to Mr Fred LI's amendment: (Translation)

"To add "after comprehensively consulting the relevant industries," after "the supply of livestock imported from the Mainland,","."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Vincent FANG to Mr Fred LI's 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 Fred LI's amendment, as amended by Mr Vincent FANG, to Mr WONG Yung-kan's motion which has been amended by Mr Tommy CHEUNG, 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): Members have been informed that Mr WONG Kwok-hing will withdraw his amendment if Mr Fred LI's amendment is passed. As this is the case now, Mr WONG Kwok-hing has therefore withdrawn his amendment.

PRESIDENT (in Cantonese): Mr WONG Yung-kan, you may now reply and you have one minute 56 seconds.

MR WONG YUNG-KAN (in Cantonese): President, I am very grateful to the Secretary for his response, however, I think the Secretary's remarks are those

that we made many years ago, so I hope that the Secretary can really translate words into actions.

I can tell the Secretary that it is impossible for fishermen to borrow from the \$190 million fund because the conditions are really too harsh, although it is still possible for farmers to do so. That is why I pointed out in my speech that I hope the Secretary and his subordinates can study how they can really help the industry transform, instead of merely saying that the Government has already allocated funds. If the money cannot be loaned out despite the passage of five years to 10 years, it will be useless. Therefore, I think herein lies the greatest problem. If there is the intention to assist the industries in their transformation or development, it is necessary to take real actions instead of lip-service. I think this is most agonizing. Therefore, I hope the Secretary can conduct a multi-faceted study.

In addition, my motion says that at present, there are problems in the entire structure of the agriculture and fisheries industries. Will the Government restructure the agriculture and fisheries industries? After the Secretary has assumed office, will he carry out restructuring to make improvements? When the agriculture and fisheries industries can really help people in need and provide a stable supply of locally-produced food to Hong Kong, the number of people joining these industries will increase steadily because at present, people in their forties who once worked in the industries have become unemployed. After receiving government compensation for pig farmers and chicken farmers, they are probably having a miserable time now, but the Government is not aware of this.

However, I am very grateful to the Government for allowing some pig farms and chicken farms to go organic as this will help some people. However, to most people, this is of no help at all. I hope Members can support my motion.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Yung-kan, as amended by Mr Tommy CHEUNG, Mr Fred LI and Mr Vincent FANG, 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.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 20 June 2007.

Adjourned accordingly at nineteen minutes past Seven o'clock.

Annex III

CITY UNIVERSITY OF HONG KONG (AMENDMENT) BILL 2006

COMMITTEE STAGE

Amendments to be moved by Ir Dr. the Honourable Raymond HO Chung-tai, SBS,S.B.St.J., JP

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2).
3	(a) By deleting subclause (3).
	(b) By deleting subclause (4) and substituting – “(4) Section 10(1)(i) is amended by repealing “and”.”.
	(c) By deleting subclause (5) and substituting – “(5) Section 10(1)(j) is amended by repealing the full stop and substituting “; and”.”.
	(d) By adding – “(5A) Section 10(1) is amended by adding – “(k) 1 postgraduate student elected from among postgraduate students and appointed by the Council.”.”.
	(e) By deleting subclause (7) and substituting – “(7) Section 10(3B) is amended by repealing “subsection (1)(g) or (h)” and substituting “subsection (1)(g), (h) or (k)”.”.

Appendix 2**REQUEST FOR POST-MEETING AMENDMENTS**

Mr LI Kwok-ying requested the following post-meeting amendments

Lines 1 and 2, second paragraph, page 461 of the Confirmed version

To amend "..... 成功發展休閒漁農業的國家。" as "..... 成功發展休閒漁農業的地區。"

Line 1, fourth paragraph, page 461 of the Confirmed version

To amend "..... based on the successful experiences of many overseas countries....." as "based on the successful experiences of many overseas countries and places....." (Translation)

(Please refer to lines 1 and 2, third paragraph, page 9190 of this Translated version)